



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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

Tuesday 22 March 2022
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
18 March 2022



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 22 March 2022
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 – 22 February 2022

That the minutes of the ordinary meeting held on 22 February 2022 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting - 1 March 2022

That the minutes of the special meeting held on 1 March 2022 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. MAYOR'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

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

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
 - 8.1.1. Development at 160 Longwood Road Heathfield
- 8.2. Deputations
 - 8.2.1. John Hill re Passenger Rail Commuter Transport
 - 8.2.2. Dawn Davis re lease for road reserve, Waverley Ridge Road, Crafers West
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

10. QUESTIONS ON NOTICE

- 10.1. Response from SA Water re Fire Hydrant Locations (Cr John Kemp)
- 10.2. Parking Time Limits adjacent Stirling Hospital (Cr John Kemp)

11. MOTIONS ON NOTICE

- 11.1 Parking Time Limits adjacent Stirling Hospital (Cr John Kemp)**

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. S221 Permit 63 Waverley Ridge Road Crafers West
 - 1. That the report be received and noted*
 - 2. To issue an Alteration of Road Permit to the land owner of 63 Waverley Ridge Road, Crafers West for a term of twenty five (25) years, in accordance with the provisions of s 221 of the Local Government Act 1999.*
 - 3. Authorise the Chief Executive to finalise and sign all necessary documentation pursuant to this resolution.*

12.2. Motion on Notice - Bore Use

1. *That the report be received and noted*
2. *To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Anya Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases*
3. *To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc. with the Council being responsible for the provision of water to Tregarthen Reserve*
4. *To negotiate an agreement with the owner of 30 Stonehenge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stonehenge Avenue Stirling, for a defined reasonable period of time, say 18 – 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases*
5. *To undertake further investigations in relation to the Mylor bore and tanks and which properties it supplies water to and provide a report back to Council*

12.3. Remoteness Sculpture

1. *That the report be received and noted.*
2. *That the sculpture known as The Remoteness, be removed from the area in front of the Coventry Library, Stirling.*
3. *That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating.*
4. *That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail.*

12.4. Libraries Strategy

1. *That the report be received and noted.*
2. *To approve the Draft Libraries Strategy, as contained in Appendix 1 as a draft for public consultation purposes.*
3. *That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Strategy prior to it being released for public consultation.*
4. *That the CEO be authorised to determine the dates and method of the public consultation.*
5. *That the outcomes of the consultation be reported back to the Council as part of considering the adoption of a final Libraries Strategy.*

- 12.5. Local Roads and Community Infrastructure Phase 3
Refer to agenda item

- 12.6. CEO Performance Review Process and Schedule

1. *That the report be received and noted.*
2. *To undertake the 2022 CEO Performance Review and Remuneration Review using an external consultant.*
3. *That the 2022 CEO Performance Review Panel (CEOPRP) Meeting and Process Schedule – External (Caretaker Period) as contained in Appendix 2, be adopted and the CEOPRP Presiding Member be delegated to amend the Process Schedule meeting/workshop dates as required in consultation with the Administration.*

- 12.7. Advisory Group Operations Policy Review

1. *That the report be received and noted*
2. *With an effective date of 5 April 2022, to revoke the 18 December 2018 Advisory Group Operation and Conduct Policy and to adopt the 22 March 2022 Advisory Group Operation and Conduct Policy.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 March 2022 Advisory Group Operation and Conduct Policy prior to the effective date.*

- 12.8. Adelaide Hills Region Waste Management Authority Board Nomination

DECISION ONE

1. *That the report be received and noted*
2. *To progress with a Council Officer or Council Member nomination(s) for a skills based Board Member for the Adelaide Hills Region Waste Management Authority.*

DECISION TWO

1. *To determine that the method of selecting the Authority Board Member and Deputy appointee(s) to be by an indicative vote to determine the preferred person(s) utilising the process set out in this Agenda report.*
2. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Authority Board Member and Deputy appointee(s) and for the meeting to resume once the results of the indicative voting has been declared.*

DECISION THREE

1. *To nominate as the Board Member appointee for a two –year term and as the Deputy Board Member appointee for a two –year term.*
2. *To authorise the Chief Executive Officer to advise the Authority’s Executive Officer of Council’s nominations.*

12.9. Caretaker Policy Review

1. *That the report be received and noted*
2. *With an effective date of 06 April 2022, to revoke the 05 June 2018 Caretaker Policy and to approve the draft 22 March 2022 Caretaker Policy as contained in Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 22 March 2022 Caretaker Policy prior to the effective date.*

12.10. Nomination to Libraries Board

1. *That the report be received and noted.*
2. *To determine that the method of selecting the nominee to the LGA for the Libraries Board of South Australia 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 Libraries Board of South Australia and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB 21 December 2021.*

12.11. Code of Practice for Meeting Procedures Review

1. *That the report be received and noted*
2. *With an effective date of 5 April 2022, to revoke the 25 January 2020 Code of Practice for Council Meeting Procedures and to adopt the 22 March 2022 Code of Practice for Council Meeting Procedures.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 March 2022 Code of Practice for Council Meeting Procedures prior to the effective date.*
4. *To note that 28 days following the cessation of the Public Health Emergency Declaration, the legislative provisions for participation by electronic means will cease and the Code of Practice for Council Meeting Procedures and all other Council policies that refer to the Public Health Emergency Declaration and/or Electronic Participation in Council Meetings Notice (No 5) 2021 will be revised accordingly.*

12.12. Confidential Items Review March 2022
Refer to agenda item

12.13. Status Report – Council Resolutions Update
Refer to agenda item

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Policy Register Review March 2022

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 – 9 March 2022
That the minutes of the CAP meeting held on 9 March 2022 as supplied, be received and noted.
- 17.2. Audit Committee
Nil
- 17.3. CEO Performance Review Panel – 17 February 2022
That the minutes of the CEOPRP meeting held on 17 February 2022 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 26 April 2022, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2022

DATE	TYPE	LOCATION	MINUTE TAKER
APRIL 2022			
Tues 12 April	Workshop	Woodside	N/A
Wed 13 April	CAP	TBA	Karen Savage
Wed 20 April	Audit Committee	Stirling	TBA
Tues 19 April	Professional Development	Stirling	N/A
Tues 26 April	Council	Stirling	Pam Williams
MAY 2022			
Tues 10 May	Workshop	Woodside	N/A
Wed 11 May	CAP	TBA	Karen Savage
Thur 12 May	CEOPRP	Stirling	TBA
Tues 17 May	Professional Development	Stirling	N/A
Mon 23 May	Audit Committee	Stirling	TBA
Tues 24 May	Council	Stirling	Pam Williams
JUNE 2022			
Wed 8 June	CAP	TBA	Karen Savage
Tues 14 June	Workshop	Woodside	N/A
Tues 21 June	Professional Development	Stirling	N/A
Tues 28 June	Council	Stirling	Pam Williams

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

Community Forums 2022

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
Tues 29 March	Birdwood

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Councillor:

Date:

Meeting name:

Agenda item no:

1. I have identified a conflict of interest as:

MATERIAL ☐ ACTUAL ☐ PERCEIVED ☐

MATERIAL: Conflict arises when a council member or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

ACTUAL: Conflict arises when there is a conflict between a council member's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

PERCEIVED: Conflict arises in relation to a matter to be discussed at a meeting of council, if a council member could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

2. The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

3. I intend to deal with my conflict of interest in the following transparent and accountable way:

☐ I intend to **leave** the meeting *(mandatory if you intend to declare a Material conflict of interest)*

OR

☐ I intend to **stay** in the meeting *(complete part 4) (only applicable if you intend to declare a Perceived (Actual conflict of interest)*

4. The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS

Governance use only: Member voted FOR/AGAINST the motion.



Ordinary Business Matters

A **material, actual or perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the Local Government (General) Regulations 2013.

- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act
- (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)
- (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act
- (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act
- (e) the adoption or revision of an annual business plan
- (f) the adoption or revision of a budget
- (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration
- (h) a discussion or decision of a matter at a meeting of a council if the matter—
 - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council
 - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.

Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual or perceived** in a matter to be discussed at a meeting of council by reason only of:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

For example: If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.

8. DEPUTATIONS

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

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

Item 4 Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill (6.44pm)
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp (7.22pm)
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Melissa Bright	A/Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Mike Carey	Manager Financial Services
David Collins	Manager Strategic Assets
Natalie Westover	Manager Property Services
Deryn Atkinson	Manager Development Services
James Szabo	Senior Strategic & Policy Planner
Lynne Griffiths	Community & Cultural Development Officer
Steven Watson	Governance & Risk Coordinator
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.36pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna 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. Apology

Nil

3.1 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 25 January 2022

Moved Cr Chris Grant
S/- Cr Ian Bailey

23/22

That the minutes of the Ordinary Council meeting held on 25 January 2022 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4.2 Special Council Meeting – 15 February 2022

Moved Cr Linda Green
S/- Cr Chris Grant

24/22

That the minutes of the Special Council meeting held on 15 February 2022 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Material Conflict of Interest, Cr Linda Green, Item 12.8 Alteration and Occupation of Road Policy Review

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 12.8, the nature of which is as follows:

- I co-own land at Cudlee Creek which has an unmade road passing through it and may gain a benefit or disbenefit

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom expressed her sorrow over the passing of a member of the public at the Adelaide Hills War Memorial Swimming Centre today. Mayor Wisdom went on to say that our thoughts are with the family, friends and first responders impacted by the incident. The Mayor thanked the pool patrons and staff involved for their efforts this morning and advised that Council has offered support to staff and community members affected by this tragic event.

Mayor Jan-Claire Wisdom advised Council Members that there is a very full agenda tonight, with a confidential workshop to be included.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

10. QUESTIONS ON NOTICE

With the leave of the meeting, Item 10.1 was considered at this point in the meeting.

10.1 Property at Lobethal Road Lenswood (Cr Chris Grant)

Cr Pauline Gill joined the meeting at 6.44pm.

Regarding that land located at, and adjacent to, 1615 Lobethal Road, Lenswood:

1. What actions have been taken to date to remedy, amongst other things, the use of the land as a junkyard; the unsightliness of the property; stock wandering onto neighbouring land; stock wandering onto a public road; the presence of pigs, sheep and goats in the watercourse; and any other breaches of laws that may have come to the attention of AHC?
2. Under what legislative instruments has action been taken, to what extent has compliance been achieved, are there other legal avenues yet to be exercised that are relevant to this matter? For example, delegations under the Environmental Protection Act 1993 or other powers under the Local Government Act 1999 not yet exercised.

Officer's Response - Melissa Bright, A/Director Development & Regulatory Services

Within our statutory boundaries, Council has been working with the owner of the property for many years to improve the condition of the property and the livestock at 1615 Lobethal Road, Lenswood. Council has received more than 60 complaints relating to this property and we have investigated each of them. As a result of our investigations we have issued a number of notices and expiations and sought legal advice on all available options for Council and others to appropriately address the issues.

The legislative instruments available to Council's authorised officers are:

- *Planning, Development and Infrastructure Act 2016*
- *Local Nuisance & Litter Control Act 2016*
- *Impounding Act 1920*
- *Road Traffic Act 1961*
- *Public Health Act 2011*
- *Local Government Act 1999*

Other relevant legislation but not enforced by Council's authorised officers include:

- *Landscape South Australia Act 2019*

Following is a summary of the current status under each of the available legislations.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

Planning, Development and Infrastructure Act 2016

In November 2011 Council initiated enforcement action against the landowner of 1615 Lobethal Road, Lenswood for an unauthorised change of land use. Council considered that the land was being used for the storage of materials in the nature of a builders yard/junk yard. As a result of the landowner's continued failure to comply with a number of directives and enforcement notices to cease placing objects and materials on the road verge and around the landowner's property, Council initiated proceedings in the Environment, Resources and Development (ERD) Court pursuant to Section 85 of the *Development Act 1993*. Council was successful in obtaining an Order from the Court on 23 July 2018 to have the owner clean up his property.

The order contained directions to cease using the property as a junk yard but permitted goods/items to be stored within the building envelope. It is important to note that, like many other properties in the Hills, items/goods are permitted to be stored on the land if they are considered to be incidental to the use of the Land or of minor nature (such as vehicles, items to be used on the land etc.). Authorised officers regularly monitor compliance with the order and recent inspections have determined that the items are incidental to the land use and not at significant variance to the order.

Council was awarded costs, and further enforcement action has seen these outstanding funds recently paid.

Local Nuisance & Litter Control Act 2016

In July 2021 Council issued an abatement notice pursuant to Section 30(1)(a) of the *Local Nuisance and Litter Control Act 2016* for unsightliness. The notice required the following:

Take action to discontinue the following activity of disposing of, displaying or storing disused, derelict or waste material on the Premises in areas visible from Lobethal Road, as indicated on the enclosed map:

- (a) *Until further notice.*

Cease carrying on or permitting any person to carry on the following activity of collecting derelict or disused material and storing them on the Premises:

- (a) *Unless all material and items are stored inside of approved enclosed structures on the premises so as not to be visible from Lobethal Road.*

Take the following action:

- (a) *Move or dispose of all items and material from the areas indicated on the enclosed Map.*

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

- (b) *Refrain from storing or depositing derelict items, waste material and/or items and materials that are not directly used in conjunction with the approved use of the land (Pome Fruit production).*

These conditions have been complied with but the notice is still in effect and authorised officers inspect this property regularly. While it is agreed that this property does not look well maintained nor tidy it is the opinion of our authorised officers that the property does not currently constitute as unsightly as defined under the Act:

3—Unsightly conditions on premises (section 17(1)(c))

For the purposes of section 17(1)(c), the following unsightly conditions are declared:

- (a) *conditions on premises involving—*
- (i) excessive or unconstrained rubbish, waste or vegetation; or*
 - (ii) stockpiled, excessive or unconstrained disused or derelict items or material that a reasonable person would consider to be rubbish or waste in the circumstances; or*
 - (iii) graffiti (other than authorised graffiti) that has been left on the premises—*
 - (A) in the case of offensive graffiti—for more than 7 days; or*
 - (B) in any other case—for more than 28 days, where, in the opinion of an authorised officer, the conditions have had an adverse effect on the amenity value of the area or caused the premises to be significantly out of conformity with the general appearance of neighbouring premises; or*
- (b) *conditions involving a building on the premises having been left partially demolished or in a state of disrepair, dilapidation or damage where, in the opinion of an authorised officer, the conditions have had an adverse effect on the amenity value of the area or caused the premises to be significantly out of conformity with the general appearance of neighbouring premises.*

Appendix 1 (see Council 22 February 2022 agenda) includes some photos of other properties that are considered, and have been successfully prosecuted, for unsightly.

Prior to the enforcement action Council had received 11 complaints regarding the unsightly nature of the property. We have since received 2 complaints.

In August 2017 Council issued an abatement notice pursuant to Section 30(1)(a) of the *Local Nuisance and Litter Control Act 2016* for wandering livestock. The notice required the following:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

Take action to discontinue the following activity of keeping animals on the premises that may be able to escape from any inadequately fenced or constructed compound designed to hold them:

- (b) *until such time as suitable and appropriate fencing is installed to prevent the escape of any animals kept on the land; and*

Prepare the following plan of action for the purposes of:

- (c) *preventing any future contravention of Part 4 Division 1 of the Act.*

Provide drawn plans to show the methods of containment that will be used to prevent any animals that are kept on the land from escaping and creating a nuisance to surrounding residents and a hazard to users of Lobethal Road, Lenswood to the satisfaction of the Council.

Following repeated expiations, Council initiated action including obtaining a warrant to enter the property, to complete the required works contained within the abatement notice in August 2021. The property owner commenced the required works one day prior to Council contractors arriving on site.

While the conditions within the notice have been completed, the notice is still in effect to ensure the animals continue to be contained. Prior to the enforcement action Council had received 16 complaints regarding wandering livestock. We have since received 8 complaints largely relating to the piglets who arrived after the fencing was complete.

It is the current opinion of Council's authorised officers that the fencing is adequate but that the location of the pigs is not appropriate and cannot be adequately contained within some fenced areas of the property. Council continues to work with the owner to encourage the containment of the piglets in a more suitable location on the property and expiations are issued for any animals evidenced by authorised officers not to be adequately contained.

Impounding Act 1920

Under the *Impounding Act 1920* Council is able to establish and maintain a pound for large animals. Council does not currently have adequate holding facilities for goats and pigs and no other alternative holding facilities within the region were discovered. Establishing and maintaining a holding facility was not considered a practical solution.

The *Impounding Act* also provides for landholders to impound and destroy stray livestock:

41—Goats, pigs, poultry etc may be destroyed

(1) The owner or any person in charge of any enclosed land—

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

(a) who has given notice in writing to the owner of any goats, pigs, or poultry, of his intention to destroy all goats, pigs, or poultry found trespassing thereon, may kill by any means, except by the use of poison, any goats, pigs, or poultry the property of such owner found trespassing thereon; or

(b) who has advertised twice in any two or more public newspapers published in the State and circulating in the locality his intention to destroy all goats, pigs, or poultry found trespassing thereon, may kill, by any means except by the use of poison, any goats, pigs, or poultry found trespassing thereon, and, if not sooner claimed by the owner thereof, may six hours after such killing remove, bury, or destroy the carcasses of any goats, pigs, or poultry so killed.

(2) This section shall not apply to any full bred Angora, Saanen, Toggenburg, British Alpine, or Anglo Nubian goat

This advice has been provided to landholders surrounding the property but they were not interested in undertaking these steps.

Note that the State Government is in the process of drafting the new Biosecurity Act and will repeal the current *Impounding Act 1920*. It is proposed that the new Biosecurity Act will modernise and simplify the approach to stray and abandoned livestock.

Road Traffic Act 1961

There are currently no parking controls in place for the verge surrounding and outside of the property. Therefore any vehicle parked in this space is not a breach of any existing rules. Time limited parking in front of the post office (neighbouring property) could be a future consideration.

However, Council has previously expiated for the parking of a heavy vehicle which is considered to be a breach of this Act.

Public Health Act 2011

Council received a complaint in August 2021 from a plumber who advised that the property's septic was overflowing near the creek. A site inspection found that while it did not appear to be leaking at the time, the septic tank had no lid. The disposal area also could not be located due the accumulation of materials on site. The owner was requested to seal/secure the septic tank and provide details of the disposal area. No response was received and a Compliance Notice was issued requiring that the septic system be replaced or repaired by October 2021. An expiation was issued for failure to comply with a Compliance Notice in November 2021.

The expiation has recently been paid and further follow-up on the repair/replacement of the system has been scheduled to determine whether the works have been undertaken.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

Landscape South Australia Act 2019

Council is unable to take action under the *Landscape South Australia Act* and has therefore reported the access of the livestock to the watercourse to Landscape SA Hills and Fleurieu on more than one occasion. Most recently we have been requested to forward photos and this information has been provided.

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

This item was considered later in the agenda.

8.3 Public Forum

9. PRESENTATIONS

9.1 Damien Cooke and Steve Shotton, Regional Development Australia

10. QUESTIONS ON NOTICE

10.1 Property at Lobethal Road Lenswood (Cr Chris Grant)

This item was considered earlier in the meeting, prior to Item 8.

7.03pm The Deputation was heard at this point in the meeting

8.2 Deputations

8.2.1 Campbell Stafford & Irene Verner - Main Road environs in Lenswood

Cr John Kemp joined the meeting at 7.22pm.

11. MOTIONS ON NOTICE

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

12. OFFICER REPORTS – DECISION ITEMS

12.1 Regional Development Australia Funding Agreement

Moved Cr Linda Green

S/- Cr Leith Mudge

25/22

Council resolves:

- 1. That the report be received and noted.**
- 2. That the three-year funding agreement with Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island Inc, for 2022-23 be \$67,885 plus CPI with CPI increases in 2023-24 and 2024-25 as contained in Appendix 2, be approved by Council.**
- 3. That the Chief Executive Officer be authorised to make any minor changes to the funding agreement as required, in his opinion, to finalise the matter.**
- 4. That the Mayor and CEO be authorised to sign and seal the funding agreement on behalf of Council.**

Carried Unanimously

12.1.1 Adjournment of Council Meeting

7.31pm Cr John Kemp & Cr Leith Mudge advised they would not participate in the Workshop.

Moved Cr Ian Bailey

S/- Cr Kirrilee Boyd

26/22

Council resolves to adjourn the meeting for the purposes of conducting a confidential workshop regarding the proposed development at 160 Longwood Road Heathfield and to resume the meeting at the conclusion of the workshop no later than 8.30pm.

Carried Unanimously

7.31pm The Council meeting adjourned.

8.32pm The Council meeting resumed without Cr Chris Grant.

8.33pm Cr Chris Grant attended the meeting.

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM

12.2 Budget Review 2

Moved Cr Leith Mudge
S/- Cr Mark Osterstock

27/22

1. That the report be received and noted.
2. To adopt the proposed budget adjustments presented in the 2020-21 Budget Review 2 which result in:
 - a. An increase in the Operating Surplus from \$1.115m to \$1.546m for the 2021-22 financial year.
 - b. Changes to Capital Works, reducing capital income by \$1.299m and reducing capital expenditure by \$5.253m for the 2021-22 financial year resulting in a revised capital expenditure budget for 2021-22 of \$21.982m.
 - c. A reduction in Council's current Net Borrowing Result from \$7.348m to \$2.572m for the 2021-22 financial year as a result of the proposed operating and capital adjustments.

Carried Unanimously

12.3 Bridge Asset Management Plan

Moved Cr Malcolm Herrmann
S/- Cr John Kemp

28/22

Council resolves:

1. That the report be received and noted
2. That Council notes the community feedback on the *Bridge Asset Management Plan*, as contained in Appendix 1.
3. With an effective date of 4 March 2022, The *Bridge Asset Management Plan*, as contained in Appendix 2, be adopted by Council.
4. That feedback regarding Department of Infrastructure and Transport (DIT) bridge assets collected during the consultation phase will be forwarded on to DIT.
5. That the CEO, or delegate, be authorised to make any necessary formatting, nomenclature or other minor changes to the *Bridge Asset Management Plan* prior to 4 March 2022.

Carried Unanimously

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM

12.4 Long Term Financial Plan for Consultation

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

29/22

Council resolves:

1. To endorse the Draft *Long Term Financial Plan*, as contained in Appendix 1 for community consultation in accordance with Section 122 of the *Local Government Act 1999*.
2. That the CEO be authorised to:
 - a. Make any formatting, nomenclature or other minor changes to the Plan 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.

Carried Unanimously

12.5 Local Government Aboriginal Place Naming Action Plan

Moved Cr Nathan Daniell
S/- Cr Kirrilee Boyd

30/22

Council resolves:

1. That the report be received and noted.
2. With an effective date of 8 March 2022, that Council adopts the draft *Aboriginal Place Naming Action Plan 2022 to 2025* as contained in *Appendix 1*.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 22 February 2022 *Aboriginal Place Naming Action Plan 2022 to 2025* prior to the effective date.

Carried Unanimously

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM

12.6 Telecommunications Installation Small Cell Stobie Pole Mounted Antennae Policy Update

Moved Cr Mark Osterstock
S/- Cr John Kemp

31/22

Council resolves:

1. That the report be received and noted.
2. With an effective date of 1 March 2022, to revoke the 23 July 2019 *Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy* and to adopt the draft 22 February 2022 *Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy* as contained in *Appendix 2*.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 22 February 2022 *Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy* prior to the effective date.

Carried Unanimously

12.7 Volunteer Engagement Policy

Moved Cr Linda Green
S/- Cr Ian Bailey

32/22

Council resolves:

1. That the report be received and noted.
2. With an effective date of 8 March 2022, to revoke the *Volunteer Engagement Policy* 24 July 2018 and to adopt the draft Volunteer Engagement Policy 22 February 2022, as contained in *Appendix 1*.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the *Volunteer Engagement Policy* 22 February 2022 prior to the effective date of adoption.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

12.8 Alteration and Occupation of Road Policy Review

Cr Linda Green declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.8.

9.20pm Cr Linda Green left the meeting.

Moved Cr John Kemp
S/- Cr Kirrilee Boyd

33/22

Council resolves:

- 1. That the report be received and noted**
- 2. With an effective date of 8 March 2022, to revoke the 24 April 2018 *Road Rents Policy* and adopt the 22 February 2022 draft *Alteration and Occupation of Public Roads Policy* as contained in *Appendix 1*.**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 February 2022 draft *Alteration and Occupation of Public Roads Policy* prior to the effective date.**

Carried Unanimously

9.26pm Cr Linda Green returned to the meeting.

12.9 Outdoor Dining Policy Review

Moved Cr Ian Bailey
S/- Cr Malcolm Herrmann

34/22

Council resolves:

- 1. That the report be received and noted**
- 2. With an effective date of 8 March 2022, to revoke the 24 April 2018 *Outdoor Dining Permit Policy* and to adopt the 22 February 2022 draft *Outdoor Dining Policy* as contained in *Appendix 1*.**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 February 2022 draft *Outdoor Dining Policy* prior to the effective date.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

12.10 Access to Development Application Information Policy

Moved Cr John Kemp
S/- Cr Mark Osterstock

35/22

Council resolves:

1. That the report be received and noted.
2. With an effective date of 8 March 2022, to revoke the 11 October 2016 *Development Application Document Reproduction Policy* and to adopt the 22 February 2022 *Access to Development Application Information Policy* as contained in *Appendix 1*.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 22 February 2022 *Access to Development Application Information Policy* prior to the effective date.

Carried Unanimously

12.11 Status Report – Council Resolutions Update

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

363/22

Council resolves:

1. That the report be received and noted
2. The following completed items be removed from the Action List:

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
27/08/2019	Ordinary Council	223/19	Review of Primary Production Incentive Grant Funding	None declared
17/12/2019	Ordinary Council	314/19	Road Exchange Montacute Road Montacute	None declared
23/11/2021	Ordinary Council	252/21	CWMS Fee Adjustment	Material - Cr Malcolm Herrmann Material - Cr Linda Green

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

				Material - Cr Andrew Stratford
14/12/2021	Ordinary Council	287/21	Citizen of the Year Awards 2022 - Confidential	None declared
14/12/2021	Ordinary Council	288/21	Citizen of the Year Awards 2022 - Period of Confidentiality	None declared
14/12/2021	Ordinary Council	291/21	East Waste Independent Chair Appointment - Period of Confidentiality	None declared
25/01/2022	Ordinary Council	13/22	Delegations Review January 2022	Nil
25/01/2022	Ordinary Council	19/22	Audit Committee Independent Member Extension of Term	Nil
25/01/2022	Ordinary Council	20/22	Audit Committee Independent Member Extension of Term - Confidential Duration of Confidentiality	Nil

Carried Unanimously

9.31pm Cr Pauline Gill left the meeting and did not return.

12.12 Lobethal Bushland Park

**Moved Cr Malcolm Herrmann
S/- Cr John Kemp**

37/22

Council resolves that consideration of Item 12.12 Lobethal Bushland Park be deferred until the 26 April 2022 Ordinary meeting and the report be updated with any relevant information.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

12.12.1 Extension of Time

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

38/22

That the meeting be extended by 15 minutes.

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. QUESTIONS WITHOUT NOTICE

- Cr Malcolm Herrmann – White Rock Quarry & Terramin Bird in Hand Mine
- Cr Andrew Stratford – response to resident re traffic intersection Woodside
- Cr Nathan Daniell – Amy Gillett and Department Infrastructure & Transport

15. MOTIONS WITHOUT NOTICE

Having taken into account the Guiding Principles, the Mayor accepted the following Motion Without Notice.

15.1 Request for Special Council Meeting 1 March 2022 re Proposed Development 160 Longwood Road Heathfield

10.06pm Cr John Kemp declared a Perceived Conflict of Interest as he is a member of the Council Assessment Panel and left the meeting.

10.06pm Cr Leith Mudge declared an Actual Conflict of Interest as he is a deputy member of the Council Assessment Panel and left the meeting.

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

39/22

As a result of the information received at this evening's confidential information session concerning this proposed development, 160 Longwood Road, Heathfield (OTR Heathfield), that a Special Meeting of Council be convened for Tuesday, 1 March 2022 at 6.30pm, for Council to finalise a representation to the Council Assessment Panel concerning this proposal.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

10.13pm Cr John Kemp & Cr Leith Mudge returned to the meeting.

15.1.1 Extension of Time

**Moved Cr Nathan Daniell
S/- Cr Malcolm Herrmann**

40/22

That the meeting be extended by 15 minutes.

Carried Unanimously

16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Cr Malcolm Herrmann

- 28 January, Top of the Torrens Exhibition Launch, Birdwood
- 2 February, Gumeracha DSM Hospital Centenary Planning meeting, Gumeracha
- 15 February, Santos Best Dressed Town, Woodside

Mayor Jan-Claire Wisdom

- 22 February, Meeting with Senator McLachlan re Amy Gillett Bikeway, Stirling

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

Cr Malcolm Herrmann

- 7 February, GRFMA Audit Committee, Zoom
- 17 February, GRFMA, Zoom

16.3 CEO Report

Andrew Aitken, CEO, advised that the Corporate Updates are available on www.ahc.sa.gov.au.

ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 9 February 2022

Moved Cr John Kemp
S/- Cr Leith Mudge

41/22

That the minutes of the Council Assessment Panel meeting 9 February 2022 as distributed, be received and noted.

Carried Unanimously

17.2 Audit Committee 14 February 2022

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

42/22

That the minutes of the Audit Committee meeting 14 February 2022 as distributed, be received and noted.

Carried Unanimously

17.2.1 Audit Committee Recommendations

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

43/22

Council resolves:

1. That the report be received and noted
2. To adopt the revised *Strategic Internal Audit Plan v1.9a* as contained in Appendix 1.
3. To approve the *2021-22 External Audit Plan* by Galpins Accountants, Auditors and Business Consultants as contained in Appendix 2.
4. To note the status of the Risk Management Plan at Appendix 3.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 FEBRUARY 2022
ZOOM VIRTUAL MEETING ROOM**

17.3 CEO Performance Review Panel

Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 22 March 2022 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 10.21pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 1 MARCH 2022
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

Andrew Aitken	Chief Executive Officer
Mel Bright	A/Director Development & Regulatory Services
Lachlan Miller	Executive Manager Governance & Performance

1. COMMENCEMENT

The special meeting commenced at 6.30pm.

2. OPENING STATEMENT

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

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

Mayor _____ 22 March 2022

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 1 MARCH 2022
63 MT BARKER ROAD STIRLING**

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 Actual Conflict of Interest, Cr Leith Mudge, Item 6.1

Under Section 75A of the *Local Government Act 1999* Cr Leith Mudge disclosed an Actual Conflict of Interest in Item 6.1, the nature of which is as follows:

- I am a deputy member of the Council Assessment Panel, and participation in consideration of this item could lead to a breach of conduct requirements of the CAP.

Cr Leith Mudge intends to leave the meeting when the item is considered.

4.2 Actual Conflict of Interest, Cr John Kemp, Item 6.1

Under Section 75A of the *Local Government Act 1999* Cr John Kemp disclosed an Actual Conflict of Interest in Item 6.1, the nature of which is as follows:

- I am a member of the Council Assessment Panel, and participation in the consideration of this item could lead to the perception that I have formed a biased opinion that would affect my consideration of the DA during the assessment process at the CAP meeting at which it is presented, thereby breaching my CAP Code of Conduct obligations.

Cr John Kemp intends to leave the meeting when the item is considered.

4.3 Perceived Conflict of Interest, Cr Nathan Daniell, Item 6.1

Under Section 75A of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Perceived Conflict of Interest in Item 6.1, the nature of which is as follows:

- I am an employee of the Department of Education currently working at the Heathfield High School. I understand that the Heathfield High School Governing Council has taken a position in relation to the proposed development and will be submitting a representation. As such, there could be a perception of a conflict of interest however I believe that I am able to bring an objective and impartial mind to the Council's decision.

Cr Nathan Daniell intends to participate in the debate and vote on the item.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 1 MARCH 2022
63 MT BARKER ROAD STIRLING**

4.4 Perceived Conflict of Interest, Cr Mark Osterstock, Item 6.1

Under Section 75A of the *Local Government Act 1999* Cr Mark Osterstock disclosed a Perceived Conflict of Interest in Item 6.1, the nature of which is as follows:

- I am a parent of a child at Heathfield High School. I understand that the Heathfield High School Governing Council has taken a position in relation to the proposed development and will be submitting a representation. As such, there could be a perception of a conflict of interest however I believe that I am able to bring an objective and impartial mind to the Council's decision.

Cr Mark Osterstock intends to participate in the debate and vote on the item.

5. PRESIDING MEMBER'S OPENING REMARKS

Mayor Wisdom advised Council of the passing of Mrs Jean Evans and led a tribute to the contributions that Jean made to the Adelaide Hills community as both an Elected Member and a volunteer over many years. She also highlighted Jean's service to the cattle industry which resulted in the awarding of an Order of Australia Medal in 2017.

Moved Cr Ian Bailey
S/- Cr Linda Green

44/22

Council resolves:

- 1. To express its condolences to the family and friends of Mrs Jean Evans upon her passing.**
- 2. That the summary of Mrs Jean Evans' contributions to the Adelaide Hills community and the beef cattle industry be included in the meeting minutes.**

Carried Unanimously

Mayor Wisdom advised that the Adelaide Hills was announced as a finalist (5th) in the wotif.com 2022 Aussie Town of the Year Awards. These awards aim to recognise ten locations across the country for their contribution to Australian tourism, encouraging Aussies to make the most of the year ahead by exploring their own backyard.

6. BUSINESS OF THE MEETING

6.47pm - Councillors John Kemp and Leith Mudge left the meeting in respect of their declared conflicts of interest regarding Item 6.1.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 1 MARCH 2022
63 MT BARKER ROAD STIRLING**

6.1 Council Development Representation Submission – 160 Longwood Road Heathfield

7.16pm – Councillor Malcolm Herrmann left the meeting and did not return.

Moved Cr Mark Osterstock

S/- Cr Nathan Daniell

45/22

Council resolves:

- 1. That the report be received and noted**
- 2. That it objects to the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284) and submits that planning consent be refused. The proposed development is considered to be seriously at variance with the Planning and Design Code, specifically the Rural Neighbourhood zone and the Adelaide Hills subzone. Further it is considered to lack merit with the relevant provisions of the Code in relation to character and amenity, size and scale, hours of operation, bushfire mitigation, advertising, and land use interfaces.**
- 3. To approve the draft Representation Submission for the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284) as contained in *Appendix 1* for lodgement.**
- 4. To authorise the Chief Executive Officer to make any minor changes to the draft Representation Submission arising from Council's consideration of the matter and to finalise and lodge the submission prior to the conclusion of the public notification period.**

Carried Unanimously

The majority of Members voted in the affirmative and Councillors Mark Osterstock and Nathan Daniell voted in the affirmative.

7.40pm - Councillors John Kemp and Leith Mudge returned to the meeting.

7. CONFIDENTIAL ITEM

Nil

8. CLOSE MEETING

The meeting closed at 7.41pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 1 MARCH 2022
63 MT BARKER ROAD STIRLING**

Item 5 Mrs Jean Evans

Mrs Jean Evans was the first female Council Member of the former District Council of Stirling, where she served from 1981 for 12 years, including some time as Deputy Chair. Mrs Evans is remembered as a 'nuts & bolts' Councillor who was heavily involved in community activities and was on the committees of numerous sporting, educational and other bodies for the District Council of Stirling, including:

- Council delegate to the Local Government Association
- Chair of the Engineering, Sport & Recreation Committee
- Member of the Animal & Plant Control Board

Mrs Evans' other community and professional activities involved:

- 17 years on the Mt Lofty Ranges Ministerial Advisory Committee Catchment Program
- 25 years on the Heathfield High School Council Parents and Friends Committee
- 15 years on the Upper Sturt Primary Parents and Friends Committee
- 27 years as Secretary of the Hills Branch SA Farmers Federation
- Life Member of the Uraidla Summertown Show - 70 years as a member
- First female member of the Mt Barker Adult Education Council
- Member of the Mt Lofty & District Historical Society
- SA 'Legend' of Agricultural Shows
- Chair of the Upper Sturt Soldiers Memorial Hall
- SA Farmers Federation Committee Member
- Secretary & President of Limousin Cattle Breeders Association
- Organiser of Floral Festivals in the district

In 2017 Mrs Evans was awarded the Medal of the Order of Australia (OAM) in the Australia Day Honours for service to the beef cattle industry and to the community.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 8.1.1

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

Subject: Petition opposing development at 160 Longwood Road
Heathfield

For: Decision

SUMMARY

A petition has been received with 790 signatories stating:

We the undersigned, petition the Adelaide Hills Council and PlanSA to decline this Development at 160 Longwood Road Heathfield SA. The reasons being 24/7 open hrs, out of Character for the area, visual, air & noise pollution impacting surrounding homes.

RECOMMENDATION

Council resolves:

- 1. That the petition signed by 790 signatories opposing the development at 160 Longwood Road Heathfield be received and noted.**
 - 2. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.**
-

1. PETITION DETAILS

Council has received a petition organised by George Petrakis of Heathfield and signed by 790 signatories. This petition was also included in a letter from the Member for Heysen, Josh Teague MP.

Also received at the same time were details regarding a change.org petition with over 2,000 petitioners. This Petition does not meet the legislative requirements (and therefore Council's *Petitions Policy*) for a compliant petition in that it does not include the name and address of each person who signed or endorsed the petition, or clearly set out the request or submission of the petitioners. Nevertheless, the CEO has exercised his delegation, under 7.4.2 of the Policy, and determined to bring the petition to Council's attention.

The Petition states:

We the undersigned, petition the Adelaide Hills Council and PlanSA to decline this Development at 160 Longwood Road Heathfield SA. The reasons being 24/7 open hrs, out of Character for the area, visual, air & noise pollution impacting surrounding homes.

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

2.2 Relationship/relevance to Council services/activities/plans/strategies/resolutions

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional BUILT ENVIRONMENT

Objective B2 Preserve and enhance the unique character of the Hills for current and future generations

Priority B2.3 Proactively work with developers to ensure that built form complements or enhances existing local character whilst preserving the character and amenity of our towns, historic buildings and scenic environment

Goal 5A Progressive ORGANISATION

Objective O4 We actively represent our community

Priority O4.3 Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

3. Options¹

Council has the following options in relation to the matter(s) raised in the petition:

- I. To note the petition. This is the preferred option as the Elected Council is expressly prohibited under legislation from determining development applications. The Council has already lodged a submission in relation to the proposed development at 160 Longwood Road, Heathfield. (Recommended)
- II. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter (Recommended)

¹ Any potential motion arising from the receipt of a petition is a Motion Without Notice and Council has resolved for restrictions on the scope on these types of motions as per clause 3.18 of the *Code of Practice for Council Meeting Procedures*.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 10.1 Question on Notice

Originating from: Cr John Kemp

Subject: Response from SA Water regarding Fire Hydrant Locations

1. QUESTION

- 1 What response has Council received from SA Water regarding the locations of Fire Hydrants and Fire Plugs being included on the South Australian Government Geographic Information System (GIS) mapping website SALocationMapView?
- 2 If there has been a response or dialogue with SA Water when will a report be presented to Council?

2. BACKGROUND

At the 22 January 2022 Council the following motion was passed unanimously:

Moved Cr John Kemp
S/- Cr Chris Grant

16/22

- 1 I move that Council writes to SA Water Board Chair Mr. Andrew Fletcher, requesting the locations of Fire Hydrants and Fire Plugs be included on the South Australian Government Geographic Information System (GIS) mapping website SALocationMapView (<https://location.sa.gov.au/viewer/?%20map>).
- 2 I move that Council writes to SA Water Board Chair Mr. Andrew Fletcher, seeking information on the methodology used to ensure Fire Plugs and Hydrants are inspected to assess functionality, particularly in the bushfire prone areas of the Adelaide Hills.
- 3 A report be presented to Council on the reply from SA Water.

The Government of South Australia maintains several GIS mapping websites which provide a vast variety of information available to the public, Government agencies and Local Government. These sites include, The South Australian Property and Planning Atlas (SAPPA) and the LocationSAMapViewer.

The LocationSAMapViewer currently has layers which will display water and sewer mains but does not show the location of Fire Hydrants or Fire Plugs. However, you can click on a water main and information regarding that main is displayed, including size, type and installation date.

The inclusion of the Fire Plug and Hydrant locations would be a valuable resource for CFS Brigades. After making an inquiry via email to SA Water, I received a map showing such locations for streets in Stirling and surrounds. An important comment was made by the SA Water staff member about the map supplied: **“A plan like the one supplied is useful however it is only a snapshot in time and will not be as accurate in a few months or a year’s time.”** However the staff member later emailed me to say having forwarded my original email to their GIS section and had received the following response: **“I’ve recently updated the information classification metadata Location SA required in order to allow datasets including hydrant to be publicly displayed on Location SA/State Government platforms so that aspect of it shouldn’t be a problem.”**

Clearly, the technology is there and available for inclusion on the GIS maps. **Attachment 1** is an example of what is currently available in regard to water mains on LocationSAMapViewer.

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

- 1 What response has Council received from SA Water regarding the locations of Fire Hydrants and Fire Plugs being included on the South Australian Government Geographic Information System (GIS) mapping website SALocationMapView?

An initial response has been received from SA Water indicating that they were already in the process of uploading their fire plugs and hydrants to the Location SA Viewer. Further communication between the Council Administration and SA Water is ongoing to finalise the progress of the fire hydrant location information and the methodology used to ensure Fire Plugs and Hydrants are inspected to assess functionality.

- 2 If there has been a response or dialogue with SA Water when will a report be presented to Council?

It is anticipated a report will be provided at the Ordinary Council meeting to be held 24 May 2022 noting this timeframe is subject to all communications between Council and SA Water being completed.

4. APPENDIX

1. Fire Hydrant Locations

Appendix 1

Fire Hydrant Locations

Question on Notice - Response from SA Water regarding Fire Hydrant Locations
Attachment 1

LocationSA MapViewer Search for an address or location

Water Main

Nominal Diameter	100
Availability for Use	Available
Below Ground	True
External Diameter	122
Internal Diameter	89
Potability	Potable system - drinking water (ADWG compliant)
Gis Correction ID	
Installdate	1/06/1964
Horizontal	Schematic

<< prev zoom to next >>

Datasets

Remove all datasets

Infrastructure & Utilities

- ☐ Reclaimed Water Main
- ☐ SAPN Substations
- ☐ SAPN Subtransmission & High Voltage Overhead Line
- ☐ SAPN Subtransmission & High Voltage Underground Cable
- ☒ Waste Water Gravity Main
- ☐ Waste Water Low Pressure
- ☐ Waste Water Pumping
- ☐ Waste Water Vacuum
- ☒ Water Main

> Transport

> Business & Industry

> Society & Events

> Emergencies & Safety

DATASETS

DATA SEARCH

DATA DETAILS

MAPS

TOOLS

HELP

SHARE

FEEDBACK

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 10.2 Question on Notice

Originating from: Cr John Kemp

Subject: Parking Time Limits adjacent Stirling Hospital

1. QUESTION

- 1 What is the procedure for changing Parking Time Limits?
- 2 If this is purely within the control of Council does it require a recommendation by Council to be passed in order for the change to be made?

2. BACKGROUND

The installation of a Wombat crossing on Milan Terrace adjacent to Stirling Hospital was a step in the right direction to make access to the hospital safer for pedestrians crossing to and from the carparks on the eastern side of Milan Terrace. Two factors are limiting the effectiveness of the Wombat crossing.

- The crossing required the removal of one parking space on the western side of Milan Terrace immediately adjacent to the hospital. These spaces (10 including a disability space), have a time limit of 2 hours and from my observations are usually fully occupied during business hours.
- The parking limit for the 21 parking spaces on the eastern side of Milan Terrace is 4 hours and they are equally usually fully occupied during the day. I believe at least 10 of these spaces should have a limit of 1 hour for those people attending the hospital for short term consultations, X-rays or scans. There is little other parking available in this section of Milan Terrace from Druid Avenue to Bilney Road intersections.

Council made a considerable financial investment in the Wombat crossing but the current parking scenario limits its usefulness.

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

When requests are received to amend parking (Including time limits or spaces allocated), council staff liaise with affected parties and assess against a range of criteria. A resolution of Council is not required to enforce changes.

Over the past months Council staff have been working closely with the hospital, and have developed designs for changes to the Accessible Parking spaces and time limits for the parks on the Western Side of Milan Terrace. These works are likely to proceed in the coming weeks, as contractors are currently being sourced.

The hospital is consulting with their care providers and clients in regards to potential need for changes to the parks to the Eastern Side of Milan Terrace. Both the hospital and Council staff will be monitoring the performance of the first suite of changes may provide further information as to the requirement for any subsequent changes.

4. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr John Kemp

Subject: Parking Time Limit adjacent Stirling Hospital

1. MOTION

I move that Council changes the Parking Time Limit for 10 parking spaces on the eastern side of Milan Terrace adjacent to Stirling Hospital to 1 hour, between the hours of 8am to 5pm, Monday to Friday.

2. BACKGROUND

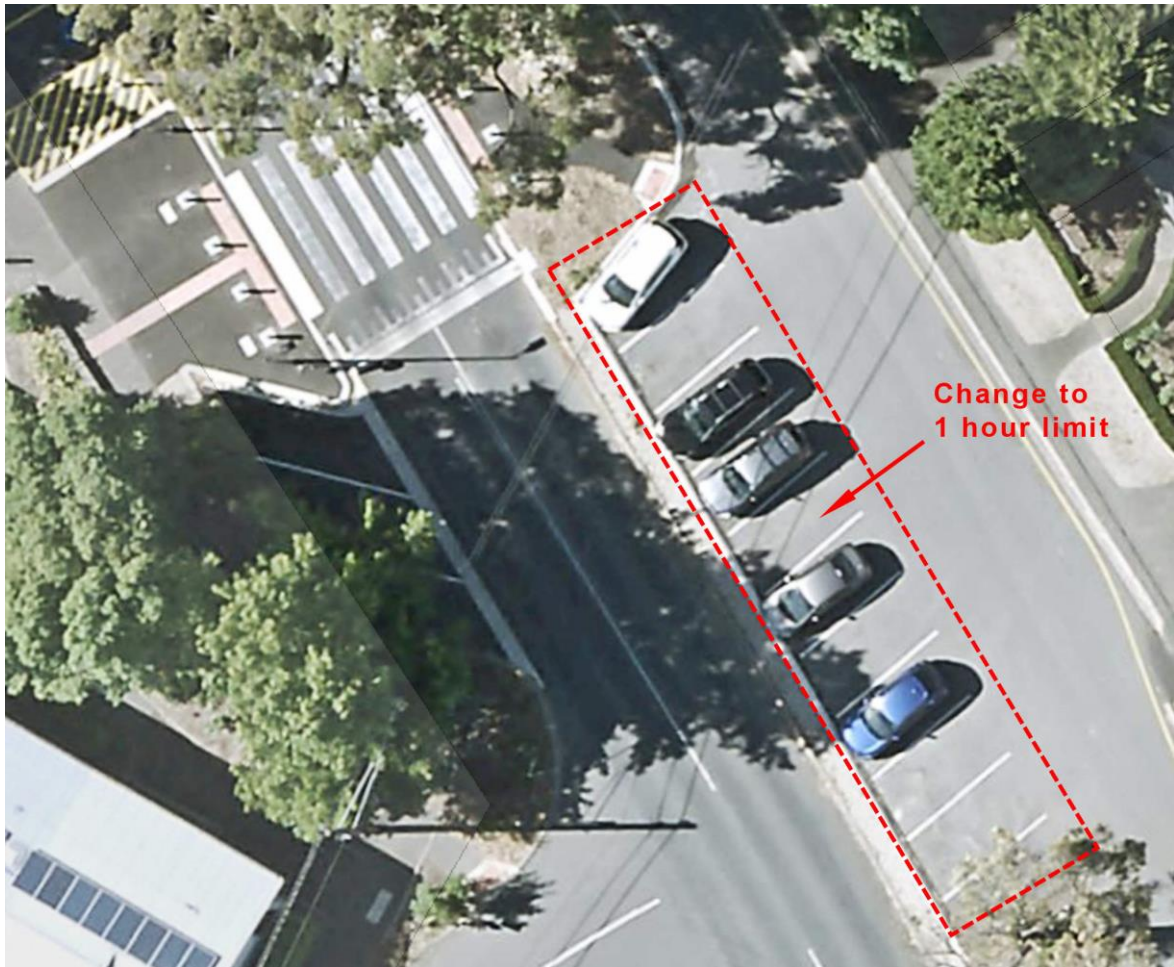
The installation of a Wombat crossing on Milan Terrace adjacent to Stirling Hospital was a step in the right direction to make access to the hospital safer for pedestrians crossing to and from the carparks on the eastern side of Milan Terrace. Two factors are limiting the effectiveness of the Wombat crossing.

- The crossing required the removal of one parking space on the western side of Milan Terrace immediately adjacent to the hospital. These spaces, 10 including a disability space have a time limit of 2 hours and from my observations are usually fully occupied during business hours.
- The parking limit for the 21 parking spaces on the eastern side of Milan Terrace is 4 hours and they are equally usually fully occupied during the day, (Refer Attachment 2). I believe at least 10 of these spaces should have a limit of 1 hour for those people attending the hospital for short term consultations, X-rays or scans. There is little other parking available in this section of Milan Terrace between the Druid Avenue and Bilney Road intersections.

Council made a considerable financial investment in the Wombat crossing but the current parking scenario limits its usefulness.

ATTACHMENT 1

Google Maps – Street View July 2021



ATTACHMENT 2



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

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

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing

Objective C1 A community for everyone – that is inclusive, welcoming and accessible

Priority C1.3 Make the district more accessible and welcoming for all with a focus on youth participation, positive ageing, disability inclusion and multiculturalism

➤ **Legal Implications**

Not Applicable

➤ **Risk Management Implications**

The restricting of parking to 1 hour for 10 spaces on the Eastern side of Milan Terrace opposite the hospital will assist in mitigating the risk of:

Lack of Parking availability for users requiring less than one hour duration.

Inherent Risk	Residual Risk	Target Risk
Low	Low	Low

➤ **Financial and Resource Implications**

If the motion is carried unchanged, Staff will discontinue consultation with the hospital and proceed with the outlined change.

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

The proposed change to parking will impact on users through increase in short term access and reduction in longer term access. The hospital may wish to be included in the decision making.

➤ **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: Not Applicable

Community: Hospital Staff

4. ANALYSIS

Over the past months Council staff have been working closely with the hospital, and have developed designs for changes to the Accessible Parking spaces and time limits for the parks on the Western Side of Milan Terrace. These works are likely to proceed in the coming weeks, as contractors are currently being sourced.

The hospital is consulting with their care providers and clients in regards to potential need or desire for changes to the parks to the Eastern Side of Milan Terrace. Both the hospital and Council staff will be monitoring the performance of the first suite of changes may provide further information as to the requirement for any subsequent changes.

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Natalie Westover
Manager, Property Services
Corporate Services

Subject: Application for Section 221 Permit – road reserve adjacent to
63 Waverley Ridge Road, Crafers West

For: Decision

SUMMARY

The purpose of this report is to seek a resolution of Council to issue the land owner of 63 Waverley Ridge Road, Crafers West an exclusive Alteration of Road Permit (the “Permit”) pursuant to section 221 of the *Local Government Act 1999* (“LG Act”) for a term of twenty five (25) years.

The exclusive permit is sought for the occupation of a section of the road reserve adjacent to 63 Waverley Ridge Road, Crafers West, to accommodate privately owned infrastructure. The area is identified in **Appendix 1**.

An exclusive permit over this land parcel will ensure the land is legally accessible by the land owners, whilst the remaining walking path along the road reserve area can be utilised by the local community.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To issue an Alteration of Road Permit to the land owner of 63 Waverley Ridge Road, Crafers West for a term of twenty five (25) years, in accordance with the provisions of s 221 of the *Local Government Act 1999*.
 3. Authorise the Chief Executive to finalise and sign all necessary documentation pursuant to this resolution.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 4	A Valued Natural Environment
Objective N3	Nurture valuable partnerships and collaborations and engage the local community in the management of our natural environment
Priority N3.2	Collaborate and engage with public and private organisations, schools and community members (including the Aboriginal community as the first nation peoples), to improve biodiversity outcomes and land management practices

Council issues permits for the alteration of roads, in accordance with section 221 of the LG Act and Council's *Alteration and Occupation of Road Policy*.

➤ Legal Implications

The alteration of road is governed by section 221 of the LG Act.

Council issues permits to adjoining land owners and interested stakeholders in accordance with the provisions of the LG Act. In this case, the land owner of 63 Waverley Ridge Road, Crafrers West has applied for approval to maintain existing infrastructure on the Road Land, install new fencing and vegetation and occupy the area under an exclusive use permit for a twenty five (25) year term.

In accordance with Council's *Alteration and Occupation of Road Policy*, requests for exclusive permits are to be presented to Council for a decision.

➤ Risk Management Implications

The issue of an exclusive use permit will assist in mitigating the risk of:

Non-compliance with legislative requirements leading to privately owned infrastructure and unauthorised encroachments on road reserve leading to increased risk and liability for council.

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

➤ Financial and Resource Implications

The issue of the permit is managed within existing resource allocations. The Permit holder will be required to pay an annual fee (currently \$70) for the permit.

➤ 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: Property Advisory Group 8 November 2021

External Agencies: Not Applicable

Community: Community Consultation was undertaken from 8 February 2022 and completed on 1 March 2022.

2. BACKGROUND

In July 2019, an Alteration to Road Permit was issued to the then land owner at the time for two areas of road land encroachment. This included the installation of a driveway, retaining wall and sub-surface infrastructure which were all existing, together with new electric gates and fencing to the driveway along a section of the eastern boundary. The land owner also installed a gravel path for pedestrian traffic to ensure safe pedestrian access was available without the need for pedestrians to traverse immediately adjacent to the house and garage (refer to **Appendix 2**).

The property was sold in May 2021 to the current land owner. Upon receipt of the permit for signing, they expressed their desire to seek a new permit for a term of 25 years, together with seeking a more secure area for their two dogs. The land owner also advocated for improving the biodiversity in the area noting the land proximity to the Knoll Conservation Park by the planting of indigenous/native shrubs and ground covers along the path edge that links to the Knoll Conservation Park

The permit holder developed a plan of alterations to their permit including seeking to extend the gravel path along the eastern boundary of the property, install a 1.2m high wire fence to ensure security for their dogs, planting of Indigenous/native shrubs and ground covers along the path edge, removal of the 2 cypress trees and the installation of a gate at the southern end of the path.

The land owner sought to improve a secure perimeter around their property for two reasons. The first was a result of instances where pedestrians had not followed the formed path, and trespassers were found trying to access their property. The second is to provide a secure perimeter for their two dogs, so that in the event they got access to the front section of the property this minimised the possibility of the dogs getting out to Waverley Ridge Road.

In addition to the above alterations to the road reserve area, the land owner requested a longer term (20-25 years) for the permit to provide certainty and continuity of access to the property. This sense of security was essential to them in making this premises their permanent home.

3. ANALYSIS

Council's *Alteration and Occupation of Road Policy* states that "Exclusive Permits" are where the permit holder has a right to exclusive use of the road or road reserve. It further states that "Permits are issued for up to a five (5) year period". The policy enables requests for longer terms for exclusive purpose to be assessed on a case by case basis.

As this permit request is an Exclusive Use permit for the area of road reserve land for a twenty five (25) year term, endorsement by Council resolution is required to issue an approval for this permit.

Should Council not approve the requested permit term of twenty five (25) years, the Council can determine a term longer than the existing policy standard five years, at its discretion.

Pursuant to section 223(1)(a) of the LG Act, if a Council proposes to grant an authorization or permit that would result in any part of the road being fenced, enclosed or partitioned to as to impede the passage of traffic to a material degree, the council must commence a public consultation process.

Council undertook community consultation from 8 February 2022 and concluded on 1 March 2022. From that consultation, only one response was received:

We have no objection, the site boundaries vs surveyed boundaries do not match, with the area in question historically appearing as garden for the property, rather than street verge. This will make no difference to the amenity of the street, or access along the current "footpath".

In light of no objections to the proposal, Council staff believe that a permit should be issued, and have drafted a permit accordingly. (Refer to **Appendix 3**)

4. OPTIONS

Council has the following options:

- I. Approve the issue of an exclusive road permit to the land owner of 63 Waverley Ridge Road for a term of 25 years (Recommended)
- II. Not approve the issue of the proposed permit which may jeopardise the project for the land owner which may result in increased security concerns for the residents (Not Recommended)

5. APPENDICES

- (1) Identification of Road Land
- (2) Site Plan Proposal
- (3) Draft Section 221 Permit
- (4) Public Consultation Report

Appendix 1

Identification of Road Land

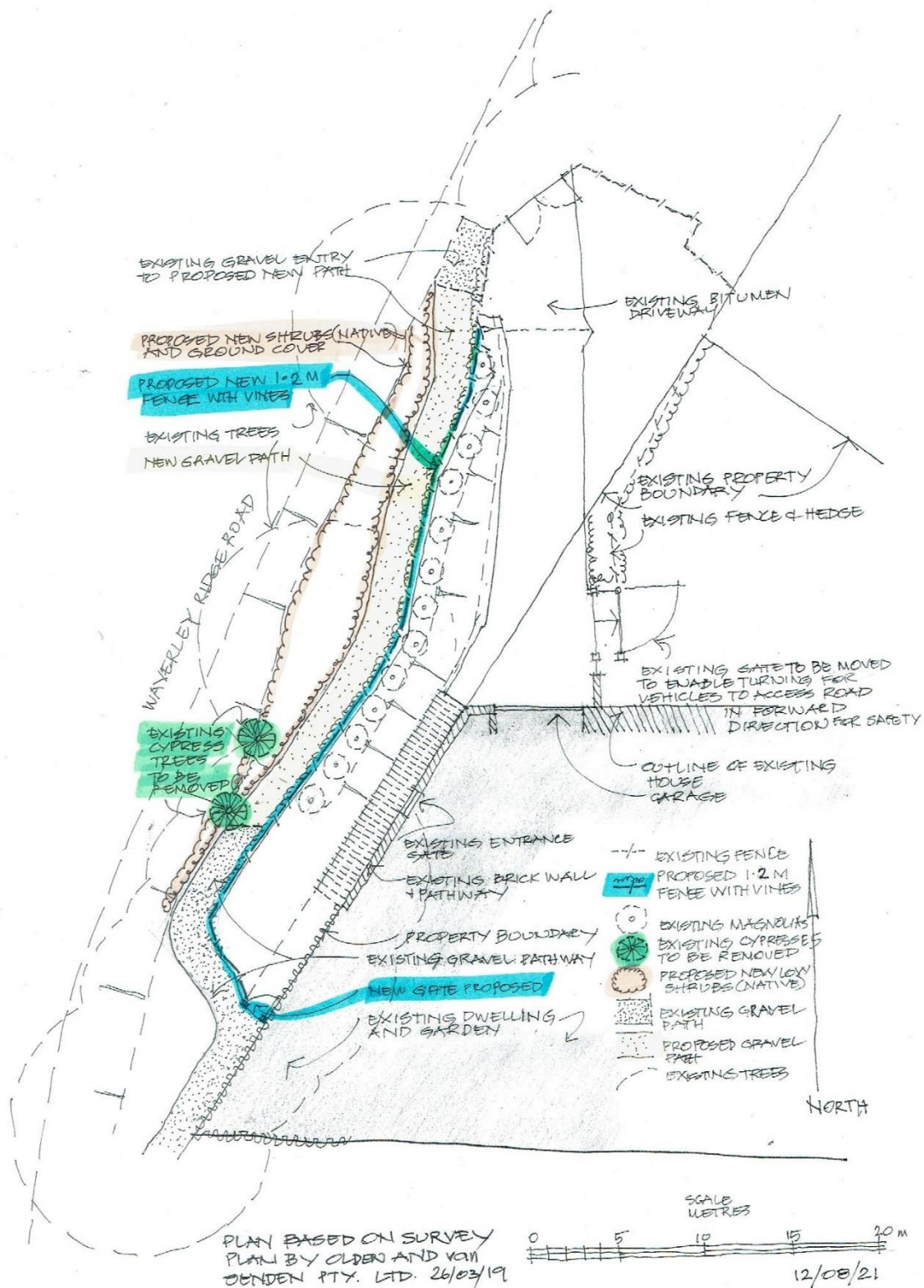
63 WAVERLEY RIDGE ROAD – IDENTIFICATION OF ROAD AREA



Appendix 2

Site Plan Proposal

63 Waverley Ridge Road – Site Plan of proposed alterations



APPLICATION TO IMPROVE THE AMENITY
AND SAFE ACCESS THROUGH ROAD RESERVE
TO PROPERTY AT 63 WAVERLEY RIDGE ROAD CRAWFERS WEST

63 Waverley Ridge Road – Street View – Gates and vegetation on Road Reserve



63 Waverley Ridge Road – Street View –Vegetation on Road Reserve





- Wire fence to be installed behind magnolia tree line
- Gravel path to be installed over the grassed area
- Indigenous vegetation to be planted along the path edge



- Wire fence to be installed behind magnolia tree line
- Gravel path to be installed over the grassed area
- Indigenous vegetation to be planted along the path edge
-



- Gravel path to be extended through to the grassed area
- Cypress Trees (2) to be removed
- Indigenous vegetation to be planted along the path edge



- 1.2m high wire fence to be extended to meet colourbond fence, enclosing this thoroughfare from the public track into private property

Appendix 3

Draft Section 221 Permit



SCHEDULE

ENCROACHMENT PERMIT

(Sections 221 and 222 of the *Local Government Act 1999* (SA))

Your Details (You, Your)	<p>Person/company name and ACN/ABN: DAWN DAVIS</p> <p>Address: 63 Waverley Ridge Road, Crafers West SA 5152 Telephone number: 0401 123 072</p> <p>Email: dawn_by_lake@live.com</p>
Council	<p>Adelaide Hills Council Contact person/position: Kylie Caruso Site address: 63 Mount Barker Road, Stirling Postal address: PO Box 44, Woodside SA 5244 Telephone number: 08 8408 0400 Email: property@ahc.sa.gov.au</p>
Road Area	<p>That portion of the public road immediately adjacent to 63 Waverley Ridge Road, Crafers West (Public Road). Certificate of Title Volume 5512 Folio 491, being the area marked in RED on the plan and photos attached at Annexure A.</p>
Term	<p>TWENTY FIVE (25) years commencing on 1 April 2022 and expiring on 31st March 2047</p>
Alteration	<p>AREA A: The installation (retrospective) of bitumen driveway, retaining wall, sub surface services (including electrical and drainage) and flood lighting.</p> <p>The installation of wrought iron fencing along the western boundary of Area A, and eastern boundary of Area A and the installation of electric operated wrought iron gates <u>ONLY</u> to be in the location existing at the commencement of this permit and as evidenced in the attached photos.</p> <p>AREA B: The installation of:</p> <ul style="list-style-type: none"> - two (2) aggregate covered sub-paths, removal and trimming of vegetation - construction of sub surface utilities (including electricity, communications cabling and irrigation) - affixation of house number "63" to a tree (as shown in Annexure A) - Establishment (retrospective) of lighting and landscaping associated with "policeman's monument". - Planting of vegetation as evidenced in the photos attached - Maintenance of planted vegetation in the Road Area - Installation Of 1.2m wire fence to sit behind magnolia trees in Area B - Additional planting of native shrub and ground covers - Extension of gravel path

	<i>Refer to the plan attached in Annexure A</i>
Business Purpose	Not Applicable
Permitted Use	(1) Undertake the Alteration (2) Use of the Road Area for the purpose of secure access to the property and privacy (Area A) (3) Use of the Road Area for maintenance of existing structures and vegetation (Area B)
Fee	\$ 70.00 (exclusive of GST) per annum and subject to yearly increases payable annually
Special Conditions	Annual compliance with provision of Certificate of Public Liability Insurance Currency

I/we agree to:

- the General Terms and Conditions and the Schedule to this agreement;
- any/all additional Special Conditions included in the Schedule to this agreement; and
- pay the **Fee** and other costs and charges as required by this agreement.

Execution by individual

.....
Signature

.....
Name (print)

.....
Date

FOR COUNCIL USE ONLY

Signed for Adelaide Hills Council by its authorised delegate in the presence of:

.....
Signature of witness

.....
Signature of delegate

.....
Name of witness (print)

.....
Name

Date:.....

.....
Position of delegate

GENERAL TERMS AND CONDITIONS

DEFINITIONS	Words that are in bold in these General Terms and Conditions and any Special Conditions have the meaning given to them in the Schedule to this agreement.
INTERPRETATION	If there is no Alteration set out in this agreement, then the associated provisions of this agreement will not apply. If there is no Business Purpose set out in this agreement, then the associated provisions of this agreement will not apply.
RIGHT TO USE	<ol style="list-style-type: none">1. You are authorised by the Council to undertake the Alteration to the Road Area pursuant to section 221 of the <i>Local Government Act 1999</i> (SA).2. You are permitted by the Council to use the Road Area for the Business Purpose pursuant to section 222 of the <i>Local Government Act 1999</i> (SA).3. This agreement does not give You any other rights to alter or use the Road Area.
CONTROL OF OTHERS	<ol style="list-style-type: none">4. Where the context permits, where You are under an obligation to do or not do something under this agreement, Your obligation extends to You using Your best endeavours to ensure that all persons that are present on the Road Area during the Term, including but not limited to Your employees, agents and invitees do or refrain from doing those things also.
FEE	<ol style="list-style-type: none">5. You must pay the Fee to Council at the time and in the manner set out in the Schedule.
LEGAL REQUIREMENTS	<ol style="list-style-type: none">6. This agreement gives You the Council's approval as owner of the Public Road to use Road Area for the Permitted Use. It does not give You any other approvals. You must obtain all other approvals required for the Permitted Use, including any development approvals (which may be required to be granted by the Council in its separate capacity as the relevant statutory authority) or liquor licences.7. You must comply with all laws and legal requirements relating to Your use of the Road Area and the Alteration and Business Purpose.
INFRASTRUCTURE	<ol style="list-style-type: none">8. The infrastructure, equipment or improvements comprising or associated with the Alteration are owned by You and are Your responsibility.9. You must maintain the structures, improvements and infrastructure comprising or associated with the Alteration in good repair and safe condition during the Term.10. You must ensure the structures, improvements and infrastructure comprising or associated with the Alteration do not interfere with or cause damage to or affect in any way:<ol style="list-style-type: none">a. any adjoining property;b. any wire, post, cable, pipe or other property or infrastructure belonging to the Council, a utilities or service provider or any adjoining property owner; orc. the use of the Road Area or the Public Road by the public.
RESTRICTIONS ON USE	<ol style="list-style-type: none">11. You may only use the Road Area for the Permitted Use. You may not use it for any other purpose.

12. **You** must use the **Road Area** safely and so as not to cause any offense or create a nuisance or disturbance for other people.
- ALCOHOL**
13. **You** must not sell alcohol within the **Road Area** or any public areas surrounding the **Road Area** without the written consent of the **Council**.
- SMOKE-FREE AREAS**
14. **You** must not smoke within any area designated smoke-free by the **Council**.
- SALE OF FOOD**
15. **You** must not sell, or permit the sale of, food within the **Road Area** except with the prior written consent of the **Council**.
- REPAIR OF DAMAGE**
16. **You** must repair all damage that is caused to the **Road Area** or any other property (including but not limited to buildings and equipment) during the **Term**.
- CLEANING**
17. **You** must ensure the **Road Area** is kept in a clean and tidy condition and free from rubbish during the **Term**.
18. Public bins (if any) within the **Road Area** must only be used for general food, beverage and similar waste. **You** must not use public bins for business waste (including but not limited to boxes that contained supplies and other waste generated by **Your** operations) and **You** must ensure that all business waste is disposed of appropriately at **Your** cost.
- YOUR RISK**
19. **You** agree:
- a. **Your** use of the **Road Area** is at **Your** own risk;
 - b. the **Council** has given you no warranty that the **Road Area** is suitable for the **Permitted Use**;
 - c. to release the **Council** from any claims that **You** may have against the **Council** for loss, damage, injury or death suffered or incurred as a result of **Your** use of the **Road Area**; and
 - d. to indemnify the **Council** against all claims that are made against the **Council** for loss, damage, injury or death caused or contributed to by:
 - i. **Your Alteration** to or **Business Use** of the **Road Area**;
 - ii. matters occurring at the **Road Area** relating to **You** during the **Term**; or
 - iii. any breach by **You** of this agreement.
- INSURANCE**
20. **You** must maintain a public risk policy of insurance in relation to **Your** use of the **Road Area** for at least twenty million dollars for any one claim and unlimited in the aggregate, and which covers events occurring during the policy's currency regardless of when claims are made.
21. **You** must maintain a policy of insurance for the structures, improvements and infrastructure comprising or associated with the **Alteration** for their full replacement value.
22. **You** must provide a copy of the certificates of currency for the policies described above to the **Council** before the start of the **Term** and at any time they are renewed during the **Term**.
- NO TRANSFER**
23. **You** cannot transfer this agreement or your rights to use the **Road Area** or grant any other person rights to use the **Road Area**.

**COUNCIL'S
RIGHTS**

24. The **Council** may:
- carry out works within the **Road Area** or surrounding areas that may interfere with **Your** use of the **Road Area**;
 - take any action that it considers to be reasonable if there is an emergency and **You** must comply with all directions of the **Council** during the emergency; and
 - do anything that **You** are required to do under this agreement if **You** do not do it or do not do it properly and recover its costs of doing so from **You**.

**COMPLY WITH
DIRECTIONS**

25. **You** must comply with all reasonable directions of the **Council** in relation to **Your** use of the **Road Area**.

**BREACH AND
TERMINATION**

26. If **You** breach a provision of this agreement and that breach is capable of remedy, **You** will have seven days from the receipt of a notice from the **Council** advising of the breach to remedy the breach (except in the case of an emergency, in which case the **Council** may remedy the breach and recover its costs of doing so).
27. If **You** do not remedy the breach set out in the notice OR the breach is not capable of remedy (in both cases in the **Council's** reasonable opinion) the **Council** may give **You** a further written notice proposing the termination of this agreement. **You** will have one month in which to make written representations to the **Council** on the proposed termination (unless the **Council** determines that a shorter period should apply for the protection of the public).
28. The **Council** will consider any representations **You** make and then notify **You** as to whether this agreement is terminated or not.

EXPIRY

29. This agreement automatically expires at the end of the **Term**. **You** must not use the **Road Area** for the **Permitted Use** after expiry.
30. Upon the expiry or earlier termination of this agreement, unless you are granted a new authorisation pursuant to section 221 of the *Local Government Act 1999* (SA) and/or a new permit pursuant to section 222 of the *Local Government Act 1999* (SA) (as required) **You** must:
- if required by the **Council**, remove all structures, improvements and infrastructure comprising or associated with the **Alteration** and make good any damage to the **Road Area** and surrounding areas caused by such removal; and
 - ensure that the **Road Area** is left in a clean and tidy condition, including by appropriately disposing of all rubbish and removing all goods and equipment from the **Road Area**.

GST

31. If any GST (within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999* (Cth)) is payable on a supply made pursuant to this agreement then the recipient of the supply must pay the additional GST amount at the same time as it pays for the supply.

COSTS

32. The **Council** may recover from **You** all costs it incurs in consequence of any actual or threatened breach by **You** of this agreement.
33. Notices under this agreement must be sent in writing to the names and addresses

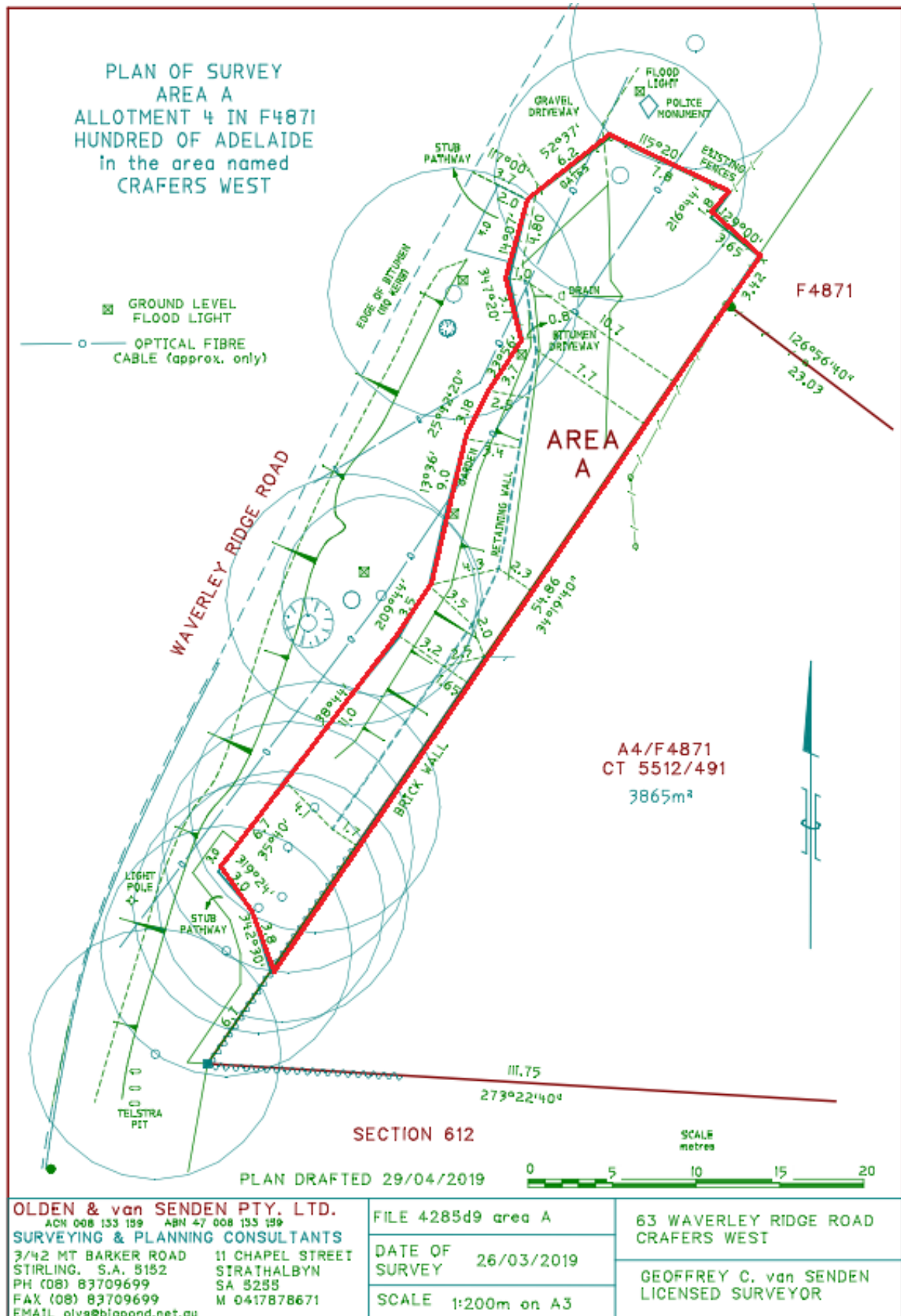
**SPECIAL
CONDITIONS**

34. **You** must comply with all Special Conditions contained in the Schedule to this agreement.

Annexure A – Plan

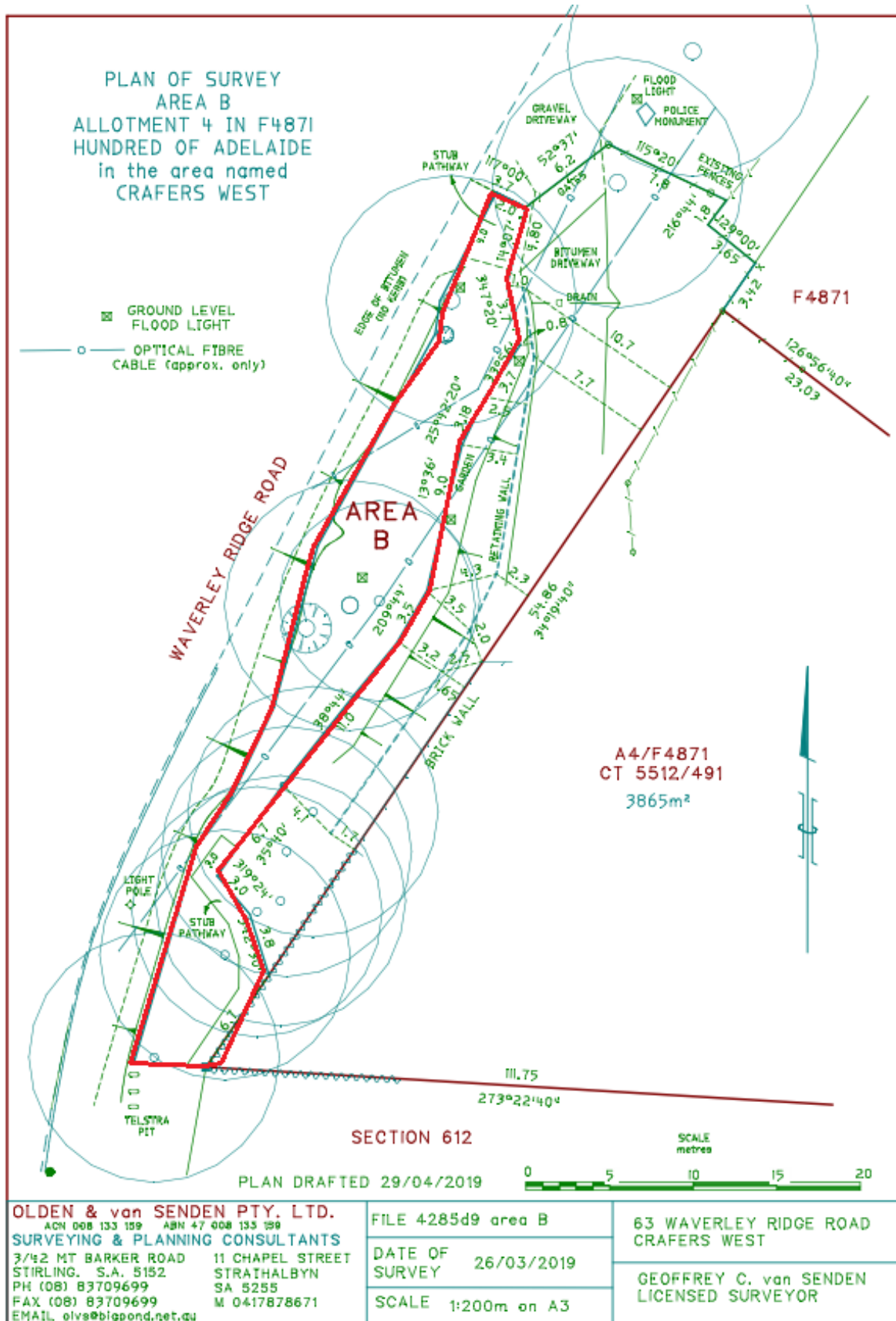


AREA A

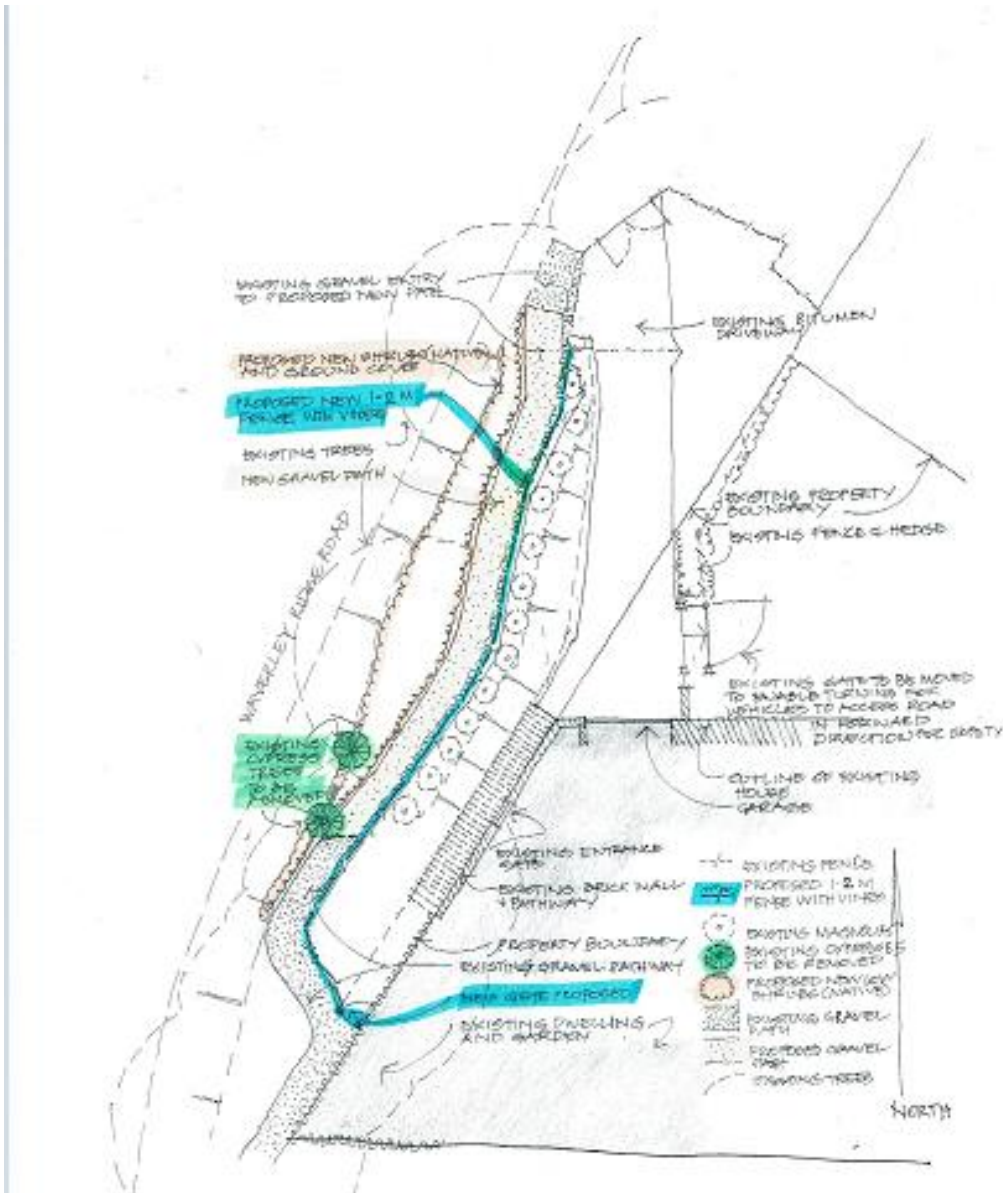




AREA B











Appendix 4

Public Consultation Report

Waverley Ridge Road, Crafers West - Road Alteration (Fence) Proposal

SURVEY RESPONSE REPORT

08 February 2022 - 01 March 2022

PROJECT NAME:

Waverley Ridge Road, Crafers West - Road Alteration (Fence) Permit



SURVEY QUESTIONS

Q1 | If you have any concerns or queries in relation to the application to install a secure fence at 63 Waverley Ridge Road, Crafers West please provide your comments below:

hbagot

2/09/2022 04:37 PM

We have no objection, the site boundaries vs surveyed boundaries do not match, with the area in question historically appearing as garden for the property, rather than street verge. This will make no difference to the amenity of the street, or access along the current "footpath".

Optional question (1 response(s), 0 skipped)

Question type: Essay Question

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: Natalie Westover
Manager Property Services
Corporate Services

Subject: MON Water Usage from Bores

For: Decision

SUMMARY

The purpose of this report is to provide information and recommendations in response to a Motion on Notice from 26 November 2019 where Council resolved:

11.1 Water Usage from Bores

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

277/19

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.

Carried Unanimously

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Anya Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases

3. To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc. with the Council being responsible for the provision of water to Tregarthen Reserve
 4. To negotiate an agreement with the owner of 30 Stonehenge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stonehenge Avenue Stirling, for a defined reasonable period of time, say 18 – 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases
 5. To undertake further investigations in relation to the Mylor bore and tanks and which properties it supplies water to and provide a report back to Council
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1	A functional Built Environment
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 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
Goal 5	A Progressive Organisation
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.2	Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action

➤ Legal Implications

Landscape South Australia Act 2019 legislates the issuing of water permits and water allocations and any conditions associated with permits and allocations.

Water Industry Act 2012 legislates an organisation's role in the provision of water.

➤ **Risk Management Implications**

The agreement between the Summertown Village Water Company and Council to define the terms and conditions of the provision of water and the time in which the Summertown Village Water Company needs to establish their own independent water supply will assist in mitigating the risk of:

Failure to comply with legislative requirements leading to liability and punitive action against Council.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3C)	Low

The agreement in relation to use of the Council bore on 28 Stonehenge Avenue Stirling to place use and monitoring conditions in place will assist in mitigating the risk of:

Provision of unmonitored water without an agreement in place to specify monitoring and use obligations leading to the possibility of water being supplied that is unsuitable for domestic purposes.

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

The proposed land swap with the Summertown Community Centre Inc that would see the Tregarthen Reserve public toilets owned by Council will assist in mitigating the risk of:

Public toilet facility without an independent water supply leading to possible outcome of public toilet facilities with no water to service them.

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

➤ **Financial and Resource Implications**

The investigations in relation to this report and the current negotiations with community groups is being undertaken within existing resources.

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

There is currently a significant risk that the identified residents in Summertown and Stirling are reliant on bore water from bores locations on Council land with no current agreements in place. There is no obvious contingency in place for these residents if the Council bores fail.

There may be a perceived expectation that Council is responsible for the provision of water to these residents given that the current supply comes from bores on Council land. Council is not in a position to provide continuity of service if the bores fail.

➤ **Sustainability Implications**

Council's Strategic Plan includes goal B3.1 being *Improving water security by maximising water reuse opportunities, reducing reliance on ground water and improving water efficiencies for open space irrigation and building facilities.*

The recommendations are consistent with this goal and will encourage self-sufficiency for water needs by land owners and hopefully a reduction in reliance on ground water.

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

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Property Advisory Group (17.2.2020, 31.5.2021 & 8.11.2021)
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Summertown Village Water Company Pty Ltd Summertown Community Centre Inc

2. BACKGROUND

At the meeting of 26 November 2019, in response to a Motion on Notice, the Council resolved the following:

11.1 Water Usage from Bores

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

277/19

- 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.**

Carried Unanimously

This Motion on Notice was a result of a couple of circumstances that had been identified where the Council either supplied water from a bore on its land to another party, or received bore water from another party. The purpose was to identify any other circumstances where Council either provided water or received water and what appropriate arrangements should be in place.

Investigations undertaken identified the following circumstances (although there may be other circumstances that we are not aware of):

- The provision of water from a bore on a Council reserve to the Summertown Village Water Company Pty Ltd
- The receipt of water from a private bore to service the community owned Summertown public toilets and playground
- The provision of water from a bore on the Stonehenge Council recreation site in Stirling to an adjoining resident
- The provision of water from a bore on the Mylor Council conservation site to unknown properties
- The provision of water using infrastructure on Council land and road reserve at Greenhill

Summertown Village Water Company – Anya Reserve, Summertown

The Summertown Village Water Company (SVWC) is a company whose shareholders are residents within the defined development area (refer **Appendix 1**). The management committee is made up of a selection of those residents.

In 1997, Council installed a bore on Anya Crescent Reserve for the primary purpose of supplying irrigation water to the turfed section of Anya Crescent Reserve and for vegetation at the Summertown Cemetery. The secondary function was to supply water for any future development of Anya Crescent Reserve and provide a back-up water supply to the system owned by the SVWC as it had a history of failing during hot, dry periods. The bore is licenced with a water allocation of 9,870kl.

In 1998 there was an agreement entered into between the SVWC and Council that provided authority for the SVWC to access the new Council bore located on Anya Reserve as backup if the SVWC bore failed for the supply of non-potable water. The agreement states the following:

That Summertown Village Water Company Pty. Ltd. may have access to the water supply from the Council bore from time to time to support their water supply system during times of break down and loss of underground water supply, subject to the compliance of certain conditions as detailed herewith.

There were certain conditions to this agreement as follows:

DUTIES AND RESPONSIBILITIES

SUMMERTOWN VILLAGE WATER COMPANY PTY. LTD.

1. To manage through their own resources the regular irrigation of the turfed section of the Anya Crescent Reserve.
2. To monitor the Council irrigation system including bore and irrigation system and report any maintenance requirements to Council for action.
3. Access to the water supply will be restricted to only times of genuine need caused by pump failure and/or loss of water supply and every effort will be maintained to ensure the down time of the Summertown Village Water Co. Pty. Ltd. system be kept to a minimum period of time.
4. To carry out six (6) monthly water quality testing of the Council bore and provide the results of such tests to Council as soon as practicable after receiving the results of such tests.
5. To provide a key to Council for access into the pump shed where the electricity meters are stored.

ADELAIDE HILLS COUNCIL

1. To maintain the bore and irrigation system including taps, hoses and sprinklers owned by the Adelaide Hills Council.
2. To be responsible for the electricity account for the bore owned by the Adelaide Hills Council.
3. To ensure safe keeping of the key provided and be responsible for the costs of any future replacement keys.

The arrangement was also seen as back up for the Council system should the need arise. The agreement had no term and no end date but could be terminated by either party with 30 days notice.

In approximately 2004, the SVWC bore failed. An addendum to the 1998 agreement was entered into in 2004 providing the SVWC a period of 12 months in which to utilise the Council bore until their bore was reinstated.

In 2006, that 2004 agreement was extended to 2008 with certain conditions to be met in relation to the progression of the reinstatement of the SVWC bore.

In 2008, at the 2 September 2008 Council meeting, the Council resolved as follows:

10.5. Summertown Water Supply – Licence to use Council Bore

05.3.2 Paul Haylock - Deferred from 18 September 2007 meeting

**Moved Cr David Paschke
S/- Cr Geoff Purdie**

**Carried unanimously
B261**

1. **That Council approve the granting of a non-exclusive licence for use of Council's bore at the Anya Reserve to the Summertown Water Supply Company for a term of 2 years generally as set out herein;**
 2. **That the Mayor and Chief Executive Officer be authorised sign any documents necessary to complete the transaction and be authorised to affix the seal thereto.**
-

To date, the SVWC has not reinstated a bore on Anya Reserve for their use and continue to use the Council bore.

Tregarthen Reserve Summertown

The Tregarthen Reserve site at Summertown is a blend of Council and Community owned land. Refer **Appendix 2** for details.

The public toilets, playground and lawn area are located on the land owned by the Summertown Community Centre Inc (“SCCI”) with 2 courts and the clubrooms located on land owned by the Council. Council provide cleaning services to the public toilets and maintenance of the playground and lawn area.

There is no water available on site and the SCCI have an informal arrangement with the adjoining landowner for the provision of water for the toilets etc., which comes from the bore of the adjoining landowner. This has some risk should the adjoining landowner cease to provide water for whatever reason.

Stonehenge Recreation Site Bore

There is an unlicensed bore (no water allocation) located on the Stonehenge Reserve in Stirling. The approximate location of the bore is indicated in **Appendix 3**.

The bore is not used for Council purposes, either by the Council or the Lessee of the land, it has historically been connected to the adjoining property. There is no agreement between Council and this landowner for the use of the bore.

Mylor Parklands Bore

There is a bore and tank that are situated within the Mylor Parklands to the west of West Street, refer **Appendix 4** for location.

This bore and tank are referred by some parties as the “town bore”.

It is understood that it previously provided water to the Mylor CFS however it is believed that the Mylor CFS now has established their own water supply.

Further investigation is required to determine the properties that are connected to this waster source.

Greenhill Water Supply Co.

The Greenhill Water Supply Co. (GWSC) is a registered company that provides a water service to the residents of Greenhill.

The bore that provides the water is located on privately owned land however some of the water infrastructure, such as the tank and pipes etc, are located on Council owned land and road reserve. There are permits in place for this infrastructure.

3. ANALYSIS

In accordance with the *Water Industry Act 2012*, the Council is not licenced to provide services for the provision of water.

Summertown Village Water Supply Company – Anya Reserve, Summertown

The current water licence is specific for the use of water on Anya Crescent Reserve and the Summertown Cemetery. The current water allocation under that licence is insufficient to meet the needs of the Council and the SVWC.

There is no contingency in place for SVWC if the Council bore fails.

Council staff have been in discussions with the SVWC since 2018 to seek to find a suitable solution to the current situation. Progression of these discussions have been hampered by the changing committee of the SVWC (made up of residents) and other priorities. The most recent communications in August 2021 between the SVWC and Council were productive and sought to secure an agreement for a defined term in which the SVWC ceased to use the Council bore. Their options are to source water either from an alternate bore to be established by the SVWC, have water delivered to their tank to service their members, or have their members establish self-sufficient rainwater or other water supply arrangements. The SVWC have sought a term of 3 years in which to raise funds from their members and establish alternate water supply means.

Given the history of this matter, it is recommended that a further term be granted but on strict conditions to ensure that there is progression for the SVWC to be independent from the Council bore.

Tregarthen Reserve Summertown

Council staff are working with the SCCI to investigate the feasibility to undertake a boundary realignment at the site so that the courts and clubrooms are on the land owned by the SCCI and the public toilets, playground and lawn area are on the land owned by the Council. As part of this process it is proposed that Council will apply for approval to establish a bore on the site to service the needs of the site. The required water allocation would be transferred from the Anya Crescent Reserve bore. A proposal for a project to install additional rain water tanks on the site will be developed to limit the reliance on ground water.

Stonehenge Recreation Site Bore

Domestic water use does not require a water allocation however it could be argued that this property undertakes activities greater than domestic use given the irrigation of the former bowling greens (which we understand have some infrequent event use) and a business that operates from the premises.

The supply of water from a Council bore carries some risk in the event that the water is being used for potable purposes (Council does not monitor the quality of the water from this bore) and if the bore ceases to be operational for any reason. The preferable position is that the adjoining landowner arranges an independent water supply for their purposes and the use of the Council bore ceases.

It is recommended that a reasonable period of time, say 18 – 24 months be provided to the adjoining landowner for them to establish their own independent water supply of their choosing and cease using the Council bore.

Mylor Parklands Bore

Further investigation in relation to this bore and tank are required to determine which properties it services, at this point in time it is believed that it supplies water to the Mylor Hall and a small number of other undetermined properties.

Greenhill Water Supply Company

Agreements are in place for the use of Council land and road reserve for water infrastructure.

4. OPTIONS

Council has the following options:

- I. Resolve to proceed based on the recommendations which puts in place a program to deal with the identified issues (Recommended)
- II. Resolve to take an alternate path than the recommendation (Not Recommended)
- III. Resolve to defer the item pending further information to be provided (Not Recommended)

5. APPENDICES

- (1) Anya Crescent Reserve Summertown Bore
- (2) Tregarthen Reserve Summertown
- (3) Stonehenge Reserve Stirling
- (4) Mylor Parklands Bore

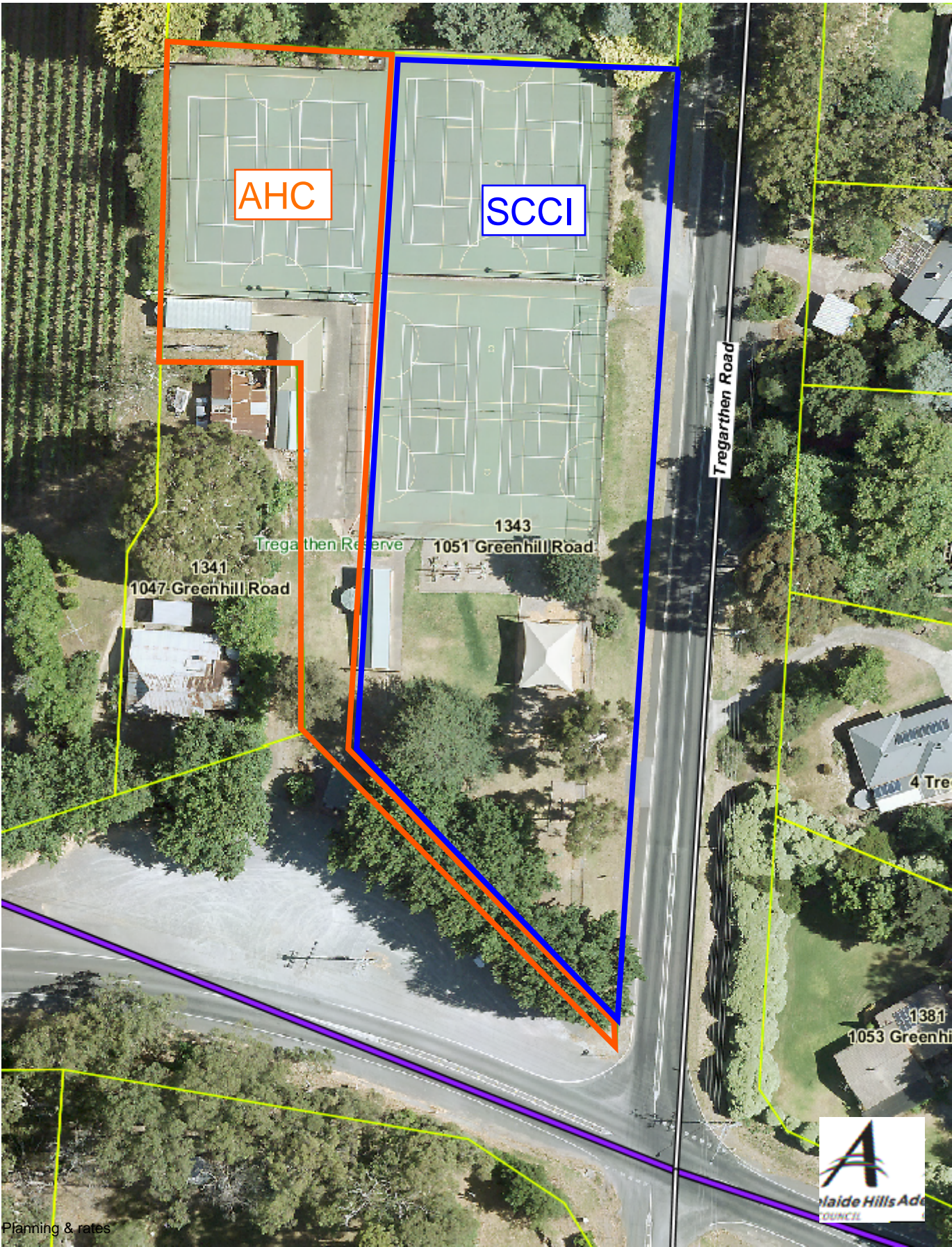
Appendix 1

Anya Crescent Reserve Summertown Bore



Appendix 2

Tregarthen Reserve Summertown

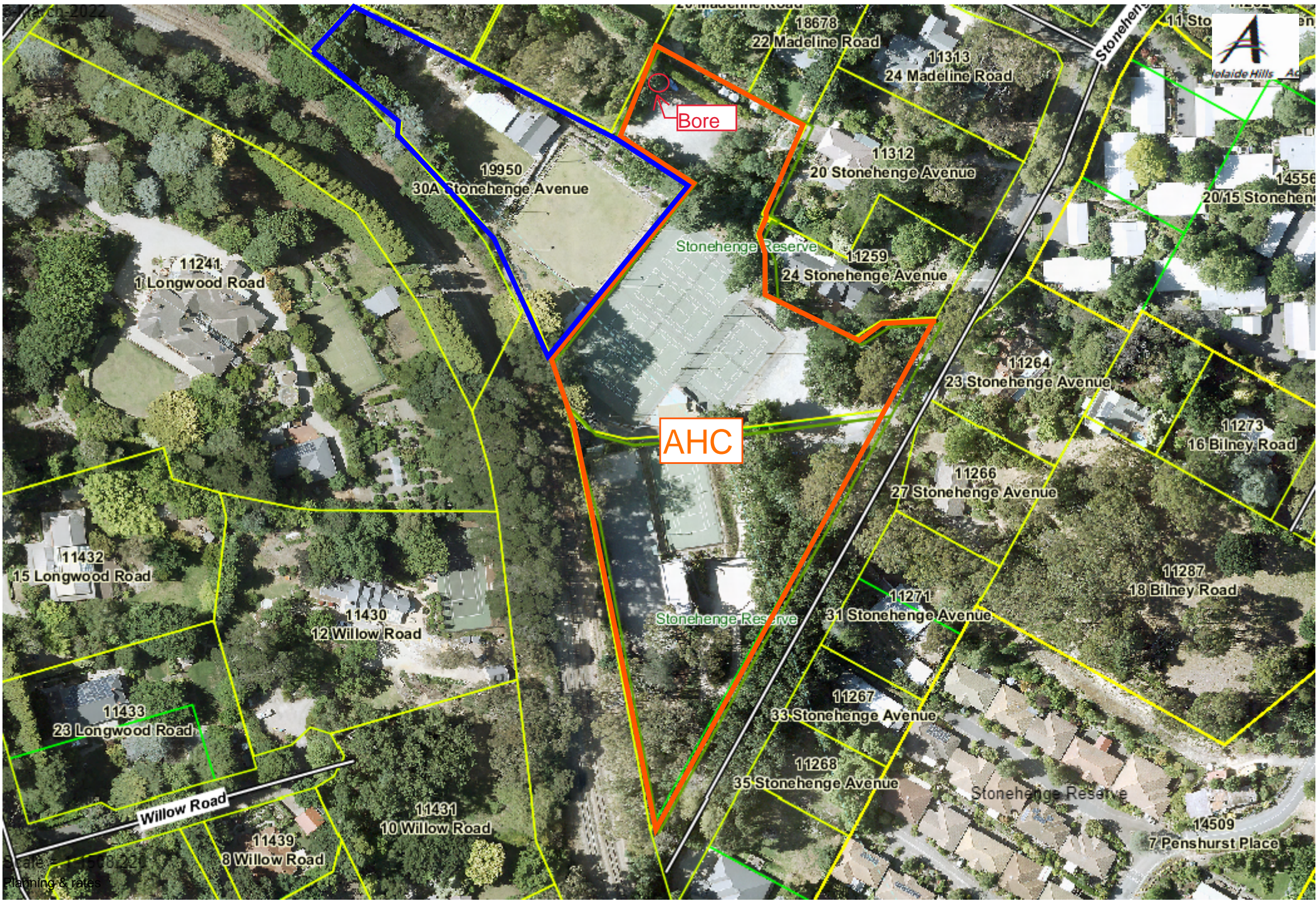


Planning & rates

20 m
Scale = 1:752.220

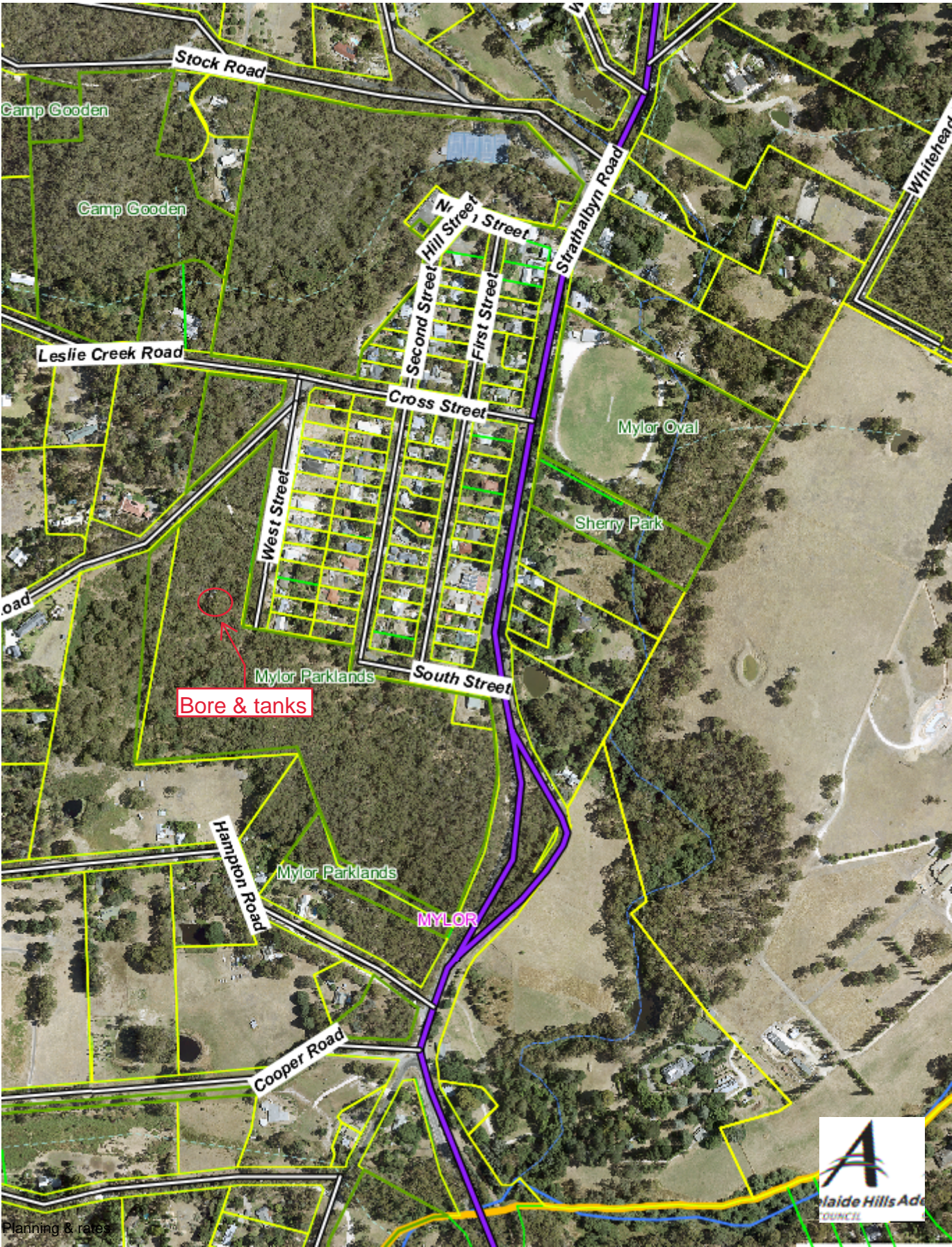
Appendix 3

Stonehenge Reserve Stirling



Appendix 4

Mylor Parklands Bore



200 m
Scale = 1:6032.880

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: David Waters
Director Community Capacity
Community Capacity

Subject: The Remoteness Sculpture

For: Decision

SUMMARY

The sculpture known as *The Remoteness* by Miguel Isla, in front of the Coventry Library, Stirling, was gifted to the Council by Adelaide Hills International Sculpture Symposium Inc (AHISS) in November 2012.

AHISS produced the sculpture as part of the 2012 Adelaide Hills International Sculpture Symposium, along with seven (7) other sculptures. The sculpture forms part of the Hills Sculpture Trail, comprising 26 sculptures produced over three symposia.

Following identification of cracks in the subject sculpture, fencing was placed around the sculpture and an engineering assessment was commissioned in August 2020. The assessment confirmed that the cracking was of concern and that there was a “very real risk to public safety which should not be ignored” as the consequence of collapse could be significant.

The sculpture was monitored over a 12 month period and a new engineering assessment carried out. This assessment observed cracking of a greater extent than identified in the previous assessment and concluded that the sculpture was “generally unstable” and recommended that barriers or fencing be put in place to prevent public access. It should be noted that temporary fencing has been in place since the cracking of concern was first identified.

This report recommends removal of the sculpture, but with retention of elements of it in the surrounding landscape, on the basis that:

- the risk to the public is unacceptable if the sculpture is not isolated
- isolating the sculpture with a suitable barrier or fence would have detrimental impacts on the amenity of the area and the artistic integrity of the sculpture
- no viable repair or remedy has been identified which would not detract from the artistic integrity of the sculpture and negate the need for barrier fencing.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That the sculpture known as *The Remoteness*, be removed from the area in front of the Coventry Library, Stirling.
 3. That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating.
 4. That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing

Objective 6 Celebrate our community's culture through arts, heritage and events.

Priority 6.4 Foster the development of public art that adds value to public spaces and supports place making in our community.

The Remoteness was created as part of a series of international sculpture symposia conducted locally in the 2010s with the vision of "enriching the Hills with sculpture." The symposia were community led and run, with local businesses, families and individuals contributing toward the costs of commissioning sculptors from around the world to produce the works.

The sculptures add value to their locations by not only attracting interest in their own right but by collectively comprising the Hills Sculpture Trail which supports art tourism.

Although not applicable to *The Remoteness*, several sculptures were commissioned by local communities and help foster a sense of pride in their respective townships and localities.

The Remoteness was commissioned primarily by the Stirling Business Association.

Art and Heritage Collection Policy

The Council's *Art and Heritage Collection Policy* (adopted 28 July 2020) contains provisions for the deaccession and disposal of art and heritage items. Included in the listed reasons for removal are:

- The item is damaged or deteriorated to such an extent as to be beyond reasonable restoration
- The item is a risk to public safety.

Both of the above are relevant in this instance, as discussed later in the report. The Policy further provides that the final decision on deaccession and disposal shall be by resolution of the Council.

Disposal of Assets Policy

The Council's *Disposal of Assets Policy* outlines the key principles relating to the sale or disposal of Council assets. Provisions relating to the disposal of major plant and equipment are most relevant to disposal of the sculpture.

As outlined later in this report, removal of the sculpture is recommended. It is not realistic to offer the sculpture for sale due to its fragile condition and, in any event, the cost of removal, handling, relocation and installation in another place is likely to outweigh the perceived value of the sculpture in the eyes of a potential buyer.

The provisions of the policy related to "destruction and/or recycling" are relevant.

Indicative quotations suggest that the most cost effective method of disposal is demolition of the sculpture with no obligation to save or retain any elements of it intact and enable the demolition contract to have salvage rights over any materials. As discussed later in this report, however, there is a sense that retention and 'reuse' of some elements of the sculpture would be desirable.

➤ **Legal Implications**

Ownership

The Council is the legal owner of *The Remoteness*, having been gifted the sculpture by the Adelaide Hills International Sculpture Symposium Inc. following its installation in November 2012.

In accepting the gift, the Chief Executive Officer wrote, in a letter to AHISS at the time, that "although the sculpture is gratefully accepted and will be installed at the agreed location, the Council is unable to guarantee that the sculpture will always be able to stay at that site, or that it will remain free from damage, wear and tear or vandalism."

Accordingly, the Council is under no legal or contractual obligation to retain the sculpture, either in place or in any other location.

Work health and safety

The *Work Health and Safety Act 2012* places a primary duty of care on a person conducting a business or undertaking, in this case the Council, to provide a safe workplace and manage associated risks. The Officers of the person conducting a business or undertaking also have particular obligations. As the site of the sculpture is a workplace for the Council's staff, the provisions of the Act apply and it is necessary to properly manage the risks.

Sub-section 17(1) of the Act states:

A duty imposed on a person to ensure health and safety requires the person— (a) to eliminate risks to health and safety, so far as is reasonably practicable; and (b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

Public liability

The Council is also potentially exposed to potential liability should the sculpture fail and cause harm. This is discussed further in the risk management section of the report.

➤ **Risk Management Implications**

There are a number of risks applicable to this matter, including reputational risks of removing the sculpture, liability risks if the sculpture fails and financial risks if the Council seeks to modify or replicate the sculpture.

The removal of the sculpture will assist in mitigating the risk of:

Sculpture failure leading to serious injury or death of a person/s.

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (4E)	Low

The inherent risk is based on the considered likelihood and consequence of collapse with no isolation from the public. The residual risk is based on the fact that the sculpture is presently isolated from close contact by the public. The fencing which is in place to achieve this is not considered to be a suitable option in the long term and does not entirely eliminate the possibility of injury in the event of collapse, especially to workers who would, from time to time, need to go within the fenced area to maintain the grounds. Thus, other solutions are considered necessary to further reduce the risk.

Other risks assessed in relation to this matter include:

Sculpture remaining surrounded by temporary fencing for an extended period, leading to sustained but localised criticism and limited short term impact on community confidence.

Inherent Risk	Residual Risk	Target Risk
High (3B)	High (3B)	Low

This risk can be mitigated by resolving the matter in a timely fashion.

Altering the sculpture so as to enable it to remain in place without fencing, leading to loss of artistic integrity and sustained damage to Council's reputation in the arts sector.

Inherent Risk	Residual Risk	Target Risk
High (3B)	High (3B)	Low

This risk can be mitigated by taking an alternative approach, as recommended in this report.

Removing the sculpture, leading to local public criticism and detrimental impact on economic/cultural benefits that it contributes through the sculpture trail.

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

This report recommends the removal of the sculpture, thus exposing Council to this particular risk, however, the risk has already been mitigated to some degree by involving key stakeholders in working through the options and arriving at a recommendation. It will be further mitigated, should Council resolve as per the recommendation, by the production and execution of an appropriate communications campaign. The retention, if possible, of elements of the sculpture on site will also have a positive impact on this risk as it will retain a place on the sculpture trail, albeit in an unconventional way.

➤ **Financial and Resource Implications**

The Council is not able to make an insurance claim as the damage to the sculpture is as a result of natural deterioration, wear and tear and/or construction and installation method.

The financial implications of addressing the risk posed by the potential collapse of the sculpture will depend on the option taken to address it. The cost estimates for each are discussed in the Analysis section of the report, but they range from \$1,000 to \$25,000+.

There is no specific budget allocation to address this matter, however, if one of the lower cost options are chosen, the work can be carried out within existing operating budget allocations.

It should be noted that the Council did not pay for the sculpture – it was gifted by AHISS – and did not contribute to the commissioning fee. The Council did, however, contribute to installation costs and provided in-kind support to AHISS.

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

The Council's customer service centre at Stirling has received regular enquiries from members of the public in the last 18 months regarding the future of the sculpture. In the main, these queries are about the fencing currently in place to isolate the sculpture and how long it will be in place, with a general theme that the fencing detracts from the amenity of the area.

As the sculpture itself is less than 10 years old, there is no long standing community connection or heritage value to it. The sculpture is not a memorial, nor is it dedicated to anyone or any specific thing (aside from being part of a trail of sculptures).

The sculpture was commissioned by the local business community through the Stirling Business Association and the style, shape and form of the sculpture was left entirely to the artistic discretion of the sculptor. Engagement with the Stirling Business Association is discussed later.

Community members were involved in the establishment and operation of AHISS and those who were gave significant time and expertise to the initiative. Engagement with AHISS stakeholder is discussed later.

On balance, although the sculpture appeared to be generally liked by the community, the sense is that the preference would be to remove the sculpture as against installing permanent barrier fencing and that there would be no great sense of loss in the broader community. The Administration does not consider that the community would want the Council to invest significant ratepayer funds in the matter, albeit formal community engagement has not been carried out in this regard.

➤ **Sustainability Implications**

Due to its deteriorating condition and risk, and the general sentiment against permanent barrier fencing, it is not sustainable to retain the sculpture as-is.

The recommendation to retain, if practicable, elements of the sculpture for informal seating in the surrounding landscape, demonstrates the principles of repurposing and re-use of resources, thus supporting environmental sustainability goals.

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

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable.
<i>Council Workshops:</i>	A workshop with Council Members was held on 8 February 2022.
<i>Advisory Groups:</i>	Not applicable.
<i>External Agencies:</i>	Stirling Business Association
<i>Community:</i>	Former AHISS representatives Sculptor Miguel Isla

See commentary in the Analysis section regarding engagement with Stirling Business Association, the former Artistic Director of AHISS and the sculptor.

2. BACKGROUND

The sculpture known as *The Remoteness* by Miguel Isla, in front of the Coventry Library, Stirling, was created as part of a series of international sculpture symposia conducted locally in the 2010s with the vision of “enriching the Hills with sculpture.” Adelaide Hills Council, along with Mount Barker District Council, provided the symposia organising committee (AHISS) with seed funding and part-commissioned two specific sculptures (at Balhannah and Bridgewater) along the way.

The Council also provided in-kind project management support, particularly in relation to the installation of the 26 sculptures produced by the symposia. Indeed, the Council successfully obtained a Federal Government grant to assist with installation, landscaping improvements and signage for each sculpture and the trail as a whole.

The Remoteness, which was commissioned by the Stirling Business Association, was gifted to the Council by AHISS at the time of its installation on site in November 2012.

AHISS produced the sculpture as part of the 2012 Adelaide Hills International Sculpture Symposium, along with seven other sculptures. The sculpture forms part of the Hills Sculpture Trail, comprising 26 sculptures produced over three symposia.

3. ANALYSIS

Following identification of cracks in the subject sculpture, the sculpture was fenced off and an engineering assessment was commissioned in August 2020. The assessment confirmed that the cracking was of concern and that there was a “very real risk to public safety which should not be ignored” as the consequence of collapse could be significant.

The sculpture was monitored over a 12 month period and a new engineering assessment carried out. This assessment concluded that the sculpture was “generally unstable” and recommended that barriers or fencing be put in place to prevent public access. It should be noted that temporary fencing has been in place since the cracking of concern was first identified.

The sculpture is made of natural stone; black granite, sourced from Walker Flat in South Australia. The sculpture is not internally reinforced, albeit there is a steel connecting pin running through all the components and into the base and there are a number of steel ‘locating pins’ installed to ensure each piece lined up and connected to each other correctly during installation. As such, the sculpture, which cantilevers from its base, relies primarily on the strength of the stone itself to stay together. It is inherently difficult to determine the strength of natural stone due to natural imperfections and variabilities. It is therefore impossible to predict the ongoing decline of the sculpture or determine with certainty its likelihood of collapse.

Council staff contacted members of the former AHISS committee (note: AHISS formally wound-up after the last of the three symposia) about the matter and have since been in liaison with Sylvio Apponyi, the AHISS Artistic Director, local resident and world renown sculptor. Mr Apponyi is intimately familiar with the sculpture, having been responsible for completing the sculpture when Mr Isla returned home and subsequently coordinating its installation on site. Mr Apponyi has carried out minor repairs in the sculpture since its installation.

Mr Apponyi supports the assessment that the sculpture is deteriorating and is at risk of collapse. Mr Apponyi’s familiarity with the sculpture and its method of installation has informed further analysis of options to address the risk.

Mr Apponyi also undertook to update Mr Isla on the matter.

Council staff have also engaged with the Stirling Business Association, briefing the Association's committee twice and having more detailed discussions with the committee's delegate, its chairperson Simon Jones (who, incidentally, was also Deputy Chair of the AHISS Committee for a time). The Association's committee understands the risk associated with the matter and supports that being addressed, acknowledging that this may mean the sculpture is removed. Mr Jones has further contributed to ideas around how to address the risk and has advocated for the retention of some elements of the sculpture in the surrounding landscape in the interests of keeping the sculpture's place on the Hills Sculpture Trail.

Five options to address the risk associated with the sculpture were explored and these are discussed below.

Option 1a – retain as-is

This option would involve grouting the cracks to prevent water ingress and slowing the rate of deterioration and installing permanent fencing around the sculpture to reduce the hazard posed by potential collapse to members of the public.

Pros: retains integrity of the Hills Sculpture Trail, albeit it would be the only sculpture on the trail which cannot be touched.

Cons: detrimental impact on amenity, including inability to touch the sculpture
Sculpture likely to continue to deteriorate and may still collapse.

Option 1b – retain and repair/support

This option would involve remedial work to strengthen the sculpture by methods such as installing a band around it, concrete encasing the voids and/or installing a full length supporting base.

Pros: retains integrity of the Hills Sculpture Trail, albeit the sculpture will look different
Retains amenity of the surrounding landscape.

Cons: detrimental impact on amenity of the sculpture, loss of artistic integrity, relatively expensive.

Note: Due to the difficulty experienced in the installation of connecting pins at the time of installation and the known fragility of the stone, it is not considered possible to reinforce the stone by installing internal reinforcing pins or bars, i.e. the sculpture is likely to break up in the process.

Option 2a – remove and dispose

This option involves the demolition of the sculpture, with the appointed contractor being able to reclaim materials if possible.

Pros: low cost, eliminates public risk, enables surrounding landscape to be used in other ways.

Cons: sculpture is 'lost' to the Hills Sculpture Trail.

Option 2b – remove and relocate/repurpose/reuse

This option involves dismantling the sculpture and re-placing elements of it (if safe to do so) in the same precinct, e.g. one half lying on its side on the pavement near the library for informal outdoor seating.

Pros: eliminates public risk, enables reshaping of lawns and for the space to be used in other ways, enable elements of the sculpture to be retained on the Hills Sculpture Trail, albeit in an unconventional form.

Cons: sculpture is partly 'lost' to the trail, potentially high cost if pieces prove difficult to remove and retain without breaking up.

Option 2c – remove and dispose, but recognise

This option involves the commissioning of high quality photographs and documentation of the sculpture prior to demolition, such that there is potential for innovative photographic displays, e.g. decals on the library windows, projections onto pavers, etc and interpretive information being provided near to where the sculpture once was. This information can also be provided to other parties which come up with other innovative ideas in future.

Pros: medium cost, eliminates public risk, enables reshaping of lawns and for the space to be used in other ways.

Cons: sculpture is 'lost' to the Sculpture Trail, but is kept in a visible form in other ways.

Summary of options

	Cost	Trail integrity	Amenity/ artistic integrity	Effectiveness/Risk	Comments
Option 1a Retain and isolate	Low \$1k - \$2k	✓✓	-	✓	Fencing within library lawns unlikely to get public support
Option 1b Retain and repair/concrete encase/support	High \$25k+	✓	✓	?	Questions over suitability from artistic integrity perspective
Option 2a Remove	Low \$1k - \$2k	-	✓✓	✓✓	May not be well received if no recognition of the sculpture
Option 2b Remove and retain elements	Med-High \$10k-\$20k	✓	✓✓	?	Could be well received if done well. High risk of breakage.
Option 2C Remove and recognise	Med \$2k - \$5k	✓	✓✓	✓✓	Most practicable option which retains some recognition of the sculpture

The key stakeholders engaged throughout this process have expressed an understanding of the condition of the sculpture and its continuing deterioration. They understand the risk posed by the sculpture remaining as-is. They have expressed a desire for retention of the sculpture in some form, be it physical and/or virtual, on the site.

The proposal ultimately reached is a combination of Option 2b and Option 2c. It involves making reasonable endeavours to dismantle at least one part of the sculpture (there are four parts) either in one or two pieces and place them safely on their side in the surrounding landscape as artistic elements and informal seating. The exact placement of the pieces will need to be determined on site at the time as this will depend on the size and shape of the pieces that can be salvaged, but the most likely location is on the concrete area under the library eaves, or in the lawn nearby. It should be noted that while the Administration is confident that some reasonable sized pieces of the sculpture can be salvaged for placement in the landscape, there exists a possibility that it will break up in the process.

The remainder of the sculpture will be broken up and disposed of, which may involve salvage of small pieces as part of the demolition contract.

Prior to demolition, documentation and photography would be carried out, to enable future use of same to create a display, or for other innovative purposes as outlined in Option 2c.

The cost of executing this option is estimated to be around \$10,000, including photography and documentation of the sculpture, crane work, public safety measures and demolition. No allowance is made for the future use of the photographs or documentation.

This report recommends removal of the sculpture, but with retention of elements of it in the surrounding landscape, on the basis that:

- the risk to the public is unacceptable if the sculpture is not isolated
- isolating the sculpture with a suitable barrier or fence would have detrimental impacts on the amenity of the area and the artistic integrity of the sculpture
- no viable repair or remedy has been identified which would not detract from the artistic integrity of the sculpture and negate the need for barrier fencing.

Should Council resolve as per the recommendation, works are likely to proceed in the next 1 – 2 months. As mentioned earlier in the report, a communications campaign will be designed and implemented to manage public messaging around this matter.

4. OPTIONS

Council has the following options:

- I. Take action to address the risk posed by the sculpture, as recommended in this report. (Recommended)
- II. Take action to address the risk posed by the sculpture in another way. (Not Recommended)
- III. Leave the sculpture as-is. (Not Recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.4

Responsible Officer: Jess Charlton
Manager Libraries and Customer Service
Community Capacity

Subject: Libraries Strategy

For: Decision

SUMMARY

The purpose of this report is to provide a draft *Libraries Strategy* (the Strategy) for the Council's consideration for adoption for consultation purposes.

Development of a strategy to guide library services was one of the outcomes of the Library Services Review completed in 2019. Further, one of the Chief Executive Officer's performance targets for 2021-22 is to "*Develop a Library Services Strategic Plan which will help to guide the future development and programs related to our library services and staff*".

The draft Strategy outlines a range of objectives, priorities and actions, aligned to the community wellbeing goal of Council's *Strategic Plan 2020-24 – A brighter future* (the Strategic Plan) and will provide overall guidance for the delivery of library services to the community.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To approve the *Draft Libraries Strategy*, as contained in *Appendix 1* as a draft for public consultation purposes.
 3. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Strategy prior to it being released for public consultation.
 4. That the CEO be authorised to determine the dates and method of the public consultation.
 5. That the outcomes of the consultation be reported back to the Council as part of considering the adoption of a final Libraries Strategy.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing

Objective C1 A community for everyone – that is inclusive, welcoming and accessible

Priority C1.1 Provide welcoming spaces and places for the community through our libraries, community centres, and Council and community facilities

Goal Community Wellbeing

Objective C3 A community that grows together

Priority C3.1 Provide and support programs and services that encourage and enhance personal growth, lifelong learning and professional development

Broadly, the provision of library services contributes to a number of goals in the Council's *Strategic Plan 2020-24 – A brighter future* through the provision of learning and information services at all stages of life.

The objectives and priorities of the draft *Libraries Strategy* reference the community wellbeing goal in the Strategic Plan. In other words, it aims to outline how the Council's Libraries will contribute to the achievement of the Council's strategic objectives.

➤ Legal Implications

Section 7 of the *Local Government Act 1999* outlines the functions of councils. Among other things, these include:

(b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities).

Councils are not obliged to provide libraries, however, it is customary to do so. In some Councils, particularly in regional and remote areas, combined school/public community libraries exist, which are co-funded by the State Government and the local council.

Section 7 of the *Libraries Act 1982* has objectives which clearly contemplate and promote the delivery of library services by councils.

(1) The objectives to be sought in the administration of this Act are as follows:

(a) to achieve and maintain a co-ordinated system of libraries and library services that adequately meets the needs of the whole community;

(b) to promote and facilitate the establishment and maintenance of libraries and library services by councils and other appropriate bodies;

(c) to promote a co-operative approach to the provision of library services;

(d) to ensure that the community has available to it adequate research and information services providing access to library materials and information stored in libraries and other institutions both within and outside the State.

(2) The library services referred to in subsection (1) include the lending of library materials without direct lending charge or the payment of a membership fee.

➤ **Risk Management Implications**

Adopting a strategy to guide the delivery of library services will assist in mitigating the risk of:

Failure to provide for the welfare, well-being and interests of the community leading to decreased wellbeing and an over-reliance on social support.

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

The provision of library services is one of many ways the Council mitigates this risk.

Other impacts are also recognised in the Council's risk register relating to a failure to provide for the welfare, well-being and interests of the community, however the risk to overall community wellbeing is most relevant to library services as they contribute to the important well-being contributors: literacy, connectedness and lifelong learning.

➤ **Financial and Resource Implications**

Implementation of the *Libraries Strategy* will be funded through existing capital and operational funding as envisaged in Council's *Long Term Financial Plan*. Grant funding may be sought where suitable for particular initiatives and staff have placed a renewed emphasis on exploring these opportunities.

Council Members may be aware that although continued State Government's operations and materials grants to public libraries are included in the Government's budget forward estimates, the overall state-wide allocated is capped, i.e. it is not subject to annual indexation or escalation. At the same time, the cost of providing library services continues to grow. As a consequence, incremental pressure will be applied to Council's own budget and it will be necessary to continually review service delivery priorities and identify efficiencies.

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

Council's libraries provide a range of learning, literacy and technology services. The draft *Libraries Strategy* is intended to guide the delivery of these services to the community and includes a number of initiatives in response to changing trends in community expectations, library collections and literacy programs, including:

- A review of opening hours across branches
- Refurbishment of the Gumeracha Library and Service Centre
- Assessment of any physical or service barriers in alignment with the *Disability Access and Inclusion Plan*
- Investigation of co-working and networking spaces within libraries

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable.
<i>Council Workshops:</i>	A planning workshop was held on 10 November 2020 at which Council Members were given the opportunity to provide input on the draft objectives, priorities and actions. A further workshop was held on 15 March 2022, at which Council Members were presented with the draft Strategy and provided an opportunity to give feedback before finalisation.
<i>Advisory Groups:</i>	Not applicable.
<i>External Agencies:</i>	Not applicable.
<i>Community:</i>	Workshops held in October and November 2021 with the Friends of the Library groups.

2. **BACKGROUND**

In June 2019, the Council received a report detailing the outcome of a review of Council's library services. The review provided a number of strategic and operational recommendations to improve the delivery of those services to the community. One of these was to develop a library services strategy.

At its meeting on 25 June 2019, Council resolved:

12.4 Library Services Review

Moved Cr Ian Bailey
S/- Cr Pauline Gill

173/19

Council resolves:

- 1. That the report be received and noted.**
- 2. 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.**
- 3. That a Library Services Strategy be developed during 2019-20.**
- 4. That Council consults with the community on any changes to operating hours and services.**

Carried Unanimously

Development of the Strategy began in late 2019 but was paused in 2020 as a result of the COVID-19 pandemic and the need to implement updated service delivery processes. A draft Strategy was presented at a Council Workshop in November 2020 which gave Council Members an opportunity to provide feedback on the priorities and actions. Subsequent changes to library management and the detailed review of outreach services in 2021, as well as a second wave of impacts from the COVID-19 pandemic, resulted in further development being postponed until the second half of 2021. The various Friends of the Libraries groups were engaged and had input into the draft in October and November 2021.

One of the Chief Executive Officer's performance targets for 2021-22 is to:

Develop a Library Services Strategic Plan which will help to guide the future development and programs related to our library services and staff. Present the strategy to Council for its consideration.

3. ANALYSIS

The draft *Libraries Strategy* is contained in **Appendix 1**. For the sake of brevity, the contents are not repeated here, however the key components are:

- An introduction to Adelaide Hills Council Libraries and the services they provide
- A snapshot of loans, visits and attendance in recent years, noting changes in the last 12-24 months when compared with the previous five years
- An overview of trends and considerations that have guided the development of the Strategy. This includes collection development, digital literacy, programs and events, outreach services and the provision of flexible community spaces
- Description of relevant state and federal bodies and the links between the strategy and other Council and State Government documents
- A plan detailing the objectives, priorities and actions for Council's Libraries over the coming years. Importantly, the objectives reference those in the community wellbeing goals of Council's Strategic Plan, thus outlining how Libraries will contribute to the achievement of the Council's strategic objectives.

The Library Services Review has informed the development of the Strategy. Notable recommendations from the Review that have shaped the priorities and actions include:

- Further integration of the Gumeracha Library and the Torrens Valley Community Centre
- Matching operating hours to usage patterns across sites
- Exploring spatial needs for various sectors and activities
- Continuing to evolve programs to meet community needs and preferences

Public Consultation

While consultation on the draft Strategy is not required, given that it sets the direction for delivery of services to the community, it is suggested that the draft be put out to public consultation. The proposed approach includes the following elements:

- An advertisement being placed in a newspaper circulating in the area
- The draft Strategy being made available for review at service centres and online
- Submissions being invited for a period of 21 clear days from the date of advertisement.

The results of the consultation will be presented to Council in May 2022 as part of considering the Strategy for final adoption.

Key Initiatives

While many of the priorities included in the Strategy reflect ongoing approaches to the provision of library services, there are a number of actions listed for completion in the short-term. Some of these initiatives are:

- A review of opening hours across branches in alignment with community preferences and usage patterns
- Refurbishment of the Gumeracha Library to provide an updated and welcoming space with easily accessible collections and resources, that reflects the community's needs
- Development of Collection Development Guidelines that ensures collections are inclusive and representative of the needs and interests of all sectors of the community
- Development of Digital Literacy programs that reflect the current and emerging needs of the community. The 'Being Digital' state-wide program developed by Public Library Services is expected to feature in the program offering and is focused on equipping people with the basic skills needed to participate in the digital world
- Investigation of co-working, networking and meeting spaces which staff have observed are in increasing demand.

Implementation and Monitoring

The strategy has been designed to guide service delivery in both the short and medium term without a fixed lifespan. However, given the change in use of public libraries, particularly as a result of the COVID-19 pandemic, it is expected that the Strategy will be reviewed in the next two to three years. By this time, clearer community needs, preferences and usage patterns are expected to stabilise.

Reporting on achievements against the priorities outlined in the plan will occur through the Council's Annual Report and through periodic reporting in line with the Strategic Planning Framework, including via the Quarterly Performance Report.

4. OPTIONS

Council has the following options:

- I. Receive and note the draft *Libraries Strategy* and approve the Strategy for public consultation (Recommended)
- II. Receive and note the report but determine not to approve the Strategy for public consultation. Should the Council identify the need for substantial amendments to the Strategy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.

5. APPENDIX

- (1) *Draft Libraries Strategy - March 2022*

Appendix 1

Draft Libraries Strategy – March 2022



Adelaide Hills Council

Draft Libraries Strategy

March 2022

Plain text version for consultation purposes.

Final published version to be formatted.

Contents

Introduction	2
What our libraries offer	3
Libraries snapshot	3
Community snapshot	4
The Libraries Strategy	4
Trends and considerations	6
Strategic context	9
Objectives and priorities overview	10
Implementation and monitoring	16

DRAFT

Introduction

“The future of public libraries lies in the value they create from the nexus of people, place, knowledge and technology to create a platform for learning, participation, creativity, innovation and well-being.”

Tomorrow’s Libraries: Future directions of the South Australian public library network 2019, Public Library Services p.14

Adelaide Hills Council Libraries are strongly valued by our community and this is demonstrated by the relatively high level of borrows and visits per capita. We provide highly used physical and digital collections for borrowing, well-attended activities and programs for adults and young people, opportunities for social connection, access to information technology and welcoming spaces in which to meet, study and work.

We have branches in three locations – Stirling, Woodside and Gumeracha – together with a mobile library that travels across the Council area. An outreach home delivery service is provided for residents unable to visit one of our libraries due to illness, disability, frailty, lack of transport or carer responsibilities.

Our libraries are well supported by the community, through Friends of the Library groups at Stirling, Woodside and Gumeracha and a large number of volunteers who provide their time and support for various library functions.

The Adelaide Hills Council provides the significant proportion of the funds for its libraries. This is supplemented by funding from the State Government through the Libraries Board of South Australia.

We are a member of the ‘One Card’ network which provides access to over 3 million items from public libraries across South Australia.

Acknowledgement of Country

Council acknowledges that we undertake our business on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land.

What our libraries offer

Adelaide Hills Council Libraries service a large area and support a diverse community. They provide access to a range of services and ensure community needs are met through the delivery of resilient and adaptive service provision. They provide a range of learning, literacy support, technology and social connection opportunities for our community.

This includes:

- Print, audio-visual and digital materials that meet the needs and interests of the community and provides equitable distribution across branches
- Programs and activities providing language, literacy, learning and digital literacy support across all ages
- Access to and support with existing and emerging digital technologies
- Spaces designed to accommodate a range of requirements, from community hubs, quiet study areas, integrated zones to enable social connectivity and options for people working remotely
- Provision of council services, including payments, customer requests and general enquiries
- Access to local history through co-located community run history groups
- Events and exhibitions, including those that highlight local authors and artists
- Complementary services such as Justices of the Peace

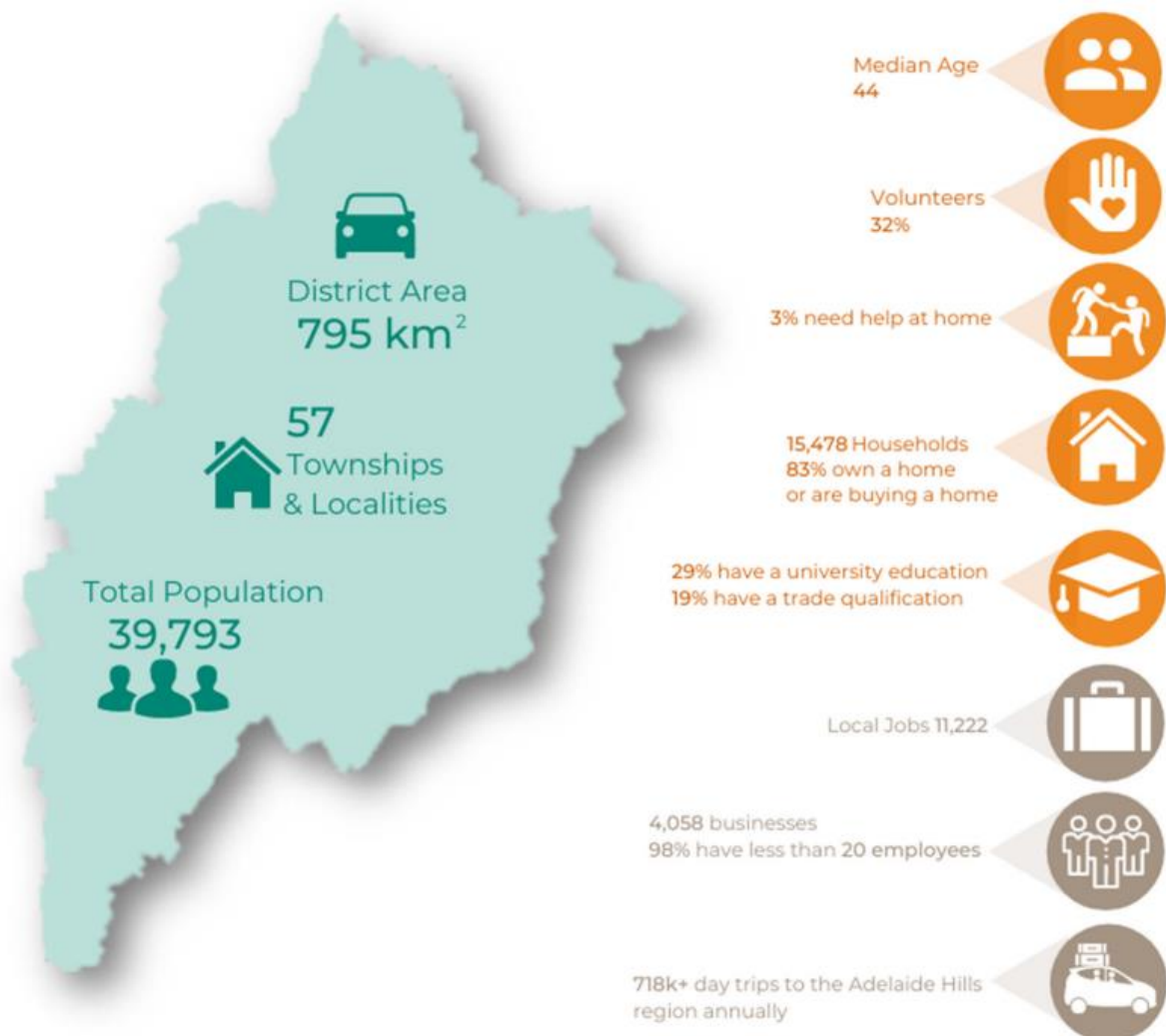
Libraries snapshot

- 68,837 physical items
- 851,251 physical loans per year
- 12 loans per physical item per year
- 74,488 digital loans
- 134,758 library visits in 2020-21
- 264,088 average library visits per year (2016-2021)
- 13,405 registered borrowers
- 6,065 attendances at programs and activities in 2020-21
- 15,787 average attendances at programs and activities per year (2016-21)
- 69 regular home delivery service clients in 2021

Information to be presented using infographics in published version.

*Based on 2020-21 unless otherwise indicated

Community snapshot



The Libraries Strategy

In 2019, Council undertook a service review which identified the need for a strategy to set the direction for library services.

The review highlighted that the role, purpose and value of modern public libraries has been reimagined as a result of the emergence of information technology and the reconfiguration of libraries as flexible community spaces.

Libraries also increasingly play a role in supporting digital literacy in the community and this has been reinforced with recent stipulations placed on the use of State Government funding to support communities in this way.

Like all sectors, public libraries have seen many changes as a result of the COVID-19 pandemic. There have been periods of library closure, fewer in-person visits and capacity limits on programs and activities. In contrast, there has been an increase in demand for digital content and resources and for home delivery services.

Library spaces and technology have remained popular for working and studying. Despite capacity limits, programs and activities for children have continued to be well-attended and remain important opportunities for social connection and literacy development.

Our libraries need to be responsive to these trends while providing services that are relevant, add value and match community expectations.

The Libraries Strategy has been developed with these considerations in mind and is aligned with the Council's *Strategic Plan 2021 – A Brighter Future*, particularly the goal and priorities around community wellbeing.

This Strategy has been developed with the input of the Council's dedicated libraries team following consultation with key stakeholders. It incorporates valuable feedback from previous community surveys which were undertaken as part of the library services review.

Trends and considerations

Collection development

Physical and digital collections are a fundamental part of the public library environment. Collection development, involves careful curation and analysis of collections, matching user needs, technical know-how and cataloguing knowledge to meet community expectations.

The aim is to procure, develop and promote both physical and digital resources to engage users and support the well-being of the community. Importantly, this includes children's and adult materials that support the literacy of readers at all developmental stages including users with dyslexia and other learning difficulties. These non-mainstream items are not always easy for the public to find and our service provides an opportunity for the community to share these resources.

The provision of both fiction, non-fiction and audio-visual materials stimulate users to explore and seek items to either extend knowledge or meet recreational and wellbeing needs. Our library collections have one of the highest turnover rates across the South Australian Public Library Network. This is attributable to the popularity of the service and reflects a collection that complements demographic needs.

Whilst the library's physical collection has become smaller over the last 5 years, the state-wide One Card Network has opened up access to more resources for our community through the ability to borrow items from any public library in the state.

The popularity of digital content is increasing, notably as a result of the COVID-19 pandemic and the associated closures of libraries and reduction of in-person visits. In 2020-21, digital loans including eBooks, eAudiobooks and eMagazines increased by 21% across the South Australian Public Library Network. While this trend presents opportunities to streamline technical processes, it presents other challenges – navigating digital licence types and terms and maintenance of the collection when access to titles expires.

In the coming years, we expect to further develop digital offerings and focus the physical collection on those items most in demand and which meet the specific needs of the Adelaide Hills community.

Digital literacy

Libraries have long supported and promoted access to existing and emerging technologies and are therefore ideally placed to support digital literacy in their communities.

In recent years, libraries have expanded their programs to include digital literacy initiatives that develop the skills needed to participate in today's digital world. Public Library Services developed a state-wide program in 2021-22 – 'Being Digital' – focused on the digital basics, with topics including social media, video calling, protecting your identity online, and digital COVID-19 vaccination certificates.

Recent State Government funding for public libraries has been partly tied to the delivery of digital literacy support services and this is expected to continue. These programs have implications for staff development and resourcing and it will be important for us to target our digital literacy support offering to those areas which are not covered by mainstream education providers, such as primary and secondary schools for young people, and which do not duplicate services provided by nearby community based providers.

Programs and events

Reading and traditional literacy remain at the heart of the public library offering. Libraries continue to work inter-generationally to support the literacy of children and families, improving the educational, health and employment outcomes that literacy in the early years has consistently been found to support¹. Opportunities to engage in learning and to be part of a connected and vibrant community are also key drivers of programs and events.

The COVID-19 pandemic has seen an increasing demand for alternatives in program delivery approaches, including online programs. Our library has responded to this with online story times and online school holiday activities, as well as moving some programs outdoors where possible.

As we move out of the pandemic, our programs need to support the needs of our community to strengthen community connections in safe and positive ways.

We have a diverse community and our programs will continue to focus on being accessible and inclusive for all, including people in our community with disability. Online programming may increase opportunities in this space.

Outreach services

The aim of “outreach” in libraries is to provide equitable delivery of services to the community and we achieve this through the Home Delivery Service and the Mobile Library. In recent years there has been an increase in demand for home delivery services, partly due to the ageing population and particularly as a result of the COVID-19 pandemic.

The Mobile Library will be replaced in 2022 with a smaller, more versatile vehicle, which will facilitate broader access and better alignment to community demand and need. In addition to public stops and visits to schools, the service will be able to visit early learning centres, aged care facilities and retirement villages. There are opportunities to use this resource at events and activities to promote library programs and collections.

There is potential for high demand for the more versatile mobile library service and it will be important to target visits to those facilities of greatest need and locations where access to built library branches is limited by distance.

The Home Delivery Service relies on a dedicated team of volunteer delivery drivers. It is important to continue to build the skills of volunteers to respond to the needs of the recipients of this service.

Flexible community places

Contemporary libraries offer their communities dynamic and flexible spaces and furnishings that people want to be in. They are sometimes seen as a ‘third place’ away from home and work.

Beyond accommodating physical collections, libraries provide space for a diverse range of activities and functions, including access for laptops and devices, charging stations, technology-enabled

¹ Raising Literacy Australia (2012). *Building Foundations for Early Learning*. The Big Book Club.

meeting rooms and maker-spaces that support and encourage creative, digitally inclusive, learning communities.

With more people working from home or in non-traditional workplaces, there is an increasing demand for co-working and informal meeting spaces and we have observed our library spaces increasingly being used in this way. Libraries are also used as social meet-up points, particularly during the day by parents with pre-school aged children and after school by students. After hours, community groups often seek a venue to hold meetings, run educational workshops or present interest talks.

With these increasingly important economic and social roles libraries play in communities, it is important to move toward multipurpose community and library facilities, including event spaces. Future library design and refurbishment needs to factor in a high degree of adaptability that can accommodate new and varied purposes and collection reorganisation.

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Strategic context

Adelaide Hills Council libraries are supported by a number of state and federal bodies.

Public Libraries Services & the Libraries Board of South Australia

Public Library Services (PLS) is a business unit of the Libraries Board of South Australia. PLS is the central support agency for all South Australian public libraries and steers the continued delivery of a co-ordinated public library network in South Australia under the One Card libraries banner.

The Libraries Board of South Australia is a statutory body responsible for library policy and administration of the State Library of South Australia and the Public Library Network. The Board also oversees the allocation of State Government funding to public libraries.

We have a high level of engagement with PLS and have achieved mutual benefit through the facilitation of staff secondments and participation on public library working groups.

ALIA (Australian Library and Information Association)

The national professional organisation for the Australian library services sector. ALIA is an information and advocacy body and provides direction and advice through the provision of various policies, standards and guidelines.

We provide statistical data to ALIA annually and achieve excellent results in benchmark comparisons with other library services against ALIA benchmarks. We are regularly represented at ALIA conferences and often present on our experiences on a national stage.

Public Libraries Association of SA (PLSA)

The association representing the interests of all public libraries in South Australia.

We have and will continue to collaborate with PLSA and its member councils in advocating for ongoing government funding for public library services.

This Strategy has been developed in consideration of the following Council and State Government documents.

Strategic Plan 2020-24 – A brighter future

The Adelaide Hills Council Strategic Plan sets out the Council's key area of focus over the four year period. The Libraries Strategy has been designed to provide particular reference to the Community Wellbeing goal and objectives of the Strategic Plan.

Reading and Literacy Framework

A collaboration between Raising Literacy Australia and the South Australian Public Library Network, this framework states goals and long-term outcomes for libraries to improve and embed the literacy skills of all South Australians

Tomorrow's Libraries: Future directions of the South Australian public library network, 2019 edition

This strategy presents the long-term vision for the future directions of South Australia's public libraries based on research into trends in libraries, technology, our economy and social, demographic and civic changes that are expected to occur over the next fifteen years.

Objectives and priorities

Overview



Objectives, priorities and actions

Objectives	Priorities	Actions	2022-23	2023-24	2024-25	Strategic Plan Link
L1 – A community for everyone – that is inclusive, welcoming and accessible	1.1. Our service delivery model meets the needs of the community	1.1.1. Review current hours of access in alignment with community preferences and usage patterns and provide a report to Council	●			<i>C1.1 Provide welcoming spaces and places for the community through our libraries, community centres and Council and community facilities.</i>
		1.1.2. Review staff structure and resources required to deliver services to the community	●			
		1.1.3. Continue to provide opportunities for staff to learn and develop skills that support the delivery of library services	●	●	●	
		1.1.4. Undertake an audit to identify and address any physical or service barriers to participation in alignment with the Disability Access and Inclusion Plan	●			
		1.1.5. Undertake an internal audit to identify and address any barriers to wayfinding in our libraries	●	●	●	
		1.1.6. Explore opportunities such as “pop up library” to reach community members who do not access existing services		●	●	
		1.1.7. Identify further opportunities to integrate the Gumeracha Library and the Torrens Valley Community Centre	●			
		1.1.8. Identify the community’s spatial needs within the Gumeracha Library	●			
		1.1.9. Implement reconfiguration of Gumeracha Library to provide a welcoming space with easily accessible collections and resources	●			
		1.1.10. Assess existing spaces within the Coventry Library to identify reconfiguration opportunities for community needs including study and program areas	●	●	●	

	1.2. We recognise and respond to the diversity of our community	1.2.1. Develop Collection Development Guidelines that ensures collections are inclusive and representative of the needs and interests of all sectors of the community, including minority groups.	●			C1.2 Support and promote opportunities for social inclusion and celebration of a cultural diversity C1.3 Make the district more accessible and welcoming for all with a focus on youth participation, positive ageing, disability inclusion and multiculturalism
		1.2.2. Support and promote events and activities that celebrate cultural diversity	●	●	●	
		1.2.3. Promote and support intergenerational programs	●	●	●	
L2 – A connected, engaged and supported community	2.1. Our service delivery model meets the needs of the community	2.1.1. Renew the mobile library and ensure appropriate outreach services are available to our broad community	●	●		C2.1 Work with community to provide a range of programs and opportunities to connect and engage around shared interests C2.2 Support our ageing community to access services and continue to participate and contribute to community life C2.3 Facilitate opportunities for our youth to develop skills, build resilience and be actively involved in and connected to their community
		2.1.2. Develop a process to identify and evaluate current and emerging technologies to ensure our equipment and training programs support the communities digital literacy needs.		●		
		2.1.3. Continue to assess and maintain both physical and digital collections in response to changing usage patterns and emerging trends, ensuring we meet the needs and interests of the community.	●	●	●	
		2.1.4. Develop a communication and marketing strategy that encompasses print and social media.	●			

L3 – A community that grows together	2.2. Community members are actively supported through the provision of spaces and resources	2.2.1. Investigate the provision of spaces for co-working, networking and co-learning	●	●	●	<i>C2.4 Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them</i>
		2.2.2. Continue to provide space and support for community information	●	●	●	
	3.1. Programs meet current and emerging community needs and preferences	3.1.1. Provide and maintain library facilities and equipment to support individuals and small business who use our service.	●	●	●	<i>C3.1 Provide and support programs and services that encourage and enhance personal growth, lifelong learning and professional development</i> <i>C3.4 Build partnerships with community and other stakeholders to enhance our capacity to provide and support opportunities for them to thrive</i>
		3.1.2. Continue to investigate the Digital Literacy needs of the community both current and emerging for the development of future programs for all ages	●	●	●	
		3.1.3. Investigate mechanisms to obtain community input into shaping appropriate programs and services	●			
	3.2. Opportunities are available to volunteer in meaningful activities that promote connections and purposeful engagement	3.2.1. Continue to review and identify volunteer and work experience opportunities	●	●	●	<i>C3.2 Support volunteering both organisationally and in the community as an essential element in delivering community outcomes and building wellbeing</i>

	3.3. Collaboration and partnership with internal and external bodies supports the delivery of library services	3.3.1. Continue to collaborate with Friends groups in their support of library programs and services	●	●	●	<i>C3.3 Empower our community groups and leaders to shape and determine change in their community through the provision of training opportunities, grants that meet strategic priorities, building relationships and supporting communities to be cohesive in progressing local projects</i>
		3.3.2. Support bodies including PLSA and the LGA in negotiating an agreement between the LGA and State Government for library funding	●	●	●	
		3.3.3. Ensure continued participation in sector working parties and projects	●	●	●	
		3.3.4. Continue to support local history groups at Stirling and Gumeracha through the provision of space and facilities	●	●	●	
L4 – An active, healthy, thriving and resilient community	4.1. Libraries have the capacity to maintain and adapt services during crises and upheaval	4.1.1. Identify and mitigate risks to the continuity of library services during crises and work with Public Library Services to ensure services are maintained during disasters and emergencies	●	●	●	<i>C4.1 Support community wellbeing through our contribution to public health planning, disaster recovery activities and the implementation of strategies that aim to measure and enhance wellbeing</i>
		4.1.2. Ensure library service considerations are incorporated in the overarching council Business Continuity Plan	●	●	●	
	4.2. Activities and resources support the health and wellbeing of our community	4.2.1. Continue to identify opportunities for outdoor play based learning opportunities for children and implement as possible.	●	●	●	<i>C4.2 Support the provision of formal and informal sport, recreation and play spaces for the community to enjoy</i>
		4.2.2. Continue to respond to the health and wellbeing concerns affecting the community by providing public information sessions and resources as needed	●	●	●	

L5 – Respect for Aboriginal Culture and values	5.1. Aboriginal culture and heritage are celebrated and incorporated in our programs and collections	5.1.1. Continue to include Acknowledgment of/Welcome to Country into all library programs and events in line with Council Policy	●	●	●	<i>C5.2 Celebrate and recognise Aboriginal culture and heritage through participation in and the delivery of programs and activities that engage our community in cultural experience and learning</i>
		5.1.2. Develop and support programs that celebrate and recognise Aboriginal culture and heritage.	●	●	●	
		5.1.3. Develop the cultural competency of staff	●	●	●	
		5.1.4. Continue to ensure that Aboriginal cultures and authors are represented in our collections, both physical and digital	●	●	●	
L6 – Celebrate our community's unique culture through arts, heritage and events	6.1. The importance of local history is recognised and supported	6.1.1. Continue to support and promote activities delivered by local history groups	●	●	●	<i>C6.2 Develop, support or bring events to our district that have social, cultural, environmental or economic benefits</i>
		6.1.2. Ensure that local history is represented in all collections	●	●	●	
	6.2. Local authors and artists are encouraged and promoted	6.2.1. Support local authors and artists through the provision of library spaces	●	●	●	<i>C6.3 Recognise, encourage and support artists, emerging artists, writers and performers through promotion of the Arts and supporting opportunities to exhibit and perform</i>
		6.2.2. Establish guidelines for events and exhibitions within library spaces	●			
		6.2.3. Continue to ensure local artists, authors and musicians are represented in all collections	●	●	●	

Implementation and monitoring

Delivery of priorities

While some of the priorities listed in this strategy are discrete pieces of work, many are ongoing approaches which already feature heavily in the way we go about providing services.

We have a proud and professional team of staff and volunteers delivering services across our district. Our libraries and customer service functions are structurally integrated, with a number of staff working across both areas. We will continue to develop their capabilities to deliver new and emerging services while evolving traditional services to respond to changing community preferences.

Funding

Resourcing for the delivery of library services and the initiatives contained in this plan is provided for in the Council's Long Term Financial Plan, which is reviewed annually. We will pursue grant opportunities for particular initiatives where our priorities align with those of the funding body.

Ongoing State Government funding of public libraries has been included in government budget forward estimates, however at the time being, the state-wide allocation is frozen and not subject to indexation. As a consequence, further pressure will be placed on Council's budget as costs associated with service delivery continue to grow.

We will actively seek opportunities for efficiencies in service delivery to maximise value to our community.

Monitoring and reporting

We will continue to actively participate in state and national sector wide performance measurement and use these result to gauge our comparative performance in the delivery of library services against national standards. Key metrics form part of the Council's suite of performance indicators.

We will report on achievements against the priorities outlined in this plan through the Council's Annual Report and through periodic reporting in line with the Council's Strategic Planning Framework.

Reviewing the strategy

This strategy is adopted at a time of change in the use of public libraries, with the COVID-19 pandemic being a main catalyst. In the coming years, usage patterns are expected to stabilise, community preferences will become clearer and new needs will emerge. We will closely monitor these developments and expect to review this strategy in the next 2 – 3 years.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item:	12.5
Responsible Officer:	Peter Bice Director, Infrastructure and Operations Infrastructure and Operations
Subject:	Local Roads and Community Infrastructure Program – Phase 3
For:	Decision

SUMMARY

As the closest tier of government to the community, local governments have a critical role in delivering vital services and ensuring the quality of life for communities across Australia.

The \$2.5 billion Local Roads and Community Infrastructure Program (LRCIP), funded by the Australian Government, supports local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Council has received funding for the first 2 Phases and is eligible for \$1,562,830 as part of Phase 3 of the Program.

These works will need to be completed by 30 June 2023 and the funding is provided on a 'use it or lose it' basis. Under Phase 3, Eligible Funding Recipients are required to maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2020-21 capital spending level.

Council staff have assessed the eligibility criteria and considered a range of factors, including the ability to deliver the works within the timeframes, to determine what we see as the most appropriate projects to maximise the benefit from this funding opportunity.

The outcome of these considerations determined the projects that have been recommended in this report.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. To authorise the applications for the following projects to be submitted as the Adelaide Hills Council Local Roads and Infrastructure Program Phase 3 for delivery in 2022/23 and the estimated associated expenditure to undertake those works:

a. Woodside School Crossing	\$ 50,000
b. Heathfield School Courts (Comets) – Canteen and Storage	\$ 240,000
c. Freedom Camping Infrastructure Establishment	\$ 30,000
d. Junction Road Stormwater, Balhannah	\$ 200,000
e. Adelaide Hills War Memorial Swimming Centre - Splash Park Contribution	\$200,000
f. Gumeracha Library Upgrades	\$ 115,000
g. Adelaide 100 Walking Route	\$ 60,000
h. Fire Scars Proactive Tree Management	\$ 380,000
i. Accelerated Bin Renewal Program	\$ 30,000
j. Accelerated Bus Shelter Renewal	\$ 35,000
k. Accelerated Pavement Renewal/Major Patching Maintenance	\$ 152,830
l. Stormwater upgrade Western Side near Childcare - Oakbank	\$ 70,000
3. Subject to approval, and in line with the above estimated costs, that the CEO or his delegate be authorised to commit expenditure to undertake the above works with any adjustments to income and expenditure to be incorporated into Council's 2022/23 Annual Business Plan and Budget.
4. That should any projects be unsuccessful, or significant savings achieved, the Council authorises the CEO to reallocate the project funding in line with the alternative projects identified in the report.
5. That the CEO be authorised to write a letter of acknowledgement to the Hon Barnaby Joyce MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the Federal Government for this additional phase of the funding program.

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional Built Environment

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 5 A progressive Organisation

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

In selecting projects, alignment has been sought with the *Strategic Plan 2020-24* and *Asset Management Plans*.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Seeking Council endorsement for the projects to be included in the Adelaide Hills Council application for the Local Roads and Community Infrastructure Program Phase 3 helps mitigate the risk of:

Council expending funds on projects which do not benefit the community or align with our Strategic Management Plans leading to unfavourable financial operating impacts and Community outcomes

Inherent Risk	Residual Risk	Target Risk
Medium (1A)	Low (1C)	Low (1C)

➤ **Financial and Resource Implications**

Project costs are outlined in this report. Capital expenditure on new infrastructure which is undertaken in the 2022/23 from this program will have subsequent operations, maintenance and allowances for depreciation which will be ongoing for the useful life of the asset. The determination of projects has considered this ongoing impact and, where possible, the selection of projects has favoured eligible projects that do not increase this on-going operations, maintenance and depreciation costs to Council.

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

The projects selected have been included due to the community benefit they will provide, and the stimulus to the local economy derived from their completion.

➤ **Sustainability Implications**

The Council's sustainability (financial, social and environmental) is a key consideration in the project considerations and, where feasible, ecologically sustainable approaches and practices will be utilised in the selected projects, with recycled materials used where suitable in construction elements.

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

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable
<i>Council Workshops:</i>	8 March 2022
<i>Advisory Groups:</i>	Not applicable
<i>External Agencies:</i>	Not applicable
<i>Community:</i>	Not applicable

2. BACKGROUND

The Australian Government originally committed \$500 million on 22 May 2020 to the LRCIP Phase 1 to support jobs, businesses and the resilience of local economies in response to COVID-19 impacts. Further to this, following strong community and local government support, a Phase 2 stimulus of a further \$1 billion was then committed through the 2020-21 federal budget. Now the final Phase 3 also to the value \$1 billion has been committed.

Councils are able to select the projects to be funded in their community according to priorities at the local level. Similar to the Roads to Recovery Program, councils will need to submit a Work Schedule that outlines the project(s) they plan to undertake.

As long as these projects are considered eligible local road or community infrastructure projects and fall within the total amount of funds allocated, they will receive funding.

Funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Projects will need to deliver benefits to the community, such as improved road safety, accessibility and visual amenity.

Eligible local road projects could include works involving any of the following associated with a road:

- traffic signs
- traffic control equipment
- street lighting equipment
- a bridge or tunnel
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station)
- facilities off the road that support the visitor economy, and
- road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects could include works involving:

- closed circuit TV (CCTV)
- bicycle and walking paths
- painting or improvements to community facilities
- repairing and replacing fencing
- improved accessibility of community facilities and areas
- landscaping improvements, such as tree planting and beautification of roundabouts
- picnic shelters or barbeque facilities at community parks
- playgrounds and skate parks (including all ability playgrounds)
- noise and vibration mitigation measures, and
- off-road car parks (such as those at sporting grounds or parks).

This is the third phase of this program and operates under the same principles as applied to Phases 1 and 2.

The total funding available to Council for Phase 3 of the program is \$ 1,562,830.

3. ANALYSIS

Council staff have assessed the eligibility criteria and considered a range of factors to determine what we see as the most appropriate projects to maximise the benefit from this funding opportunity.

These factors included:

- Community benefit
- Alignment with our Strategic Management Plans
- Opportunities to expand/ accelerate existing programs
- Current and potential cost pressures
- Level of complexity and design requirements
- Level of consultation and engagement required
- Ability to meet the delivery deadline of 30 June 2022.

There were a number of suggestions received from staff and Elected Members which, while they may deliver favourable outcomes in some areas, were problematic in regard to one or more of the factors listed above. In many cases this was due to the likely delivery timeframes, extensive consultation required or were not actually eligible for the funding due to the program funding criteria.

Should there be any savings achieved in delivering the selected projects, which offset any higher than forecast expenditure, we will look to have in readiness additional 'shovel ready' back-up projects for potential inclusion.

In the event that a project is identified that will incur a significant cost over-run, that cannot be managed by savings from other projects, then the project and options will be brought to a Council meeting for further consideration.

The proposed projects are listed below, and if they are resolved by Council to be included in the Draft Works Schedule, they will then be submitted to the department for approval.

Woodside Primary School Pedestrian Crossing

The project proposes a formal school crossing to assist parents and students. This has been requested by the school community for several years and has a high level of community support.

Program Cost \$50,000

Ongoing additional Costs to Council \$1,200 per annum

Heathfield Canteen and Storage Project

Recently Council has partnered with the State Government and Heathfield High School to redevelop netball and tennis courts. The initial project scope included a canteen and storage facility. The higher than expected costs of the court upgrade meant that the canteen and storage facility could not be delivered within the available budget.

This site will become the home ground of local sporting clubs, and access to this source of canteen revenue enhances the financial viability of the clubs.

Program Cost \$240,000

Ongoing additional costs - the facility will have joint responsibility between Heathfield High school, Council and the clubs. The final detail of these arrangements are still to be finalised.

Freedom Camping Infrastructure Establishment

This will provide the necessary infrastructure to support the establishment of two locations for Recreational Vehicles to dispose of toilet waste. There is an expression of interest underway in which 3 expressions of interest have been received.

Program Costs \$30,000

On-going costs to Council \$700 pa (depreciation on infrastructure)

Junction Road, Balhannah Stormwater Upgrades

This funding is to provide additional capacity to the existing stormwater infrastructure on Junction Road from Kurla Road to the Railway Line Crossing. The project will be undertaken in conjunction with the Department of Infrastructure and Transport.

Program Costs \$200,000

Ongoing costs to Council \$2,200 pa (Depreciation and Street sweeping- kerb)

Adelaide Hills War Memorial Swimming Centre– Splash Park

This is a 50% contribution towards the installation of a Splash Park at the Adelaide Hills War Memorial Pool. This has been a priority project for the committee of the pool and this will allow these works to be delivered to increase the functionality of this community facility.

Program Costs \$200,000

Ongoing Costs to Council – 18,000 p.a (assuming Council responsible for asset depreciation and maintenance – subject to final management agreement)

Gumeracha Library Upgrades

To provide upgrades to the service counter, replace and upgrade shelving, furniture and reconfigure the layout to better integrate with the Community Centre. The will enhance the usability of this important local community asset.

Program Costs \$115,000

Ongoing costs \$1,000 (combination of renewal of existing asset and new)

Adelaide 100 Walking Loop

This project will assist Council in understanding the many identified sites where walkers will have interaction with the road network and how to safely manage these potential conflicted locations.

The Adelaide 100 Walking Loop project has been championed by Walking SA. It is a loop that goes from the hills to the sea through Adelaide. In the Adelaide Hills Council area the route comes from Belair National Park, Mark Oliphant Conservation Park and Bridgewater through to the Norton Summit area and Morialta. It has gained support from the State Government (DEW) and other local government authorities.

In 2017, sections of the route have been developed by the Adelaide Hills Council above the Athelstone/Morialta area. In total, 36% of the route has been completed. See **Appendix 2** for the fully proposed Adelaide 100 Route.

It is noted that this project may not fully meet the eligibility criteria for LRCIP and, as such, alternative funding will need to be sourced if not approved.

Program Cost \$60,000

Ongoing Cost of project – Nil

Fire Scars Proactive Tree Maintenance

As Council is aware, the Adelaide Hills Region has a large number of areas of roadside vegetation that has been impacted by recent and significant fire events. These works are proposed to undertake proactive tree maintenance that, as part of the on-going monitoring process, have a high likelihood of requiring works/removal in the future. Council continues to monitor these areas and where high risk situations are identified these hazards are removed immediately.

Program Costs \$380,000

Ongoing Costs – Nil (likely to reduce future maintenance costs)

Accelerated Bin Renewal/Upgrade Program

The project will accelerate the replacement of the existing green cage street litter bin with the updated stainless steel bins containing the Council logo. Council will also investigate the option to incorporate Council advertising to a side of the cages.

Program Costs \$30,000

Ongoing additional Costs – nil

Accelerated Bus Shelter Renewal/ Upgrade Program

The project will allow Council to bring forward the replacement of ageing bus shelters. This will allow Council to replace an additional 4 - 5 bus shelters.

Program Costs \$35,000
Ongoing additional Costs – nil

Accelerated Pavement Renewal/Major Patching Maintenance

This project will bring forward pavement renewal and major patching maintenance. The works will include Bird in Hand and Hill Road or Pfeiffer Roads.

Program Costs \$152,830
Ongoing additional Costs - nil

Stormwater upgrade Western Side near Childcare - Oakbank

This project will seek to reduce the risk of flooding on the western side of Onkaparinga Valley Road in Oakbank near the child care centre.

Program Costs \$152,830
Ongoing additional Costs - nil

Alternative Projects

Whilst we have recommended projects that we consider will meet the eligibility criteria of the program the final sign-off and approval by the Department of Infrastructure, Transport and Regional Development is required.

In addition, it may become apparent for current unknown/unknowns that the projects identified will not be able to be delivered. This could be an unforeseen design issue or the scope of the works far exceeds the capacity of the budget to progress.

It should also be noted that the Council will move into caretaker mode in the second half of 2022.

Therefore, given the points above, and that the program has a defined deadline of 30 June 2023 for the funding to be expended, it is considered to be prudent to have back-up projects ready. This will allow the administration to ensure that the full funding available up until 30 June 2023 can be expended.

These alternative (or 'back-up') projects would be:

Accelerated Bridge Maintenance Program

Council has identified through its Asset Management Planning process for Bridges that these structures will require additional maintenance works. Future proposed works could be brought forward if required at short notice.

Additional Accelerated Renewal Program Works

The administration could bring forward additional seal or pavement or like renewal programs. This can generally be scoped and delivered very quickly within existing contracts.

SUMMARY OF PROPOSED PROJECTS and BACKUP PROJECTS

PROJECT	COST ESTIMATE \$
Woodside School Crossing	50,000
Heathfield School Courts (Comets) – Canteen and Storage	240,000
Freedom Camping Infrastructure Establishment	30,000
Junction Road Stormwater , Balhannah	200,000
Adelaide Hills War Memorial Swimming Pool - Splash Park Contribution	200,000
Gumeracha Library Upgrades	115,000
Adelaide 100 Walking Route	60,000
Fire Scars Proactive Tree Management	380,000
Accelerated Bin Renewal/ Upgrade Program	30,000
Accelerated Bus Shelter Renewal	35,000
Accelerated Pavement Renewal/ Major Patching Maintenance	152,830
Stormwater upgrade Western Side near Childcare - Oakbank	70,000
<u>Backup Projects</u>	
Accelerated Bridge Maintenance Program	
Additional Accelerated Renewal Program works	
TOTAL	\$ 1,562,830

4. OPTIONS

Council has the following options:

- I. Adopt the list of projects outlined for submission to the Local Roads and Community Infrastructure Program following consideration as to the most appropriate investments to be made with the available funding (Recommended).
- II. To adopt an alternative selection of projects for submission to the Local Roads and Community Infrastructure Program (Not Recommended).
- III. Not submit applications for funding (Not Recommended).

5. APPENDICES

- (1) COVID-19 Local Roads and Community Infrastructure Program Guidelines – Phase 3
- (2) Adelaide 100 Loop

Appendix 1

COVID-19 Local Roads and Community Infrastructure Program Guidelines – Phase 3

COVID-19 Local Roads and Community Infrastructure Program Guidelines – Phase 3

Opening date:	October 2021
Commonwealth policy entity:	Department of Infrastructure, Transport, Regional Development and Communications
Administering entity	Department of Infrastructure, Transport, Regional Development and Communications
Enquiries:	Any questions should be directed to: Program Manager Local Roads and Community Infrastructure Program LRCIP@infrastructure.gov.au
Date guidelines released:	October 2021
Type of grant opportunity:	Demand-driven (Eligibility-based)

Contents

1.	Local Roads and Community Infrastructure Program Process	4
1.1	Introduction	5
2.	About the LRCI Program – Phase 3	5
3.	Grant amount and grant period	6
3.1	Phase 3 – ‘use it or lose it’ principle	7
4.	Eligibility criteria	7
4.1	Who is eligible for a grant?	7
5.	What the grant money can be used for	7
5.1	Eligible Grant Activity	7
5.2	Maintaining Overall Capital Expenditure	9
5.3	Co-contributions	9
5.4	Eligible Construction Time Period	10
5.6	What the grant money cannot be used for	10
6.	The grant selection process	11
6.1	Who will approve grants?	11
6.2	How to seek a variation to project nominations?	11
6.2	How to seek an extension to approved project construction timeframes?	12
7.	Letter of offer process	12
8.	Notification of outcomes	12
9.	Successful grantees	12
9.1	The Grant Agreement	12
9.2	How we pay the Grant	14
9.3	Grant Payments and GST	18
10.	Announcement of grants	18
11.	Reporting requirements	18
11.1	Quarterly Reports	19
11.2	Ad hoc Report	20
11.2	Annual Report	21
11.3	Audited financial statements	21
11.4	Acquittal process for Low Value Grants	22
11.5	Reconciliation Process	23
11.6	Compliance visits and Record Keeping	23
11.7	Fraud	23
11.8	Specific legislation, policies and industry standards.	23

12. How we monitor your grant activity	23
12.1 Keeping the Department informed	23
12.2 Department Contact Details	24
12.3 Evaluation	24
12.4 Public information conditions	24
12.5 Signage	25
12.6 Project Events	25
13. Probity	25
13.1 Enquiries and feedback	26
The Commonwealth Ombudsman can be contacted on:	26
13.2 Conflicts of interest	26
13.3 How we manage conflicts of interest	27
13.4 Privacy	27
13.5 Confidential Information	27
13.6 Freedom of information	28
14. Consultation	29
15. Glossary	29

1. Local Roads and Community Infrastructure Program Process

The Local Roads and Community Infrastructure (LRCI) Program is designed to achieve Australian Government objectives

This grant opportunity is part of the LRCI Program, which contributes to the Department of Infrastructure, Transport, Regional Development and Communication's (The Department) Outcome 3.2. The Department works with stakeholders to plan and design the grant program according to the *Commonwealth Grants Rules and Guidelines 2017*.



The grant opportunity opens

The Department will provide Eligible Funding Recipients with the Program Guidelines for this grant opportunity (Phase 3) and publish them on [GrantConnect](#).



Grant decisions are made

The Eligible Funding Recipients for the LRCI Program have been pre-identified. The Deputy Prime Minister approves the allocation of funding under the Program, based on a formula. The Delegate will approve the award of the grant.



Eligible Funding Recipients are notified of the outcome

Eligible Funding Recipients are sent a letter of offer and Grant Agreement signed by the Department.



Eligible Funding Recipients sign the Grant Agreement

Eligible Funding Recipients must execute the Grant Agreement and return it to the Department.



Nomination of projects to be undertaken

Eligible Funding Recipients will submit a draft Work Schedule nominating projects to be funded through the LRCI Program.



The Department assesses nominated projects to ensure project eligibility requirements are met

The Department will notify Eligible Funding Recipients if nominated projects are approved by providing an Approved Work Schedule. If projects are ineligible, Eligible Funding Recipients can nominate alternative projects for assessment.



Delivery of grant

Eligible Funding Recipients undertake Eligible Projects set out in their Approved Work Schedules. The Department manages the grant by working with Eligible Funding Recipients, monitoring progress and making payments.



Evaluation of the Local Roads and Community Infrastructure Program

The Department will evaluate the LRCI Program as a whole. The Department will base this on information Eligible Funding Recipients provide, as well as from other sources.

1.1 Introduction

These Guidelines contain information for Phase 3 of the LRCI Program grants.

The Local Roads and Community Infrastructure (LRCI) Program was announced on 22 May 2020. Through the 2020-21 Budget, the Australian Government announced an extension of the LRCI Program, now referred to as LRCI Program Phase 2.

On 11 May 2021, as part of the 2021-22 Budget, the Australian Government announced a further \$1 billion for the continuation of the LRCI Program Phase 3. The grant opportunity set out in these Program Guidelines is for LRCI Program Phase 3 only.

The LRCI Program supports Eligible Funding Recipients to create jobs by delivering priority local road and community infrastructure projects across Australia.

This document sets out:

- the purpose of the grant opportunity;
- the eligibility criteria;
- how Eligible Funding Recipients will be monitored and evaluated; and
- responsibilities and expectations in relation to the grant opportunity.

The LRCI Program is administered by the Department.

2. About the LRCI Program – Phase 3

The purpose of the LRCI Program is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Phase 3 of the LRCI Program will open from 20 October 2021. At this time, Grant Agreements will be sent to Eligible Funding Recipients to be executed, and Project Nominations can be submitted to the Department.

From 3 January 2022, the construction time period commences, and eligible payments will be made from this time. Project construction can commence once Project Nominations are approved by the Department with projects required to be physically completed by 30 June 2023.

Phase 3 of the LRCI Program continues a temporary, targeted stimulus measure responding to the economic impacts of the COVID-19 pandemic. The LRCI Program assists a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

As with the earlier Phases of the LRCI Program, Eligible Funding Recipients can select a broad range of projects to fund so that communities can continue to be provided with the infrastructure they require. It is expected that Eligible Funding Recipients will use local businesses and workforces to deliver projects wherever possible to ensure stimulus funding flows into local communities.

The LRCI Program is a demand driven (eligibility based) grant program.

The LRCI Program will be delivered under Outcome 3.2 of the Department's Portfolio Budget Statement 2021-2022:

- the local government program supports regional development and local communities through delivery of policy advice to the Australian Government and financial assistance to local governments to strengthen local government capacity and better support local communities.

The objective of the LRCI Program is to maintain and create jobs by stimulating additional infrastructure construction activity in communities across Australia.

The intended outcomes of the LRCI Program are to:

- provide stimulus to protect and create local short-term employment opportunities through funding construction projects following the impacts of COVID-19; and
- deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

The Department will administer the LRCI Program according to the [Commonwealth Grants Rules and Guidelines 2017 \(CGRGs\)](#).

3. Grant amount and grant period

The Australian Government has committed total funding of \$1 billion for Phase 3 of the LRCI Program.

Eligible Funding Recipients will receive a grant amount called a 'Nominal Funding Allocation'.

The formula used to calculate a Nominal Funding Allocation has been modelled on funding allocations under the Roads to Recovery Program (R2R) and the local road component of the Financial Assistance Grants Program. The formula used to determine a state/territory's share of funding under the LRCI Program follows the same state/territory allocation process as these programs. Within a state/territory's share of funding, the calculation of each Eligible Funding Recipient's Nominal Funding Allocation has been derived based on recommendations from the relevant Local Government Grants Commission, and takes into consideration factors such as population estimates and road length in each local governing body area. This is similar to how individual shares of R2R funding and local road component of the Financial Assistance Grant Program is calculated.

The formula has been consistently applied to determine the Nominal Funding Allocation of each Eligible Funding Recipient under the LRCI Program.

Co-contributions are not required under the LRCI Program, but Eligible Funding Recipients may expend their own funds on Eligible Projects.

This grant opportunity will open on 20 October 2021 and close on 31 December 2023. The First Instalment of the Phase 3 Nominal Funding Allocation will be paid after the Eligible Funding Recipient's Work Schedule has been approved, and not before 3 January 2022.

3.1 Phase 3 – ‘use it or lose it’ principle

If:

- an Eligible Funding Recipient has not applied for the full amount of their Phase 3 Nominal Funding Allocation in a draft Work Schedule by 30 June 2022; or
- savings related to Eligible Projects have not been reallocated under an Eligible Funding Recipient’s Phase 3 Nominal Funding Allocation before 30 June 2023, then;

the Australian Government has the right to not pay the amount of the Phase 3 Nominal Funding Allocation not applied for or reallocated by the Eligible Funding Recipient.

4. Eligibility criteria

Only Eligible Funding Recipients are able to participate in Phase 3 of the LRCI Program. Eligible Funding Recipients will receive a letter of offer to participate in Phase 3 of the LRCI Program.

4.1 Who is eligible for a grant?

Eligible Funding Recipients are the same as for Phase 1 and Phase 2 of the LRCI Program.

550 Eligible Funding Recipients have been selected for this grant opportunity to fund and provide local council services to communities directly. By providing funding to the level of government closest to communities, the Australian Government can ensure that the economic boost is felt throughout every community across Australia.

4.2 Who is not eligible for the Grant Program?

Organisations are not eligible for the LRCI Program unless they have been identified by the Australian Government as an Eligible Funding Recipient (see 4.1).

General applications by other organisations will not be accepted. Applications by Eligible Funding Recipients reasonably understood to be on behalf of, or for the benefit of another otherwise ineligible organisation, will not be accepted.

5. What the grant money can be used for

Grant money can only be used on Eligible Projects, which are projects that are Local Road Projects or Community Infrastructure Projects (see 5.1). Eligible Projects must meet the Eligible Project Requirements set out in subsections 5.2 to 5.6, and deliver benefits to the community.

5.1 Eligible Grant Activity

Local Roads Projects

Eligible Local Road Projects are projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider works that support improved road safety outcomes.

This could include projects involving any of the following associated with a road:

- traffic signs;
- traffic control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and
- road and sidewalk maintenance, where additional to normal capital works schedules.

Community Infrastructure Projects

Eligible Community Infrastructure Projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

'Generally accessible to the public' means that the project, or the amenity provided by the project, is generally accessible to the public at large. Some areas are clearly publicly accessible as they are areas that are open to all members of the public such as parks, playgrounds, footpaths and roads.

Projects will also be considered generally publically accessible if they are in a location that is:

- generally publically accessible to the wider public undertaking a specific activity (for example council operated sporting fields); or
- generally publically accessible for a limited age group of the community as a whole i.e. a kindergarten building; or
- used for the provision of an essential service or community service, as determined by the Department, and the amenity of the asset is publicly accessible and benefits the community.

All projects whether carried out on council owned land, or another type of public land, must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- community/public art associated with an Eligible Project (Eligible Funding Recipients will need to provide a clear description of the conceptual basis of the artwork);

- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

Other Public Land

Projects that involve the construction, maintenance and/or improvements to state/territory and Crown owned land/assets, and Commonwealth owned land/assets, can also be eligible projects where the Council can confirm that they have the authority of the land or asset owner to undertake the project at the nominated site(s) and the site(s) are accessible to the public (including natural assets).

5.2 Maintaining Overall Capital Expenditure

As an economic stimulus measure, the intent is that Eligible Funding Recipients undertake infrastructure projects which are additional to projects that they had planned to undertake using either their own funds or funds already available to the Eligible Funding Recipients by another opportunity. The funding is not intended to replace existing expenditure commitments but rather to enable further, additional expenditure as economic stimulus.

Under Phase 1, projects would be considered Eligible Projects if they were additional to the Eligible Funding Recipient's existing work plan for 2020-21; simply, LRCI funds could not be used on existing projects.

Under Phase 2, Eligible Funding Recipients were required to maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2020-21 capital spending level.

Under Phase 3, Eligible Funding Recipients will be required to maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2021-22 capital spending level. The focus on overall capital spending provides Eligible Funding Recipients with greater flexibility to set and deliver the infrastructure priorities in their communities.

Proof of maintaining capital expenditure may be a requirement for an Eligible Funding Recipient to receive their full Phase 3 Nominal Funding Allocation. The Department will consider, in exceptional circumstances, exemptions to this requirement.

5.3 Co-contributions

Co-contributions are not required under the LRCI Program, but are allowed to be used for projects. A project can be funded by a combination of LRCI Program funds, the Eligible Funding Recipient's funds, and other government program funds (including state government programs), as long as the combined funding for the project does not exceed the estimated cost of a project.

An Eligible Funding Recipient using co-contributions for a project also needs to meet the conditions of other funding programs from which funds are sourced. Eligible Funding Recipients are responsible for determining if the funding conditions of another program would permit the use of LRCI Program funding towards that project.

5.4 Eligible Construction Time Period

The eligible construction time period to undertake construction activity on Eligible Projects must be undertaken between 1 January 2022 and 30 June 2023. If a Phase 3 Grant Agreement is executed and the project is in a Phase 3 Approved Work Schedule, then construction may commence prior to 1 January 2022.

In general, requests to extend the construction time period beyond 30 June 2023 will not be granted. Exceptional circumstances that may directly delay and result in an extension to the eligible construction time period, will require case-by-case consideration. Planning issues, contractor availability, and general delays associated with project commencement or completion, are not considered exceptional circumstances, and Eligible Funding Recipients should take these into consideration when nominating a project.

Consideration of any requests for an extension to the Eligible Construction Time Period is at the discretion of the Delegate (see 6.1) If the Delegate decides that extensions will be considered, application forms will be published on the Department's website. Applications for extension must be in the manner and form stipulated by the Department and include sufficient information for the delegate to make a decision.

5.5 Combined Projects – Completed LRCI Phase 1 and Phase 2 Projects

Eligible Funding Recipients can nominate discrete later stages of projects that are already receiving funding under the LRCI Program. The Phase 3 nomination must be a new, separate and previously unfunded project stage. The component funded under Phase 1 or Phase 2 must not be amended without approval by the Delegate and must maintain eligibility under the relevant program guidelines.

5.6 What the grant money cannot be used for

Eligible Funding Recipients cannot use grant money to pay for business as usual activities and costs, or any other activities and costs not associated with Eligible Projects. These activities are Ineligible Projects or Ineligible Expenditures.

The following are examples of Ineligible Projects and Ineligible Expenditures:

- costs incurred in the preparation of a Work Schedule or related documentation;
- costs incurred in the preparation of reporting documentation including Audit requirements;
- general administrative overheads and staff salaries not connected with Eligible Projects funded under the Program;
- subsidy of general ongoing administration of an organisation such as electricity, phone, rent, or costs incurred by the Council as a Landlord in the general course of a lease;
- commencement ceremonies, opening ceremonies or any other event associated with Eligible Projects;
- transport planning studies;
- road rehabilitation studies (if not part of an Eligible Project);
- road building plant or other capital equipment especially moveable equipment (e.g. graders or trailers);

- land;
- purchase of or improvement to assets that will be 'handed off' to ineligible funding recipients under a cost sharing or minimisation strategy, or similar;
- training (if not part of an Eligible Project);
- public liability insurance;
- fringe benefits tax;
- GST payable component of a supply;
- finance leases on equipment;
- depreciation, except for depreciation of plant and equipment directly attributable to a grant funded Eligible Project;
- preliminary planning and stand-alone design that do not relate to an Eligible Project
- operating lease charges where the rental expense cannot be directly linked to the grant project (e.g. a grader may be hired for a period for a variety of tasks, only charges that specifically relate to the funded Eligible Project can be charged against the grant funds);
- overseas travel; and
- the covering of retrospective project costs undertaken prior to work schedule approval.

6. The grant selection process

6.1 Who will approve grants?

A person occupying a position of SES Band 1, Assistant Secretary, within the Infrastructure Investment Division (the Delegate) will approve grants on the basis that the organisation is an Eligible Funding Recipient as identified in section 4.1.

The Department considers that Eligible Projects provide value for money as a proportional response to the actual and anticipated nation-wide economic impacts resulting from COVID-19.

The amount of grant money awarded to an Eligible Funding Recipient will be determined by the Department in accordance with the formula outlined at section 3.

The Delegate's decision is final in all matters, including:

- the approval of the grant; and
- the grant amount.

There is no appeal mechanism for the decision to approve or not approve a grant.

6.2 How to seek a variation to project nominations?

If an Eligible Funding Recipient requires an amendment to their Approved Project cost or scope of works, the Eligible Funding Recipient will be required to resubmit their Phase 3 Work Schedule.

Edit and annotate the most recently submitted Phase 3 Work Schedule on Microsoft Word, using track changes.

6.2 How to seek an extension to approved project construction timeframes?

If an Eligible Funding Recipient needs to amend the start or end date of an Approved Project, this can be done via the Quarterly Report. If your Approved Project end date is past 30 June 2023, please contact the Department via email at LRCIP@infrastructure.gov.au.

In general extensions past 30 June 2023 will not be granted. Though in exceptional circumstances, they may be considered at the discretion of the Delegate. If the Delegate decides that extensions will be considered, application forms will be published on the Department's website. Applications for extension must be in the manner and form stipulated by the Department and include sufficient information for the delegate to make a decision.

7. Letter of offer process

All Eligible Funding Recipients will receive an offer to participate in Phase 3 of the LRCI Program. This offer will:

- a) specify the Phase 3 Nominal Funding Allocation;
- b) include a Grant Agreement that sets out the terms and conditions of Phase 3 of the LRCI Program executed by the Australian Government;
- c) provide information on the submission of Work Schedules.

Before accepting the offer, Eligible Funding Recipients must read and understand these Guidelines and the Grant Agreement. The Guidelines can be found on the Department's website and on [GrantConnect](#). Any alterations and addenda¹ will be published on GrantConnect and the Department's website. By registering on GrantConnect, organisations will be automatically notified of any changes to the Guidelines.

Eligible Funding Recipients can return signed Grant Agreements and submit Work Schedules for their first projects between 1 October 2021 and 30 June 2022. As construction needs to be completed by 30 June 2023, after 1 July 2022 the Department expects to only be managing variations or additional project nominations to ensure that an Eligible Funding Recipient is able to fully utilise their Phase 3 Nominal Funding Allocation.

8. Notification of outcomes

All Eligible Funding Recipients will receive a letter of offer to participate in Phase 3 of the LRCI Program and a Grant Agreement.

9. Successful grantees

9.1 The Grant Agreement

An Eligible Funding Recipient must enter into a legally binding grant agreement with the Australian Government by signing the Grant Agreement. The Grant Agreement used for Phase 3 of the LRCI Program will be supplied to Eligible Funding Recipients. The Grant Agreement has standard terms and conditions that cannot be changed.

¹ Alterations and addenda include but are not limited to: corrections to currently published documents, changes to close times for applications, and Questions and Answers (Q&A) documents

The Grant Agreement may also contain conditions specific to an Eligible Funding Recipient in a Schedule.

To accept the offer, the Eligible Funding Recipient must sign the Grant Agreement:

- provide all the information requested; and
- return the Grant Agreement to the LRCI Program - Program Manager.

The Department is not responsible for any of an Eligible Funding Recipient's expenditure until a Grant Agreement is executed and a Work Schedule is approved for the Eligible Funding Recipient. A Grant Agreement must be executed with the Australian Government before any payments can be made.

Eligible Funding Recipients should keep a copy of the Grant Agreement and any supporting documents.

The Australian Government may recover grant funds from an Eligible Funding Recipient if the Grant Agreement has been breached. If an Eligible Funding Recipient fails to meet the obligations of the Grant Agreement, the Grant Agreement may be terminated.

9.2 How we pay the Grant

Table 1 Grant Payment Overview

Payment milestone	Grant payment date	Amount
First Instalment: Work Schedule approval payment	The First Instalment of the Phase 3 Nominal Funding Allocation will be paid after 3 January 2022 and after the Eligible Funding Recipient's Work Schedule has been approved.	<p>The First Instalment will be equal to 50 per cent of an Eligible Funding Recipient's Phase 3 Nominal Funding Allocation, unless the Eligible Funding Recipient is the recipient of a Low Value Grant.</p> <p>For Low Value Grants, Eligible Funding Recipients will receive 75 per cent of their Phase 3 Nominal Funding Allocation in their First Instalment.</p>
Progress Instalments: Eligible Funding Recipients can receive multiple progress payments.	Within four weeks of the Department's acceptance of a complete and accurate Quarterly Report	<p>A Progress Instalment will be equal to the Eligible Funding Recipient's:</p> <ul style="list-style-type: none"> • actual expenditure until the end of the period covered by the relevant Quarterly Report; and • projected expenditure on Eligible Projects in an Approved Work Schedule to the end of the subsequent quarter; <p>less:</p> <ul style="list-style-type: none"> • received instalments; and • 10 per cent of the Phase 3 Nominal Funding Allocation. <p>For Low Value Grants, Eligible Funding Recipients can apply to receive the residual of grant funds at the time of a Quarterly Report being submitted provided they also submit completed acquittal documentation.</p>
Final Instalment: Final payment	Within four weeks of the Department's acceptance of a complete and accurate Annual Report and decision to release the Final Instalment.	<p>The Final Instalment will equal the smaller of:</p> <ul style="list-style-type: none"> • the residual amount of an Eligible Funding Recipient's Phase 3 Nominal Funding Allocation; or • the total eligible expenditure and projected expenditure to the end of the Eligible Projects; <p>less instalments paid to date.</p>

Submission of a Work Schedule

Eligible Funding Recipients will nominate projects they intend to spend LRCI grant money on in their draft Work Schedule.

Eligible Funding Recipients are required to submit a draft Work Schedule in the manner and form stipulated by the Department. The manner and form for submitting a draft Work Schedule will be provided to Eligible Funding Recipients and made available on the Department's website.

- Eligible Funding Recipients should submit their draft Work Schedule when they return their signed Grant Agreement. Work Schedules can be submitted between 20 October 2021 and 30 June 2022, but failure to promptly return a Work Schedule will result in release of grant funds being delayed.
- In order for Eligible Funding Recipients to receive their full Phase 3 Nominal Funding Allocation, they must have submitted a draft Work Schedule for the total amount of their Phase 3 Nominal Funding Allocation by 30 June 2022.
 - If an Eligible Funding Recipient has not applied for their full Phase 3 Nominal Funding Allocation in a draft Work Schedule by 30 June 2022, or savings related to Eligible Projects have not been reallocated under their Phase 3 Nominal Funding Allocation before 30 June 2023, the Australian Government has the right to not pay the amount of the Phase 3 Nominal Funding Allocation not yet applied for or reallocated by the Eligible Funding Recipient.

The draft Work Schedule must contain the following information in relation to each of the nominated projects the Eligible Funding Recipient proposes to undertake using the grant:

- project description, including details of how the project meets the Project Eligibility Requirements detailed in Section 5;
- proposed timeframes for the project, including construction commencement date and estimated construction completion date;
- detail of any conflicts of interest and management actions to manage these conflicts;
- the amount of grant funding required and details of any other contributions to the total costs of the project, along with details of all proposed expenditure including confirmation that none of the proposed expenditure is Ineligible Expenditure;
- expected number of full-time equivalent jobs supported by the project over the construction period;
- meet mapping requirements notified by the Department;
- whether the project involves Indigenous employment of Business use; and
- Work Category, Outcome Category

If some of the jobs supported by a project are new jobs/redistribution of personnel in the Eligible Funding Recipient's own workforces, labour costs for work undertaken must be derived from timesheets or via an equally acceptable method. Project management time included in the expected number of jobs supported by a project must not include Ineligible Expenditure or costs associated with Ineligible Projects, and a clear and definable model needs to be in place to apportion these costs.

The total amount of grant funding sought under a draft Work Schedule cannot exceed the amount of the grant specified in the Grant Agreement.

Approval of a Work Schedule

The Department will assess whether projects included in an Eligible Funding Recipient's Work Schedule meet the Eligible Project Requirements set out in these Guidelines and that all requested information has been provided.

If the Work Schedule or projects do not meet requirements, an Eligible Funding Recipient may submit an updated Work Schedule that includes additional nominated projects for approval. The Department may contact an Eligible Funding Recipient to request further information.

The Department will make a recommendation to the Delegate to approve/not approve the Work Schedule.

If an Eligible Funding Recipient nominates projects with a total value of more than 50 per cent of their Phase 3 Nominal Funding Allocation and the Work Schedule is approved, the Delegate will approve release of the First Instalment of grant funds. The decision to release funds will be made on the basis of their assessment of the information provided by an Eligible Funding Recipient and any other information in the Program Guidelines. Approval may be subject to conditions detailed in the Grant Agreement. Only approved Eligible Projects will be included in the Approved Work Schedule.

Eligible Funding Recipients will be advised in writing if their Work Schedule and release of the First Instalment has been approved.

First Instalment

The First Instalment will be paid to an Eligible Funding Recipient from 3 January 2022 or within four weeks of the Work Schedule and release of the First Instalment being approved by the Delegate, provided this date is after 3 January 2022.

The value of the First Instalment will be 50 per cent of an Eligible Funding Recipient's Phase 3 Nominal Funding Allocation.

Low Value Grants

A Low Value Grant is a Phase 3 Nominal Funding Allocation under \$750,000. In application of the proportionality principle, different requirements relating to Instalments and Reporting apply to these grants.

For a Low Value Grant, the process for Work Schedule approval is the same as detailed above. However, Low Value Grant recipients can receive 75 per cent of their Phase 3 Nominal Funding Allocation as their First Instalment provided they have nominated projects totaling 75 per cent or more of their Phase 3 Nominal Funding Allocation.

Progress Instalments

Progress Instalments will be made following submission of a complete and accurate Quarterly Report.

The Delegate will approve release of a Progress Instalment on the basis of:

- the Department's assessment of, and the information provided in, relevant Quarterly Report/s;
- whether or not an Eligible Funding Recipient is in breach, or suspected of being in breach, of the Grant Agreement; including
- consideration of other relevant information, including whether the Eligible Funding Recipient has engaged with relevant local MPs as required by these guidelines.

Further relevant information may be requested by the Department at this stage and considered by the Delegate.

If the Delegate approves release of a Progress Instalment, payment will be made within four weeks of the Delegate making this decision. Eligible Funding Recipients will be advised in writing of the decision to release a Progress Instalment.

The payment value for a Progress Instalment will equal:

- actual expenditure up until the end of the relevant quarter; plus
- projected expenditure to the end of the next quarter.

less:

- the first instalment; and
- 10 per cent of the Phase 3 Nominal Funding Allocation.

For Low Value Grants, Eligible Funding Recipients can apply to receive the residual of grant funds (10 per cent) at the time of a Quarterly Report being submitted, provided they also submit completed acquittal documentation (see 11.4).

Final Instalment

The Delegate will decide whether to approve release of the Final Instalment on the basis of:

- an assessment of compliance with the Grant Agreement, including any investigations or audit reports;
- the information provided in the Annual Report;
- information in the Work Schedule and relevant Quarterly Reports; and
- any other relevant information, including whether the Eligible Funding Recipient has engaged with relevant local MPs as required by these guidelines.

The Final Instalment will be the lesser of:

- the residual amount of an Eligible Funding Recipient's Phase 3 Nominal Funding Allocation and the total actual expenditure, and;
- projected expenditure to the end of the Eligible Projects, less instalments paid to date.

Projected expenditure should be limited to invoices for completed construction activities which are yet to be paid, or; expenses expected to be incurred post 30 June 2023, which are not construction costs, unless otherwise agreed by the Department.

Further information may be requested by the Department at this stage and considered by the Delegate. The Final Instalment will be paid within four weeks of the Delegate's decision to release the grant payment.

9.3 Grant Payments and GST

In accordance with the Terms of the Australian Taxation Office ruling GSTR 2012/2, payments made under the LRCI Program, which are payments made by a government related entity to another government related entity, and for which the amount of the grant does not exceed the cost of providing the goods or services, do not attract GST. Consequently, the actual and projected expenditure Eligible Funding Recipients report to the Department must exclude the GST component on goods and services, and the payments the Department makes to Eligible Funding Recipients to cover the costs of the program will not include GST.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the Australian Taxation Office. We do not provide advice on your particular taxation circumstances.

10. Announcement of grants

The Department will publish details of the grants awarded on GrantConnect within 21 days after the date of effect of the Grant Agreement as required by section 5.3 of the [CGRGs](#).

The Department may also publish details of grants on its website or other government websites, including individual projects funded, underway or complete. This information may include, but is not limited to:

- title of the project;
- description of the project and its aims;
- amount of funding received and funding allocation; and
- project outcomes including estimates of jobs supported.

11. Reporting requirements

Eligible Funding Recipients must submit reports in line with the Grant Agreement and these Guidelines. The Department will remind Eligible Funding Recipients of their reporting obligations before reports are due.

Eligible Funding Recipients must also update their Work Schedules as required and in accordance with any other requirements notified by the Department.

The Department will monitor progress by assessing submitted reports and may conduct site visits to confirm details in Quarterly Reports and Work Schedules if necessary. Occasionally, the Department may need to re-examine claims, seek further information, or request an independent audit of claims and payments on a risk based or sampling basis.

11.1 Quarterly Reports

Eligible Funding Recipients must submit Quarterly Reports throughout the Grant Period.

Quarterly Reports must be submitted per the timeframes in **Table 2 – Reports** and in accordance with the Grant Agreement.

Quarterly Reports are used to provide the Department with information on the progress of Eligible Projects and are a requirement for the receipt of funds for payment of Progress and Final Instalments of grant payments. Quarterly Reports must be submitted in the manner and form specified by the Department and include required details.

Eligible Funding Recipients must provide the following information in a Quarterly Report:

- the amount of grant funding spent (actual expenditure) for the eligible construction time period commencing on 1 January 2022 (unless agreed by the Department) and ending on the last day of the quarter to which the Quarterly Report relates;
- the amount of grant funding (proposed expenditure) which the Eligible Funding Recipient intends to spend on Eligible Projects in the quarter following the report;
- details of progress towards completion of Eligible Projects; including any evidence required per the Grant Agreement;
- changes to construction start or end dates, and
- estimated and/or confirmed jobs supported by the grant funding.

The figures in the Quarterly Reports should be prepared on an accrual basis. Quarterly Reports must be submitted within the period specified in the Grant Agreement.

If an Eligible Funding Recipient has expended their Phase 3 Nominal Funding Allocation or returned any unspent grant funding, after providing the Quarterly Report for the quarter in which this occurs, an Eligible Funding Recipient will not be required to provide further Quarterly reports but will still be required to provide the Annual Report.

For a Low Value Grant, if the Eligible Funding Recipient has expended their Phase 3 Nominal Funding Allocation or returned any unspent grant funds, after providing the Quarterly Report for the quarter in which this occurs, an Eligible Funding Recipient will not be required to provide further Quarterly reports. An Eligible Funding Recipient with a Low Value Grant can file acquittal documentation at this time.

Table 2 – Reports

Lodgement period for Reports	Actual expenditure period	Report
1–30 April 2022	1 January – 31 March 2022	Actual expenditure and eligible project updates for the period commencing on 1 January 2022 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 July 2022	1 April – 30 June 2022	Actual expenditure and eligible project updates for the period commencing on 1 January 2022 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 October 2022	1 January 2022– 30 June 2022	Annual Report Actual expenditure and eligible project updates from 1 July 2022 to 30 June 2022.
1–31 October 2022	1 July – 30 September 2022	Actual expenditure and eligible project updates for the period commencing on 1 January 2022 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 January 2023	1 October – 31 December 2022	Actual expenditure for the period commencing on 1 January 2022 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–30 April 2023	1 January – 31 March 2023	Actual expenditure for the period commencing on 1 January 2022 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 October 2023	1 January 2022– 30 June 2023	Annual Report Actual expenditure and eligible project updates from 1 July 2022 to 30 June 2023.

The Department must be informed of any reporting delays or significant delays affecting Eligible Projects on an Approved Work Schedule as soon as Eligible Funding Recipients become aware of them.

11.2 Ad hoc Report

If an Eligible Funding Recipient has spent all of their First Instalment in advance of the lodgement period, they can submit an Ad hoc report to access a further instalment early. The submission of an Ad hoc report does not negate the requirement to submit Quarterly Reports or an Annual Report.

An Ad hoc report must be in the manner and form required by the Department and contain the following information:

- the amount of grant funding spent from 1 January 2022 until the date specified in the Ad Hoc Report;

- the amount of grant funding which the Eligible Funding Recipient intends to spend on Eligible Projects on an Approved Work Schedule following the report until 30 June 2023;
- details of progress towards completion of funded Projects; including any evidence required per the Grant Agreement; and
- council or contractor jobs supported by the grant funding.

11.2 Annual Report

Eligible Funding Recipients must provide the Department with Annual Reports no later than 31 October 2022 and 31 October 2023 unless otherwise agreed by the Department. The Annual Report will need to be in the manner and form specified by the Department. The Annual Report will need to include the following information:

1. Total amount of grant funding made available and subsequently received over the financial year;
2. Total amount of grant funding spent on Eligible Projects;
3. Total amount (if any) of grant money unspent and either returned or will be returned to the Department:
 - a) a written Financial Statement by the Chief Executive Officer or equivalent officer however named. The Financial Statement must be in the form specified by the Department and include:
 - i. the amount of Phase 3 grant payments which remained unspent from the financial year;
 - ii. the amount of Phase 3 grant payments received by the Eligible Funding Recipient in the financial year;
 - iii. the amount of grant payments available for expenditure by the Eligible Funding Recipient on Eligible Projects in an Approved Work Schedule in that year;
 - iv. the amount spent by the Eligible Funding Recipient during that year out of the grant payments available for expenditure by the Eligible Funding Recipient during that year;
 - v. the amount (if any) retained at the end of that year by the Eligible Funding Recipient out of grant payments available for expenditures by the Eligible Funding Recipient during that year and which remained unspent at the end of that year.

Note: The figures in the Chief Executive Officer's financial statement should be calculated on an accrual basis.
 - b) The Department may ask Eligible Funding Recipients to make a declaration that the grant funding was spent in accordance with the Grant Agreement and to report on any underspends of the grant money.

11.3 Audited financial statements

Eligible Funding Recipients are required to submit a report in writing and signed by an appropriate auditor providing the auditor's opinion on the use by Eligible Funding Recipients of proper accounts and records and preparation of financial statements.

In meeting this audit requirement, the Department requires that Eligible Funding Recipients also engage the auditor to consider the appropriateness of accounts and keeping of records that relates to any Phase 3 funding received during the financial period Financial Year 2021-22 or Financial Year 2022-23.

As part of the Annual Report process outlined in section 11.2 above, the Department requires that Eligible Funding Recipients submit a report in writing and signed by an appropriate auditor stating whether, in the auditor's opinion:

- i. the Chief Executive Officer's financial statement included with the Annual Report (refer section 11.3) is based on proper accounts and records;
- ii. the Chief Executive Officer's financial statement is in agreement with the accounts and records;
- iii. the expenditure has been on Eligible Projects under the LRCI Program;
- iv. the amount certified by the Chief Executive Officer in the Chief Executive Officer's financial statement as the Eligible Funding Recipient's own source expenditure is based on, and in agreement with, proper accounts and records.

11.4 Acquittal process for Low Value Grants

For a Low Value Grant, the Eligible Funding Recipient can complete an Acquittal Report as soon as they have expended all funds. An Acquittal Report must include:

- (1) Total amount of grant funding made available and subsequently received over the calendar year;
- (2) Total amount of grant funding spent on Eligible Projects;
- (3) Total amount (if any) of grant money unspent and either returned or will be returned to the Department:
 - (a) a written Financial Statement by the Chief Executive Officer or equivalent officer however named. The Financial Statement must be in the form specified by the Department and include:
 - (i) the amount of grant payments which remained unspent from the grant period;
 - (ii) the amount of grant payments received by the Eligible Funding Recipient over the duration of the grant period;
 - (iii) the amount of grant payments available for expenditure by the Eligible Funding Recipient on Eligible Projects in an Approved Work Schedule over the duration of the grant period;
 - (iv) the amount spent by the Eligible Funding Recipient over the duration of the grant period;

Note: The figures in the Chief Executive Officer's financial statement should be calculated on an accrual basis.
- (4) photographs of projects completed using grant payments.

11.5 Reconciliation Process

If any amount of grant funding provided to the Eligible Funding Recipient is not spent on Eligible Projects on an Approved Work Schedule before 30 June 2023, the Department may require the Eligible Funding Recipient to repay that amount to the Department within four weeks of receiving such notice.

11.6 Compliance visits and Record Keeping

Eligible Funding Recipients must create and keep accurate and comprehensive records relating to grant payments received and retain those records for a minimum of five years.

Eligible Funding Recipients must, when requested to do so by the Department, provide, in the manner and form requested by the Department:

- copies of any or all of the records referred to in this subsection; and
- photographs (geo tagged if possible) of projects completed using grant payments.

The Department may visit the Eligible Funding Recipient during or at the completion of the grant program to review compliance with the Grant Agreement. Eligible Funding Recipients will be provided with reasonable notice of any compliance visit.

The Department may also inspect the records Eligible Funding Recipients are required to keep under the Grant Agreement.

11.7 Fraud

Eligible Funding Recipients must comply with fraud provisions in the Grant Agreement.

11.8 Specific legislation, policies and industry standards.

Eligible Funding Recipients must comply with all relevant laws and regulations in undertaking Eligible Projects on an Approved Work Schedule. The Eligible Funding Recipient may also be requested to demonstrate compliance with relevant legislation/policies/industry standards detailed in the Grant Agreement, including Environment and Planning Laws detailed below.

Environment and Planning laws

Projects on which grant payments are spent must adhere to Australian Government environment and heritage legislation including the *Environment Protection and Biodiversity Conservation Act 1999*. Construction cannot start unless the relevant obligations are met.

Eligible Funding Recipients must also meet other statutory requirements where relevant. These may include, but are not limited to: Native title legislation; State government legislation - for example, environment and heritage; and local government planning approvals.

12. How we monitor your grant activity

12.1 Keeping the Department informed

Eligible Funding Recipients must notify the Department of significant changes that are likely to affect an Eligible Project or their participation in the LRCI Program.

This includes any key changes to the Eligible Funding Recipient's organisation, particularly if it affects their ability to complete an Eligible Project, carry on their business and pay debts due.

Eligible Funding Recipients must also inform the Department of any changes to their:

- name;
- addresses;
- nominated contact details; or
- bank account details.

An Eligible Funding Recipient's bank account details for Phase 3 of the LRCI Program is the bank account the Eligible Funding Recipient currently uses for the LRCI Program. Any changes to an Eligible Funding Recipient's name, addresses, nominated contact details and bank account details must follow the process stipulated by the Department.

If an Eligible Funding Recipient becomes aware of a breach of terms and conditions of the Grant Agreement, or they cannot meet their obligations, they must contact the Department immediately. For example, if a funded Eligible Project is at risk of not being physically completed by 30 June 2023.

12.2 Department Contact Details

Email the mailbox at: LRCIP@infrastructure.gov.au

Mail to: Program Manager

Local Roads and Community Infrastructure Program

Infrastructure Investment Division

Department of Infrastructure, Transport, Regional Development and Communications

GPO Box 2154

CANBERRA ACT 2601

12.3 Evaluation

The Department will evaluate the LRCI Program to measure how well the outcomes and objectives have been achieved. Information provided by Eligible Funding Recipients, including through Work Schedules, submitted Quarterly and Ad hoc reports, and interviews may be used for evaluation purposes.

The Department may contact Eligible Funding Recipients up to two years after completion of projects to assist with this evaluation.

12.4 Public information conditions

Formal public statements, media releases or statements, displays, publications and advertising made by Eligible Funding Recipients must acknowledge and give appropriate recognition to the contribution of the Australian Government to that project.

If Eligible Funding Recipients propose to issue any media release relating to an Eligible Project under Phase 3 of the LRCI Program, they must:

- Invite the relevant local Federal Member of Parliament to participate in the public information activity; and
- at least five business days prior to its proposed release, unless otherwise agreed by the Department, provide a copy of the proposed media release to the Department and obtain the Department's agreement to the media release.

12.5 Signage

Eligible Funding Recipients must ensure that signs are erected for each funded Eligible Project, at the time work on the Eligible Project commences unless the Eligible Projects are less than \$10,000. Signs are not needed for projects under \$10,000 in an Approved Work Schedule.

Signage guidelines are available on the Department's website.

Eligible Funding Recipients must ensure that all signs erected as required by these Guidelines remain in place for the duration of the project to which they relate and for a minimum period of six months, after the day on which the project is completed.

12.6 Project Events

If an Eligible Funding Recipient proposes to hold a works commencement ceremony, opening ceremony, or any other event in relation to an Eligible Project they must inform the Department and the relevant local Federal Member of Parliament of the proposed ceremony or event at least two weeks before the proposed ceremony or event is to be held. The Eligible Funding Recipient should provide details of the proposed ceremony or event, including proposed invitees and order of proceedings.

If requested by the Department or the relevant local Federal Member of Parliament, Eligible Funding Recipients must arrange a joint Australian Government/Eligible Funding Recipient works commencement ceremony, opening ceremony or any other event.

If requested by the Minister, a member of the Minister's staff, the relevant local Federal Member of Parliament, or the Department, Eligible Funding Recipients must invite and, if the invitation is accepted, arrange for an Australian Government representative (nominated by the Minister or a member of the Minister's staff) to participate in any works commencement ceremony, opening ceremony or any other event proposed to be held in relation to a funded project.

13. Probity

The Australian Government will make sure that the grant opportunity process is fair; conducted according to the published Guidelines; incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct; and, is consistent with the CGRGs.

These Guidelines may be changed from time-to-time by the Department. In the event of a change to the Guidelines, the revised Guidelines will be published on GrantConnect and the Department's website.

13.1 Enquiries and feedback

For further information or clarification, the Department can be contacted at LRCIP@infrastructure.gov.au.

Frequently Asked Questions may be published at https://investment.infrastructure.gov.au/infrastructure_investment/local-roads-community-infrastructure-program/index.aspx

To provide feedback or to make a complaint; the Department can be contacted at Clientservice@infrastructure.gov.au. Complaints will be referred to the appropriate manager.

Alternatively, complaints can be directed to:

Assistant Secretary
Program, Policy and Budget Branch
GPO Box 2013
CANBERRA ACT 2601

If persons do not agree with the way the Department has handled your complaint, you may complain to the Commonwealth Ombudsman. The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the Department.

The Commonwealth Ombudsman can be contacted on:

Phone (toll free): 1300 362 072

Email: ombudsman@ombudsman.gov.au

Website: www.ombudsman.gov.au

13.2 Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program.

Eligible Funding Recipients must disclose if any of their personnel:

- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict them/the Eligible Funding Recipient from carrying out the proposed activities and/or implementing the Work Schedule fairly and independently; or
- has a relationship with, or interest in, an organisation from which may be awarded work in relation to a Eligible Project or is otherwise be involved on the implementation of the Work Schedule.

An Eligible Funding Recipient must include the following information in the Work Schedule:

- any details of any real, apparent, or potential conflicts of interests that may arise in relation to the Eligible Projects or the program;
- details of how they propose to manage these or any other conflicts of interest that may arise; or
- that to the best of their knowledge there are no conflicts of interest.

If an Eligible Funding Recipient later identifies an actual, apparent, or perceived conflict of interest, they must inform the Department in writing immediately.

13.3 How we manage conflicts of interest

Conflicts of interest for Australian Government staff will be handled as set out in the [Australian Public Service Code of Conduct \(Section 13 \(7\)\)](#) of the [Public Service Act 1999](#). Australian Government officials including decision makers, must also declare any conflicts of interest.

Conflict of interest requirements form part of the Grant Agreement. Breach of conflict of interest requirements may result in termination of the Grant Agreement.

13.4 Privacy

The Department treats personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes advising:

- what personal information is collected;
- why personal information is collected; and
- who personal information is given to.

Personal information can only be disclosed to someone for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about Eligible Funding Recipients under this grant opportunity in any other Australian Government business or function. This includes disclosing grant information on GrantConnect as required for reporting purposes and giving information to the Australian Taxation Office for compliance purposes.

The Department may share information it is provided with other Australian Government entities for purposes including government administration, research or service delivery, according to Australian laws.

Eligible Funding Recipients must declare their ability to comply with the [Privacy Act 1988](#) and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that Eligible Funding Recipients engage to assist with the activity, in respect of personal information collected, used, stored, or disclosed in connection with the activity. Accordingly, Eligible Funding Recipients must not do anything, which if done by the Department would breach an Australian Privacy Principle as defined in the Act.

13.5 Confidential Information

Other than information available in the public domain, Eligible Funding Recipients agree not to disclose to any person, other than to the Department, any confidential information unless in accordance with these Guidelines or the Grant Agreement. The obligation will not be breached where required by law, Parliament, or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

The Department may at any time, require Eligible Funding Recipients to arrange for their employees, agents or subcontractors to give a written undertaking relating to nondisclosure of our confidential information in a form the Department considers acceptable.

The Department will keep any information in connection with the grant agreement confidential to the extent that it meets all the three conditions below:

- information is clearly identified as confidential and it has been explained why it should be treated as confidential;
- the information is commercially sensitive; and
- revealing the information would cause unreasonable harm to the Eligible Funding Recipient or someone else.

The Department will not be in breach of any confidentiality agreement if the information is disclosed to:

- the Minister and other Australian Government employees and contractors to help the Department manage the program effectively;
- employees and contractors of the Department so it can research, assess, monitor and analyse our programs and activities;
- employees and contractors of other Australian Government agencies for any purposes, including government administration, research or service delivery;
- other Australian Government, State, Territory or local government agencies in program reports and consultations;
- the Auditor-General, Ombudsman or Privacy Commissioner;
- the responsible Minister or Parliamentary Secretary; and
- a House or a Committee of the Australian Parliament.

The grant agreement may also include any specific requirements about special categories of information collected, created or held under the grant agreement.

13.6 Freedom of information

All documents in the possession of the Australian Government, including those about this grant opportunity, are subject to the [*Freedom of Information Act 1982*](#) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing.

Freedom of Information Coordinator
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 2154
CANBERRA ACT 2601

Tel: (02) 6274 7111
Fax: (02) 6275 1347
email: foi@infrastructure.gov.au

14. Consultation

The Australian Government sought assistance from local councils to identify potential projects that could be fast-tracked given the economic impacts being experienced from the COVID-19 pandemic. Projects nominated by councils have informed the scope of the LRCI Program. These Guidelines have also been influenced by engagement with local councils, feedback provided, and administrative improvements identified during Phase 1 and Phase 2.

15. Glossary

Term	Definition
accountable authority	see subsection 12(2) of the <i>Public Governance, Performance and Accountability Act 2013</i> (PGPA Act)
administering entity	when an entity that is not responsible for the policy, is responsible for the administration of part or all of the grant administration processes
appropriate auditor	has the meaning provided in <i>the National Land Transport Act 2014</i> Section 4 - Definitions
commencement date	the expected start date for the grant activity
completion date	the expected end date for the grant activity
Commonwealth Grants Rules and Guidelines (CGRGs)	establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration
eligibility criteria	refer to the mandatory criteria which must be met to qualify for a grant.
Eligible Funding Recipient	the organisation that is eligible to receive funding under the LRCI Program
Eligible Project	A project that meets the Eligible Project Requirements contained in section 5 of these Guidelines
Eligible Project Requirements	The Eligible Project Requirements are the requirements contained in section 5 of these Guidelines

Term	Definition
grant	<p>for the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:</p> <ul style="list-style-type: none"> a. under which relevant money² or other Consolidated Revenue Fund (CRF) money³ is to be paid to a grantee other than the Commonwealth; and b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives
Grant Agreement	sets out the relationship between the parties to the agreement, and specifies the details of the grant
GrantConnect	is the Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs
Capital Expenditure	the money an Eligible Funding Recipient spends on purchasing and maintaining fixed assets, i.e. infrastructure, roads etc
Maintaining Overall Capital Expenditure	maintaining your overall capital spending amount, funded by your own revenue, at or above current levels, on roads and community infrastructure.
Personal information	<p>has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is:</p> <ul style="list-style-type: none"> • Information or an opinion about an identified individual, or an individual who is reasonably identifiable; • whether the information or opinion is true or not; and • whether the information or opinion is recorded in a material form or not
Approved Work Schedule	the Work Schedule that outlines Eligible Projects that the Eligible Funding Recipient can use grant money to pay for.
Work Schedule	a list of projects that an Eligible Funding Recipient proposes to be funded under the LRCI Program

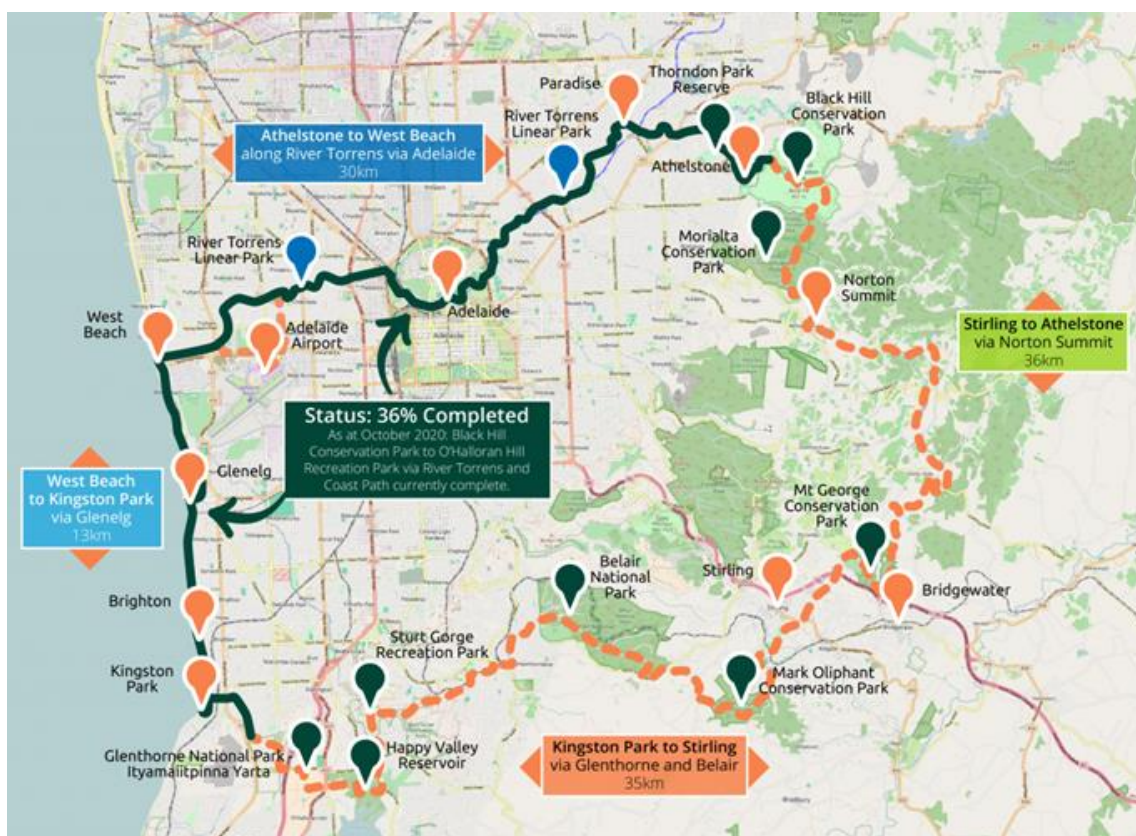
² Relevant money is defined in the PGPA Act. See section 8, Dictionary.

³ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Appendix 2

Adelaide 100 Walking Loop

Adelaide 100 Walking Route



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.6

Responsible Officer: Megan Sutherland
Executive Manager Organisational Development
Corporate Services

Subject: CEO Performance Review Process and Schedule 2022

For: Decision

SUMMARY

The role of the CEO Performance Review Panel (the Panel) is to provide advice to Council on matters relating to the performance and development of the CEO. This report outlines the process options for determination and provides an approximate schedule of work and timeframes for 2022.

The agreement of the year's process and meeting schedule enables required work to be undertaken in preparation for the Panel meetings and to manage the process for the review of the CEO's performance.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To undertake the 2022 CEO Performance Review and Remuneration Review using an external consultant.
 3. That the 2022 CEO Performance Review Panel (CEOPRP) Meeting and Process Schedule – External (Caretaker Period) as contained in Appendix 2, be adopted and the CEOPRP Presiding Member be delegated to amend the Process Schedule meeting/workshop dates as required in consultation with the Administration.
-

1. GOVERNANCE

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

Strategic Plan 2020-24 – A brighter future

Goal Organisation

Objective O1 We have the right people with the right knowledge and skills in the right jobs and they are supported and developed

Priority O1.4 Continue to support all staff through training, mentoring, coaching and development to enable the achievement of organisational and community goals

The requirement for the Panel to undertake regular review of performance enables accountability to be demonstrated and any recommendations on performance and development of the CEO to be identified, supported and managed.

➤ **Legal Implications**

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

The regular review of the CEO's performance needs to be undertaken appropriately to ensure the CEO is provided with a procedurally fair and consistent approach to performance reviews. The process needs to stand up under scrutiny, as the process, review tool and outcomes of the review directly affect decisions made in relation to the CEO, his performance, remuneration and employment agreement, and the industrial provisions under which the CEO is employed.

Section 87 of the LG Act sets out the provisions for the calling and timing of Council Committee meetings.

Section 88 of the LG Act sets out the provisions relating to public notice of Council Committee meetings.

CEO performance review – s102A

The *Statutes Amendment (Local Government Review) Bill 2020*, underwent many changes before being finalised as the *Statutes Amendment (Local Government Review) Act 2021* (the Amendment Act), as discussed in the report to the Panel in 11 November 2021.

Specific legislation changes arising from the Amendment Act related to the CEO's employment are now contained in Chapter 7 – Council staff, Part 1 – Chief Executive Officer of the LG Act.

Section 102A is a new section which provides that a council must review the performance of its CEO:

- (a) at least once on each year
- (b) if relevant, before reappointment of the CEO

Further the council must obtain and consider the advice of a qualified independent person on the above review.

Remuneration of the chief executive officer – s99A

Section 99A is a new section which provides a role to the Remuneration Tribunal of SA to make a determination from time to time setting out the minimum and maximum remuneration that may be paid to CEOs of councils.

While councils will retain the power to negotiate and agree the remuneration of its CEO, s99A(10) states that the remuneration must be within the minimum and maximum bounds set by the Tribunal applicable to that council.

CEO remuneration is one of the specific functions of the Panel under clause 3.1.5 of the Terms of Reference. In relation to the current CEO, s147(5) of the Amendment Act means that the Council and therefore the Panel are not bound by any determination issued by the Remuneration Tribunal during his current term of office which is due to conclude on 30 June 2024.

The Tribunal is consulting with councils on considerations for the development of the Determination until 11 March 2022. A determination is anticipated mid-late 2022.

Caretaker Period

Importantly, the Caretaker Period for the 2022 Local Government Election is from 6 September 2022 to the conclusion of the election (no later than 18 November 2022). Council is considering a separate report on the review of the Caretaker Policy at the 22 March 2022 meeting.

During the 'Caretaker Period' the *Local Government (Elections) Act 1999* prohibits 'designated decisions' from being made. Under the Act (s91A), designated decisions affecting the CEO Performance Review process are defined as those:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer;
- or
- (b) to terminate the appointment of the Chief Executive Officer;

Therefore, the schedules have all decisions regarding the Panel's recommendations and Council's decisions being managed before the Caretaker Period commences.

➤ **Risk Management Implications**

Undertaking regular review of the CEO's performance will assist in mitigating the risk of:

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

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

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

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

Note: there are many other controls that also assist in managing these risks.

➤ **Financial and Resource Implications**

Under the Panel's Terms of Reference, the Panel shall:

4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's budget;

If Council determines to use an internal performance review and external remuneration review, costs associated with an external consultant to undertake the remuneration review will be included within the draft 2022-2023 budget.

If Council determines to undertake the CEO performance and remuneration reviews using an external consultant, all costs associated with this process will be included in the draft 2022-23 budget. The estimated cost of any consultancy has not been disclosed in this report to avoid prejudicing any procurement process.

The costs associated with the operations of the Panel are contained in the current and draft budgets.

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

There is an expectation that the performance of the CEO is reviewed in a sound, fair and comprehensive manner.

There is an expectation that the requirements of the Terms of Reference will be adhered to and the CEO Performance Review Panel will have nominated meetings to undertake the work of the Panel and make recommendations to Council.

As a s41 Committee, the schedule of meetings will be posted on Council's website and meetings are open to the public unless the provisions of s90 (Meetings to be held in public except in special circumstances) apply to specific agenda items.

➤ **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: The CEOPRP considered the CEO Performance and Review Process at its 17 February 2022 meeting and the recommendations from the Panel are contained in this report.

Council Workshops: Not applicable

Advisory Groups: Not applicable

External Agencies: Not applicable

Community: Not applicable

2. BACKGROUND

Proposed Schedule and Meetings

Establishing the CEO Performance Review Panel process and meeting schedule for 2022 enables the required planning to be undertaken by the Administration in preparation for the meetings.

Setting meeting dates enables Panel Members to prioritise the meetings or notify in advance if they will be unable to attend. Setting the schedule enables Council to meet its legislative obligations under s87 and s88 of the Act.

History of Performance Reviews

Over the years the CEO's performance reviews have been undertaken using both external and internal processes.

Most recently, the Panel has decided to undertake the review processes using alternate internal/ external processes.

The table below shows the year and process undertaken.

Year	Internal vs External
2021	Internal performance review External remuneration review
2020	External Performance and Remuneration reviews
2019	Internal performance review External remuneration review
2018	External Performance and Remuneration reviews
2017	Internal performance review (no remuneration review new contract negotiated)
2016	External Performance and Remuneration reviews
2015	External Performance and Remuneration reviews
2014	External Performance and Remuneration reviews
2013	External Performance and Remuneration reviews

Performance Review Requirements

Since the last performance review was undertaken, legal requirements have changed, as discussed above. This means, to meet Section 102A provisions, advice must be obtained on the performance review from a qualified independent person, that being someone with appropriate qualifications or experience in human resource management who is not an employee or member of Council.

The CEO's current Employment Agreement commenced on 1 July 2019.

Clause 12 of the Agreement contains the provisions for a performance review process with the following key features:

12. PERFORMANCE REVIEW

- 12.1 The parties agree that the CEO will undergo no less than one annual performance review in accordance with the Council requirements for the Term of this Agreement. The CEO must also participate if directed in any other performance review required by the Council.
- 12.2 The performance review shall be conducted on an annual basis.
- 12.3 The CEO's performance will be assessed by reference to the Personal Evaluation System measured against the CEO's Duties as outlined in this Agreement, Position Description and any other factors considered relevant by agreement with the CEO. Evaluation will include the extent to which the CEO has discharged the CEO's goals, objectives, responsibilities and Duties outlined in Schedule 1.
- 12.4 The performance review will review the CEO's Position Description and any key performance indicators.
- 12.5 A written report shall be compiled with respect to the performance review and a copy provided to the CEO. The report shall set out in detail where Competent Performance (or better) has been achieved, and any particular aspects of the CEO's performance that require improvement, together with reasonable time frames within which it is expected those areas of performance to be improved to a specified standard.
- 12.6 The Council must provide whatever counselling, advice and assistance are reasonably necessary to enable the CEO to improve his performance during that period.
- 12.7 At the conclusion of the time frames referred to in Clause 12.5 and after taking into account the written report referred to in that Clause (and such other matters as the Council considers relevant), the CEO will either:
 - 12.7.1 be informed that performance has improved to the satisfaction of the Council or reached Competent Performance (or better) and that no further action will be taken; or
 - 12.7.2 be provided with further written notice, providing final warning that unless the CEO's performance improves in the same stipulated areas, once again within a time frame, the Council will terminate this Agreement pursuant to Clause 14.3.1.
- 12.8 The CEO's Personal Evaluation System must be reviewed and, if necessary, amended by agreement within two months after each performance review.

Personal Evaluation System (PES)

Before undertaking any review process, the PES must be agreed with the CEO.

Competent Performance, as defined in Clause 1 'Definitions' of the Employment Agreement states:

***Competent Performance** means the achievement by the CEO of a performance rating at least equal to the midpoint of the rating scale (i.e. CEO's performance met expectation).*

Remuneration (TEC) Package Review

The TEC package must also be reviewed under the Employment Agreement, specifically:

13. TEC PACKAGE REVIEW

- 13.1 The TEC Package specified in Clause 10 and Schedule 2 shall be reviewed annually in conjunction with the performance review process and outcomes.
- 13.2 The TEC Package review will be conducted each year following the performance review set out in Clause 12 (if reasonably practicable), and any change to the TEC Package shall take effect from the anniversary of the Commencement Date or as agreed.

The Remuneration Tribunal requirements in relation to CEO remuneration do not apply to the CEO under the current contract and therefore the process to determine the CEO's remuneration continues as before (s99A).

Since the inception of the remuneration review process, an external consultant has been used to provide independent remuneration advice.

3. ANALYSIS

For the current year, the Council must decide whether to support the recommendation from the Panel's 17 February 2022 meeting, to use an external consultant to undertake the CEO Performance Review and Remuneration Review process, or if a different process is to be followed. Each of the proposed processes is set out below.

7.2 CEO Performance Review Process and Schedule 2022

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

PRP3/22

The CEO Performance Review Panel resolves:

1. That the report be received and noted.
2. To recommend to Council to undertake the 2022 CEO Performance Review and Remuneration Review using an external consultant.
3. To recommend to Council that the 2022 CEO Performance Review Panel Meeting and Process Schedule – External (Caretaker Period) as contained in Appendix 2, be adopted and the CEOPRP Presiding Member be delegated to amend the Process Schedule meeting/workshop dates as required in consultation with the Administration.

Carried

For clarity, the use of an external consultant satisfies the legal requirement to obtain and consider the advice of a qualified independent person on the CEO's performance review.

Internal Review Process

If this process is used the performance review would be undertaken internally and a consultant would be used for the remuneration review. Advice would be received on the performance review via a consultant to meet those requirements.

An internal process would require the use of a tool to assess the CEO against the position description. As the internal process has been undertaken previously, it is recommended the tool used would be the same or similar. The Council Members and Executive Leaders would complete the tool. Collated feedback is discussed with the CEO by the Review Team, being the Mayor and Panel Presiding Member. The Executive Manager Organisational Development (OD) provides process management and administrative support. The final performance report would be agreed with the CEO by the Review Team.

The performance report would be discussed through the Panel and the final report and recommendation taken to Council.

There is a greater potential conflict of interest with a member of the Administration coordinating the internal performance review of the CEO. These risks are managed if this approach is undertaken.

Internal Review - Report Format

It is proposed that the following components would be included for consideration in the process if undertaken internally:

- Position specification – Key Responsibilities
- Position specification - Key Capabilities
- Performance Targets

If this process is used, the schedule containing all the decisions regarding the Panel's recommendations and Council's decisions being managed before the Caretaker Period commences (as amended), would be followed (**Appendix 1**).

Note: the dates are indicative of the timeframes and guide the process. The Panel's delegation to the Presiding Member is sought to enable flexibility in meeting timings as the process progresses.

External Review Process

If this process is used the performance review and remuneration review would be undertaken by a consultant.

The engagement of a consultant would be undertaken by the Executive Manager OD. Establishing the process would require the use of a tool to assess the CEO against the position description and personal attributes. The tool would be agreed, under advisement from the consultant, between the CEO, the Panel's Presiding Member (if available), and Executive Manager OD. The Council Members and Executive Leaders would complete the tool.

If this process is used, the schedule containing all the decisions regarding the Panel's recommendations and Council's decisions being managed before the Caretaker Period commences (as amended), would be followed (**Appendix 2**).

Note: the dates are indicative of the timeframes and guide the process. They may change to meet changing needs in consultation with the Panel's Presiding Member.

The CEO Performance Report completed by the consultant would be discussed through the Panel and the final report and recommendation taken to Council.

External Process - Report Format

It is proposed that the following components are included in the survey tool and final report if an external consultant is contracted.

Survey Tool	Report
Position specification – Key Responsibilities	Individual rating by the following respondent groups CEO, Council Members and Executive Leadership Team
Position specification - Key Capabilities	Overall table of results / graphed data
To provide general feedback on strengths	A summary of results and what they mean
To provide general feedback on possible improvements	A summary of the strengths and areas for improvement with a focus on the CEO's development

It is important that confidentiality of respondents is maintained.

A final CEO Performance Review report from the consultant would be provided for the Council record.

CEO Performance Targets

Determination of the outcome of the Performance Targets is taken as a separate report discussed through the Panel, with the recommendation taken to Council. The Performance Targets outcome is taken into account as part of the overall performance review of the CEO.

4. OPTIONS

1. That the Council resolves to undertake the performance review and remuneration review using an external consultant. (Recommended)
2. That the Council resolves to undertake a review using an internal process and utilise a consultant to undertake the remuneration review and general performance review advice. (Not Recommended)
3. That the Council resolves to adopt the proposed external meeting and process schedule for 2022 (**Appendix 2**). (Recommended)
4. That the Council resolves to change or amend the proposed meeting and process schedule for 2022. (Not Recommended)
5. That the Council resolves a different meeting and process schedule for 2022. (Not Recommended)

5. APPENDICES

1. *2022 CEO PRP Process and Meeting Schedule – Internal (Caretaker Period)*
2. *2022 CEO PRP Process and Meeting Schedule – External (Caretaker Period)*

Appendix 1

*2022 CEO PRP Process and Meeting Schedule – Internal
(Caretaker Period)*

2022 CEO PERFORMANCE REVIEW PANEL MEETING AND PROCESS SCHEDULE – INTERNAL (Caretaker Period)

Proposed dates to guide the review with amendments to timeframes to be made as needed in conjunction with the Panel's Presiding Member.

Target date	Subject	Actions
17/2/2022	CEO PRP meeting (formal public meeting)	<ul style="list-style-type: none"> Update from CEO on 2021-2022 Performance Targets Consider and recommend to Council the CEO Performance Review Process (Internal/External) and Meeting Schedule 2022
22/3/2022	Report to Council	<ul style="list-style-type: none"> Determine the CEO Performance Review Process and Meeting Schedule 2022
By 30/4/2022	Remuneration Review sourced	<ul style="list-style-type: none"> Seek and evaluate quotes for CEO Remuneration Review consultancy
12/5/2022	CEO PRP meeting (formal public meeting)	<ul style="list-style-type: none"> Update from CEO on 2021-2022 Performance Targets Consider proposed CEO 2022-2023 Performance Targets
By 18/5/2022	Appoint consultant and survey preparation	<ul style="list-style-type: none"> External-Executive Manager Organisational Development (Megan Sutherland) to advise responders of procurement decision and appoint consultant Survey tool prepared
14/6/2022	Council Workshop	<ul style="list-style-type: none"> Discuss proposed CEO Performance Targets for July 2022- June 2023 (report to Council for decision in July)
14/6/2022	Council Workshop CEO workshop with Council Members and Executive Leaders	<ul style="list-style-type: none"> CEO provides a verbal report on performance against the Performance Targets and position objectives for 2021-22 to the Council Members and Executive Leadership Team CEO Performance review process explained by Executive Manager Organisational Development
15/6/2022	CEO Feedback opens	<ul style="list-style-type: none"> Council Members and Executive Leadership Team complete review tool
30/6/2022	Due date for responses to survey	<ul style="list-style-type: none"> All responses using the Performance Review Tool due to Executive Manager Organisational Development and report collation begins
7/7/2022	CEO PRP meeting (formal public meeting)	<ul style="list-style-type: none"> Consider and recommend to Council an outcome on each of the CEO 2021-22 Performance Targets
18/7/2022	Performance Report draft complete	<ul style="list-style-type: none"> Draft report ready for discussion with CEO

2022 CEO PERFORMANCE REVIEW PANEL MEETING AND PROCESS SCHEDULE – INTERNAL (Caretaker Period)

Proposed dates to guide the review with amendments to timeframes to be made as needed in conjunction with the Panel's Presiding Member.

Target date	Subject	Actions
20/7/-27/7/2022	Review discussion with CEO	<ul style="list-style-type: none"> Review discussion held between, CEO, Panel Presiding Member, Mayor and Executive Manager OD (advice and administrative support)
28/7/2022	Performance Review Report finalised	<ul style="list-style-type: none"> Executive Manager OD finalises Performance Review Report
26/7/2022	Report to Council	<ul style="list-style-type: none"> Determine final outcome on CEO Performance Targets 2021-22 Determine the CEO Performance Targets 2022-2023
28/7/2022	CEO PRP workshop (Confidential)	<ul style="list-style-type: none"> Consultant briefs the Panel on the Remuneration Review Report CEO discusses with Panel the Performance Review Report (CEO and Consultant attend Panel workshop)
4/8/2022	CEO PRP meeting	<ul style="list-style-type: none"> CEO advice on remuneration review expectation and any other related matters Consider and recommend to Council CEO performance outcome and remuneration (confidential)
23/8/2022	Report to Council	<ul style="list-style-type: none"> Determine CEO performance rating and remuneration (confidential)
PROPOSED DATES AFTER THE COUNCIL ELECTION AND FOR THE FIRST MEETING IN 2023		
To be determined	CEO PRP meeting	<ul style="list-style-type: none"> Update from CEO on 2022-23 Performance Targets
To be determined	CEO PRP meeting	<ul style="list-style-type: none"> Update from CEO on 2022-23 Performance Targets Consider process to be undertaken this year (internal or external) Discuss CEO Performance Review Panel Meeting and Process Schedule for 2023

Appendix 2

*2022 CEO PRP Process and Meeting Schedule – External
(Caretaker Period)*

2022 CEO PERFORMANCE REVIEW PANEL MEETING AND PROCESS SCHEDULE - EXTERNAL (Caretaker Period)

Proposed dates to guide the review with amendments to timeframes to be made as needed in conjunction with the Panel's Presiding Member.

Target date	Subject	Actions
17/2/2022	CEO PRP meeting (formal public meeting)	<ul style="list-style-type: none"> Update from CEO on 2021-2022 Performance Targets Consider and recommend to Council the CEO Performance Review Process (Internal/External) and Meeting Schedule 2022
22/3/2022	Report to Council	<ul style="list-style-type: none"> Determine the CEO Performance Review Process and Meeting Schedule 2022
By 30/4/2022	Consultant Procurement	<ul style="list-style-type: none"> Seek and evaluate quotes for CEO Performance Review consultancy
12/5/2022	CEO PRP meeting (formal public meeting)	<ul style="list-style-type: none"> Update from CEO on 2021-2022 Performance Targets Consider proposed CEO 2022-2023 Performance Targets Determine consultant to facilitate CEO Performance and Remuneration Review for 2022 (confidential report)
By 18/5/2022	Appoint consultant	<ul style="list-style-type: none"> Executive Manager Organisational Development (Megan Sutherland) to advise responders of procurement decision and appoint consultant
By 31/5/2022	Discuss with consultant	<ul style="list-style-type: none"> Executive Manager Organisational Development and if possible, Presiding Member (Cr Mark Osterstock) discuss process and requirements with consultant Performance Review tool (covering position description objectives) to be discussed and agreed under advisement from the consultant, between the CEO (Andrew Aitken), the Presiding Member, and Executive Manager Organisational Development Discuss the CEO Workshop and briefing of Council and Executive Leadership Team members Consultant to discuss the draft Performance Review Tool with the CEO prior to finalising
14/6/2022	Council Workshop	<ul style="list-style-type: none"> Discuss proposed CEO Performance Targets for July 2022- June 2023 (report to Council for decision in July)
14/6/2022	Council Workshop CEO workshop with Council Members and Executive Leaders	<p><i>(CEO, Consultant and Executive Leaders attend Workshop)</i></p> <ul style="list-style-type: none"> CEO provides a verbal report on performance against the Performance Targets and position objectives for 2021-2022 to the Council Members and Executive Leaders Consultant introduced to Council Members and Executive Leaders Consultant provides brief on Performance Review Process and timeframes

2022 CEO PERFORMANCE REVIEW PANEL MEETING AND PROCESS SCHEDULE - EXTERNAL (Caretaker Period)

Proposed dates to guide the review with amendments to timeframes to be made as needed in conjunction with the Panel's Presiding Member.

Target date	Subject	Actions
30/6/2022	Due date for responses to survey	<ul style="list-style-type: none"> All responses using the Performance Review Tool due to consultant and draft report commenced.
7/7/2022	CEO PRP meeting (formal public meeting)	<ul style="list-style-type: none"> Consider and recommend to Council an outcome on each of the CEO 2021-22 Performance Targets
By 18/7/2022	Report completed by Consultant	<ul style="list-style-type: none"> Draft performance report provided to Executive Manager Organisational Development
20/7-26/7/2022	CEO Debriefed	<ul style="list-style-type: none"> Consultant discusses and briefs CEO on draft performance report CEO provides feedback on the draft report to consultant
26/7/2022	Report to Council	<ul style="list-style-type: none"> Determine final outcome on CEO Performance Targets 2021-22 Determine the CEO Performance Targets 2022-2023
28/7/2022	CEO PRP workshop (Confidential)	<ul style="list-style-type: none"> Consultant briefs the Panel on the draft Performance Review Report and Remuneration Review Report CEO discusses with Panel the draft Performance Review Report (CEO and Consultant attend Panel workshop)
4/8/2022	CEO PRP meeting	<ul style="list-style-type: none"> CEO advice on remuneration review expectation and any other related matters Consider and recommend to Council CEO performance outcome and remuneration (confidential)
23/8/2022	Report to Council	<ul style="list-style-type: none"> Determine CEO performance rating and remuneration (confidential)
PROPOSED DATES AFTER THE COUNCIL ELECTION AND FOR THE FIRST MEETING IN 2023		
To be determined	CEO PRP meeting	<ul style="list-style-type: none"> Update from CEO on 2022-23 Performance Targets
To be determined	CEO PRP meeting	<ul style="list-style-type: none"> Update from CEO on 2022-23 Performance Targets Consider process to be undertaken this year (internal or external) Discuss CEO Performance Review Panel Meeting and Process Schedule for 2023

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.7

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

Subject: Policy Review – Advisory Group Operation and Conduct Policy

For: Decision

SUMMARY

Advisory Groups are created to provide advice to the Administration on specific matters, generally in areas in which the Council Administration requires additional expertise or community perspectives.

That last holistic review of the Advisory Group arrangements was finalised in December 2018. At this time the *Advisory Group Operation and Conduct Policy* was adopted and has been in place ever since with only legislated amendments.

The purpose of this report is for Council to consider changes to the *Advisory Group Operation and Conduct Policy* based on a review of the operation of the policy since its commencement.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. With an effective date of 5 April 2022, to revoke the 18 December 2018 *Advisory Group Operation and Conduct Policy* and to adopt the 22 March 2022 *Advisory Group Operation and Conduct Policy*.
 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 March 2022 *Advisory Group Operation and Conduct Policy* prior to the effective date.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

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

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

A key element of the Governance Strategy within the Strategic Plan is that Council is committed to open, participative and transparent decision making and administrative processes. Council meetings are an important window for the community to see these principles in action and the adoption of a robust and legislatively compliant suite of meeting procedures facilitates this process.

While Advisory Groups do not have a legal structure and do not make decisions for or on behalf of Council, it is important that the governance arrangements relating to these Advisory Groups are clearly documented and understood.

Due to the nature of Advisory Group meetings and the Council Member membership of these Groups, Council's *Information or Briefing Session Policy* applies to these meetings.

➤ Legal Implications

Advisory Groups are a creation of the Council for the purpose (as stated in the *Procedures for Advisory Groups*) '..to provide advice to staff on specific matters'.

The Groups do not have a legal foundation under the *Local Government Act 1999* (the Act), as opposed to Section 41 Council Committees but under the provisions of the Act are considered to be informal gatherings.

Section 90A of the Act sets out that an Information or Briefing Session is a session to which more than one (1) member of the council or a council committee is invited by the council or the chief executive officer (CEO) of the council to attend or be involved in for the purpose of providing information or a briefing to attendees (this therefore includes Advisory Groups).

A matter must not be dealt with at an Information or Briefing Session in such a way as to obtain, or effectively obtain, a decision on a matter outside of a formal council or committee meeting. Where a matter is to be discussed at an Information or Briefing Session that is or is intended to be on the formal agenda of a council or council committee meeting, the Information or Briefing Session must be conducted in a place open to the public.

➤ **Risk Management Implications**

Ensuring the currency of practical and legislatively compliant Advisory Group arrangements will assist in mitigating the risk of:

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

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

Costs and resourcing associated with Advisory Group meetings are accommodated in the respective Department budgets and establishments.

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

It is reasonable to assume that the community could expect Council to have mechanisms to provide advice and consideration of matters to assist the Council to discharge its responsibilities and achieve its strategic intent.

➤ **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: The legislative changes arising from the Local Government reform Program have been discussed at a number of Council workshops over the last 12 months.

Advisory Groups: All Advisory Group Executive Officers have been consulted regarding the policy revision.

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

Council has used Advisory Groups (in various forms) over many years to provide advice to staff and, ultimately, to the Council in relation to a variety of subject matters.

That last holistic review of the Advisory Group arrangements was finalised in December 2018 (just after the periodic election) when the (new) Council resolved to cease a number of Advisory Groups, revise the Terms of Reference (TOR) for the remaining Groups and to adopt the *Advisory Group Operation and Conduct Policy*.

In November 2021, the Policy was administratively revised to align with changes arising from the *Statutes Amendment (Local Government Review) Act 2021* in relation to information and briefing sessions.

3. ANALYSIS

In December 2021, Council Members and Advisory Group Executive Officers were invited to contribute to the review of the Policy. While some feedback was received, it appears that the Policy is operating effectively and significant changes are not required.

The key changes proposed to the Policy (**Appendix 1**) are as follows:

1. Streamlining and clarifying the recruitment arrangements for Advisory Groups including dealing with casual vacancies and nominations from partnering organisations (clause 8); and
2. Removal of the provision of Advisory Group members requesting a special meeting given that the Groups exist to provide information to the Executive Officers on matters identified by the Executive Officer (clause 11.3)

While no significant change to the Policy is proposed, Executive Officers did highlight that the prohibition of live streaming meetings is difficult in a COVID environment to ensure that the minimum number of meetings per year can be achieved while ensuring the appropriate workplace health and safety for attendees.

Should Council wish to address this matter, it would involve removing the prohibition in the *Information or Briefings Sessions Policy* on broadcasting Advisory Group meetings. This should however take into consideration the likely imminent cessation of the Public Health Emergency Declaration and therefore the ability with also cease for Information Sessions (which deal with Council agenda matters and if Council Members are present) to be able to be conducted by electronic means.

4. OPTIONS

Council has the following options:

- I. To adopt the suite of recommendation to make the proposed changes to the Advisory Group's arrangements (Recommended)
- II. To determine not to adopt some or all of the recommendations

5. APPENDIX

- (1) *Advisory Group Operation and Conduct Policy – March 2022 (draft)*

Appendix 1


*Advisory Group Operation and Conduct Policy – March
2022 (draft)*

Council Policy

Advisory Group Operation and Conduct



COUNCIL POLICY

	ADVISORY GROUP OPERATION AND CONDUCT
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Policy Number:	GOV-15
Responsible Department(s):	Governance & Performance
Other Relevant Policies:	<i>Council Member Conduct Information or Briefing Sessions Volunteer Engagement</i>
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999 Local Government (General) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	<i>Advisory Group Operation & Conduct Policy, 18 December 2018, Item 12.3, 326/18</i>
Adoption Authority:	Council
Date of Adoption:	<i>To be updated administratively</i>
Effective From:	<i>To be updated administratively</i>
Minute Reference for Adoption:	<i>To be updated administratively</i>
Next Review:	No later than March 2025 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	2/1/2019	Initial Adoption	Council – Res 326/18
1.1	9/11/2021	Consequential amendments from adoption of <i>Information or Briefing Sessions Policy</i>	Council – Res 226/21
2.0a	TBA	Draft for consultation	

ADVISORY GROUP OPERATION AND CONDUCT POLICY

1. INTRODUCTION

- 1.1 Council has used Advisory Groups (in various forms) over many years to provide advice to the Administration (i.e. Council Officers) and, ultimately, to the Council in relation to a variety of subject matters.
- 1.2 While the specific composition arrangements of each Advisory Group vary, they provide the means by which the Administration can access technical and/or community advice to inform the development of Council strategies, policies and initiatives. They also allow community members with the right skills and interests in a matter to influence decision making and direction.
- 1.3 In contrast to the more formal meeting structures such as Council and Council Committees (created under s41 of the *Local Government Act 1999*), Advisory Groups do not have any legal standing but, due to the membership containing Council Members, are required to comply with the information or briefing sessions legislative provisions contained in Section 90A of the *Local Government Act 1999* and Council's adopted policy positions contained in the *Information or Briefing Sessions Policy*.

2. OBJECTIVES

- 2.1 The objectives of this policy are:
- To provide clear guidance to Council Members, Officers and Independent Members on the operational arrangements and conduct expectations of Advisory Groups; and
 - To ensure that Advisory Groups are conducted in accordance with the applicable obligations contained in legislation and Council policy.

3. DEFINITIONS

- 3.1 **"Executive Officer"** means the Council Officer appointed by the Chief Executive Officer to coordinate and conduct the respective Advisory Group
- 3.2 **"Information or briefing session"** is a session to which more than one (1) member of the council or a council committee is invited by the council or the chief executive officer (CEO) of the council to attend or be involved in for the purpose of providing information or a briefing to attendees [Section 90A(1)].
- 3.3 **"Electronic means"** includes a telephone, computer or other electronic device used for communication.

4. SCOPE

- 4.1 This policy applies to all Council Members, Officers and Independent/Community Members appointed to or supporting Advisory Groups.

5. POLICY STATEMENT

- 5.1 Council values the experience and specialist knowledge that exists in the Adelaide Hills community and its partnering organisations and is committed to seeking opportunities to access this expertise for use in developing Council strategies, policies and initiatives.

6. ROLE AND FUNCTIONS

- 6.1 An Advisory Group is a group formed by Council to provide advice to its Executive Officer on specific matters the Executive Officer is seeking advice on.
- 6.2 For clarity, it is not a committee formed pursuant to Section 41 of the *Local Government Act 1999* which would provide advice direct to Council.
- 6.3 Each Advisory Group has a Terms of Reference adopted by Council and the Group is expected to stay within these terms.
- 6.4 Advisory Groups will not commission work on their own initiative or have any decision making powers delegated by Council, but rather provide advice to their Executive Officer.
- 6.5 Given that Advisory Groups provide advice to their Executive Officer, it is appropriate that only the Mayor, Council's CEO and where delegated, the Executive Officer, be the media spokespersons on behalf of the Group.

7. MEMBERSHIP

- 7.1 The membership of each Advisory Group is set out in the respective Terms of Reference.
- 7.2 The Mayor is an ex-officio member of all Advisory Groups.
- 7.3 Council Members can attend meetings of all Advisory Groups.

8. APPOINTMENTS

- 8.1 Appointments to Advisory Groups shall be at the Council's sole discretion and be based upon the skills, knowledge and experience of appointees relevant to the Advisory Group.

Independent Members

- 8.2 In the general course of events, the selection process will commence upon positions becoming vacant, or on the approach to positions becoming vacant at the end of a term(s) of membership, without needed reference back to Council, unless changes to the Terms of Reference or the continuance of an Advisory Group is being considered.
- 8.3 ~~T~~he selection process for Advisory Groups will begin with an advertising campaign calling for independent member nominations. Advertising will be through Council's website, newspapers, council service centres and libraries. Interested parties will be requested to submit a written application which will identify responses to the selection criteria.

~~8.3 For a small number of Advisory Groups, the Terms of Reference will identify an alternative process for appointing the Independent Members (i.e. as representatives of other organisations).~~

8.4 The selection process for independent members will be conducted by a Selection Panel comprising ~~two~~ one (12) Council Members ~~(preferably those familiar with the business of the Advisory Group drawn from the Council Members currently on the Advisory Group) appointed by the Council~~, Council's Chief Executive Officer (or delegate), and the Executive Officer.

8.5 Recommendations for independent membership of Advisory Groups will be made by the Selection Panel to Council and appointment will be made by resolution.

8.6 Where all independent member positions are not filled in a selection process or a casual vacancy occurs, the Executive Officer will endeavour to find appropriate candidates and the Selection Panel will consider these as they arise. The Chief Executive Officer will have the delegation to appoint the recommended candidate for the balance of the independent members' term on that Advisory Group.

Council Members

8.7 Council Members will be appointed to Advisory Groups by resolution of the Council.

Partnering Organisation Nominees

8.8 For a small number of Advisory Groups, the Terms of Reference provide for membership of nominees of partnering organisations. As such there is no selection process by Council.

9. TERM OF OFFICE

9.1 The term of office for Independent Members on an Advisory Group will be two (2) years or such other time as resolved by Council at the time of appointment.

9.2 The term of office for Council Members will be two (2) years or such other time as resolved by Council.

9.3 Casual vacancies may be filled using the selection process with any appointment(s) made by resolution of Council. Where a vacancy occurs less than six (6) months before the expiry of the term of office, the vacancy may remain unfilled.

10. STATUS OF OFFICE OF MEMBERS

10.1 Independent Members of Advisory Groups (except partnering organisation nominees) have status and will be registered as volunteers of the Council and are insured in accordance with the Volunteer Insurance Policy that is part of the Council's membership of the Mutual Liability Scheme.

10.2 Independent Members are not indemnified by the Council against any liability arising as a result of their actions or omissions related to their involvement with the Advisory Group or undertaken in connection with their role as a member of an Advisory Group.

10.3 Council Members' involvement with an Advisory Group constitutes the exercise of official functions and duties of office of an elected member under the *Local Government Act*

1999. Council Members are, therefore, protected from civil liability in their role as Advisory Group members pursuant to section 39 of the *Local Government Act 1999*.

11. MEETINGS

- 11.1 An Advisory Group shall meet at least four times per year, or more frequently if determined by the Executive Officer in consultation with the Group Members.
- 11.2 The Executive Officer will determine the meeting schedule in consultation with Advisory Group Members.
- 11.3 A special meeting may be convened to consider a matter of urgency by the Executive Officer with at least five calendar days' notice. ~~If such a special meeting is at the request of a member of an Advisory Group, then such a request shall have the support of the majority of the members before it can be convened.~~
- 11.4 While Advisory Groups do not make formal decisions, there is no specific requirement for a quorum. If however the Executive Officer determines that the likely number of attendees will be insufficient to generate the required advice, the meeting will be cancelled and alternative communication methods used.
- 11.5 In accordance with clauses 6.2.7-8 of the *Information or Briefing Sessions Policy*, meetings will be open to the public under s90A(3) unless the confidentiality provisions of s90(3) apply. Meetings will not be conducted by electronic means and will not be live streamed.
- 11.6 Publication of meeting details on Council's website will be in accordance with clause 6.2.9 of the *Information or Briefing Sessions Policy*.

12. PRESIDING MEMBER

- 12.1 The Executive Officer (or their delegate) will be the Presiding Member of the Advisory Group.
- 12.2 The role of the Presiding Member includes:
- Overseeing and facilitating the conduct of meetings in accordance with *Local Government Act 1999*, the *Local Government (General) Regulations 2013* and the *Information or Briefing Sessions Policy*; and
 - Ensuring all Group Members have an opportunity to participate in discussions in an open and encouraging manner

13. AGENDAS

- 13.1 The Executive Officer will determine the matters to be discussed at the Advisory Group meeting on the basis of the advice required.
- 13.2 Only matters listed on the published Agenda will be discussed during the Advisory Group meeting.
- 13.3 The Agenda will be distributed to Members by email no later than five (5) days prior to the next meeting date.

14. MINUTES

14.1 As an Advisory Group is not a formal meeting of Council, the minutes will reflect this lack of formality but will (as minimum) record:

- The place, date and time at which the information or briefing session was held;
- The meeting attendees and apologies;
- The topics discussed; and
- Recommendations arising from the discussion and advice provided to the Executive Officer (see Recommendations section below).

15. RECOMMENDATIONS OF ADVISORY GROUPS

15.1 Advisory Groups provide advice to their Executive Officer which may be in the form of recommendations.

15.2 These recommendations will be made by consensus. Consensus decision-making is a group decision making process that seeks the consent of all participants. Consensus may be defined as an acceptable resolution, one that can be supported, even if not the "favourite" of each individual.

15.3 The minutes will record if consensus on a matter was not able to be achieved

15.4 An Advisory Group may make recommendations on changes to these Terms of Reference to its Executive Officer to enhance achievement of the Advisory Group's purpose and role.

16. CONDUCT OF ADVISORY GROUP MEMBERS

16.1 Council Members and Council Officers have conduct standards set by both legislation and policy and are required to comply with these in the context of Advisory Group meetings.

16.2 Independent/Community Members will be expected to:

- a) Comply with Council's policies in relation to volunteers [\(where applicable\)](#);
- b) Be honest and fair when dealing with all persons present at meetings;
- c) Deal with information received in their capacity as a member in a responsible manner;
- d) Be aware of any conflicts (real or perceived) between their role as a Group Member and their private interests and disclose these conflicts either prior to the relevant matter being discussed or as soon as the conflict becomes apparent;
- e) Endeavour to provide accurate information to the Group and to the public at all times; and
- f) Endeavour to establish and maintain respectful relationships with all Group members and Council staff, regardless of difference of views and opinions.

16.3 Matters presented to an Advisory Group as confidential shall be dealt with and remain in confidence until such time as confidentiality is withdrawn as advised by the Executive Officer.

16.4 A Member of an Advisory Group may be removed from office on the grounds that:

- He or she was absent, without leave from the Advisory Group, from two or more consecutive meetings; or
- Has made public statements that may be detrimental to the effective functioning of the Advisory Group; or
- Has, or is, behaving in a way which is detrimental to the smooth, efficient and effective workings of the Advisory Group.

16.5 The determination as to whether a Member's conduct constitutes grounds for removal from office will be made by a Reference Panel comprising the Mayor, Chief Executive Officer (or delegate) and the Executive Officer. The Reference Panel will observe the principles of natural justice in making any decision to remove a member from office. That is, the member will be given an opportunity to comment in relation to any adverse allegations against him/her and in relation to any proposal that he/she be removed from office. Any comments made by the member will be taken into account by the Reference Panel before a decision is made.

17. DELEGATION

17.1 The Chief Executive Officer has the delegation to:

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

18. AVAILABILITY OF THE POLICY

18.1 This Policy will be available ~~for inspection at the Council's Offices during ordinary business hours and via~~ [on](#) the Council's website www.ahc.sa.gov.au.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item:	12.8
Responsible Officer:	Lachlan Miller Executive Manager Governance & Performance Office of the Chief Executive
Subject:	Adelaide Hills Region Waste Management Authority – Board Appointee Nomination
For:	Decision

SUMMARY

The Adelaide Hills Region Waste Management Authority (the Authority) is a regional subsidiary with the following constituent councils: Adelaide Hills Council, Mount Barker District Council, Rural City of Murray Bridge, and Alexandrina Council. The Authority was established to facilitate, co-ordinate and undertake waste management including collection, treatment, disposal and recycling within the Region.

The Authority operates under a Charter that was reviewed in 2020 The Charter (**Appendix 1**) provides for a Board to oversee the operations and governance of the Authority. With the review of the Charter has come a new Board composition changing from the previous arrangement of two Board Members and a Deputy from each Constituent Council to more of a skills-based Board with one Member and a Deputy from each Council.

The purpose of this report is to detail the new Board arrangements and to seek nominations from the Council for Board Member and Deputy Board Member appointees.

RECOMMENDATION

Council resolves:

DECISION ONE

- 1. That the report be received and noted**
- 2. To progress with a Council Officer or Council Member nomination(s) for a skills based Board Member for the Adelaide Hills Region Waste Management Authority.**

DECISION TWO

3. To determine that the method of selecting the Authority Board Member and Deputy appointee(s) to be by an indicative vote to determine the preferred person(s) utilising the process set out in this Agenda report.
4. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Authority Board Member and Deputy appointee(s) and for the meeting to resume once the results of the indicative voting has been declared.

DECISION THREE

5. To nominate as the Board Member appointee for a two –year term and as the Deputy Board Member appointee for a two –year term.
6. To authorise the Chief Executive Officer to advise the Authority’s Executive Officer of Council’s nominations.

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
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The nomination of suitable candidate(s) to the Authority is an important element of Council’s commitment to open and transparent decision making which facilitates public accountability.

➤ Legal Implications

Section 43 of the *Local Government Act 1999* sets out the processes for the establishment of regional subsidiaries. Regional subsidiaries can be established to provide a specific service or services to carry out a specified activity or to perform a function of the councils. To establish a s43 regional subsidiary, a resolution from each constituent council is required, a charter and other mandated arrangements agreed, and Ministerial approval granted.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of a Regional Subsidiary Board in one of the limited Board Member roles under the respective Subsidiary's Charter, may possibly constitute a personal benefit under s73 of the Act (but not a pecuniary benefit as there are no sitting fees).

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to a Committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to a Board Member role could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate..

➤ **Risk Management Implications**

The establishment of appropriately and effectively constituted regional subsidiaries will assist in mitigating the risk of:

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

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

There are a number of financial implications in relation to the Authority; however this report concerns the appointment of Council representatives to the Board rather than a discussion regarding the operations of the Authority.

Neither Council nor the Authority will pay allowances for ordinary Board Member attendance at meetings. Council Members are however entitled to claim travel reimbursement in accordance with the *Council Member Allowance & Benefits Policy*. Council Officers will either have use of a Council vehicle or have travel reimbursed.

If Council opts to engage an independent member it will need to establish a budget for that person's sitting fees. A range of between \$400 - \$1,000 per meeting is indicative of the market within the local government sector.

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

There are no direct end-user customer service implications regarding the appointment of Council representatives to a regional subsidiary board acknowledging however that Council itself is a customer of all Regional Subsidiaries.

➤ **Sustainability Implications**

Not directly 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: The review of the Authority's Charter, including the changes to Board composition, have been raised a number of times during the CEO Updates. A workshop topic on the AHRWMA Board Membership occurred on 8 March 2022.

Advisory Groups: Not Applicable

External Agencies: Executive Officer, Adelaide Hills Region Waste Management Authority

Community: Not Applicable

2. BACKGROUND

Charter Review

The Authority is a regional subsidiary with the following constituent councils: Adelaide Hills Council, Mount Barker District Council, Rural City of Murray Bridge, and Alexandrina Council.

The Authority in conjunction with its Constituent (Member) Councils undertook an extensive review of its Charter (**Appendix 1**), which has been approved by all Member Councils.

A key item of the Charter is the recruitment of a new Board and an Independent Chair.

To date the Board, in accordance with the old Charter, consisted of eight members, being one staff member and one Elected Member from each Constituent Council, along with one Deputy Board Member.

Council last considered the matter of Authority Board membership at its 8 September 2020 meeting when it appointed Cr Ian Bailey and Mr Marc Salver as Board Members and Cr John Kemp as the Deputy. The appointment was until the end of the Council term for the Council Members and 23 December 2022 for Mr Salver.

The revised Charter includes a board membership of four skill-based Board Members, being one representative from each Council (who may be an elected member, an employee or an Independent Member) appointed by each Constituent Council. Each Council will also have a Deputy Board Member.

The Board will also be chaired by an Independent Chair appointed jointly by Absolute Majority of the Constituent Councils.

Independent Chair Selection Process

The revised Charter states that the Chairperson of the Board shall be selected through a process determined by a panel comprising the Chief Executive Officers of the Constituent Councils.

The CEO's (or their nominees) and AHRWMA EO have met to determine the Chair selection process. A recruitment provider is being utilised to manage the selection process and the Selection Panel will review and interview suitable applicants to provide a recommendation to Constituent Councils for consideration.

Skills Based Board Members

The revised Charter states that a panel of Chief Executive Officers or nominees will meet collectively to develop a position description/information package for prospective Board Members, outlining the responsibilities and desired skills. The panel will then meet to discuss their proposed appointees, prior to final appointment, for the purpose of ensuring that the Board will have an appropriate skill mix. The Deputy Board Members will be appointed in the same manner as Board Members.

The selection panel have met and established a position description/info package (**Appendix 2**). The panel also discussed the proposed term, with a recommendation that the Board Members are initially appointed for a 2 year term, noting that Council Member appointees will be subject to Council re-election.

Skills Based Board Members – selection process

It is an option for one or more councils to appoint an independent to the position of Board Member.

The selection panel have considered this and at this point in time and subject to Constituent Council feedback, it is recommended that a Council Officer or Council Member be considered in the first instance. If this process does not prove to be successful, the Council may wish to consider an Independent. The Independent Chair recruitment process will be useful in gauging potential independents for future AHRWMA Board positions.

If it is determined that Council will progress with a Council Officer or Council Member nomination it is proposed that Council Officers and Council Members be provided the position description for consideration and submit their Expression of Interest, addressing the key criteria.

The panel will meet to discuss their proposed appointees prior to recommending a final appointment, for the purpose of ensuring that the Board will have an appropriate skill mix.

The panel will report back to Council seeking approval of the proposed nomination.

Each council will consider the nominations (Board Member and Deputy) for their council only.

Mr John McArthur, Manager Sustainability, Waste and Emergency Management has indicated an interest in nominating for the Board Member role. Mr McArthur will be attending the meeting and is willing to speak to his nomination.

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 persons for the Authority Board Member and Deputy positions.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council 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 positions of Authority Board Member and Deputy candidate(s).
- b) If there is only one nomination for the Board Member position, no election will be required [however the candidate 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.
- l) The process from steps (a) through to (k) can then be repeated for the Deputy Board Member position.
- m) 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 3 (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 4 (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.
- IV. Upon resumption, the Council Member(s) who nominated for the Authority Board Member and Deputy roles would be advised to make declarations in accordance with *s74 or s75A* and take the appropriate action.
- V. Council can then resolve (Recommendation 5) for the preferred person(s) to be nominated as the Authority Board Member and Deputy appointees.

4. OPTIONS

Council has the following options:

1. Endorse the nomination of a candidate(s) to the Authority Board Member and Deputy roles. (recommended)
2. Determine not to nominate to the Authority Board Member and Deputy roles at this time however Council will need to make a nomination at some time to be able to assume its representation on the Authority Board and to meet its obligations under the Charter. (not recommended)

5. APPENDICES

- (1) *Adelaide Hills Region Waste Management Authority Charter 2021*
- (2) *Draft Authority Board Member Position Description – February 2022*

Appendix 1

*Adelaide Hills Region Waste Management Authority
Charter 2021*

LOCAL GOVERNMENT ACT 1999

ADELAIDE HILLS REGION WASTE MANAGEMENT AUTHORITY CHARTER 2021

1. INTRODUCTION

1.1. Definitions

'Absolute Majority' means a majority of the whole number of the Constituent Councils;

'Act' means the *Local Government Act 1999* and includes all regulations made under that Act;

'Annual Contribution' means the volume of rubbish and waste deposited in a financial year by a Constituent Council at landfill operations undertaken by the Authority, unless otherwise determined by the Authority;

'Asset Management Plan' means the asset management plan prepared under clause 5.5.1;

'Authority' means the Adelaide Hills Region Waste Management Authority;

'Board' means the board of management of the Authority as described in clause 3;

'Board Member' means a member of the Board appointed in accordance with clause 3.3 and, unless the context requires otherwise, includes a Deputy Board Member;

'Budget' means the annual budget adopted by the Authority in accordance with clause 5.2;

'Business Plan' means a business plan adopted by the Authority in accordance with clause 4.2;

'CCI Schedule' means the schedule compiled for the purposes of clause 5.1.1.

'Chairperson' means the member of the Board appointed in accordance with clause 3.3.1.2;

'Constituent Councils' means the constituent councils of the Authority as identified in clause 1.2.2 subject to any adjustment under clauses 8.2 or 8.3;

'Council' means a council constituted under the Act;

'Deputy Board Member' means a deputy member of the Board appointed in accordance with clause 3.3.2;

'Equity Interest' means the interest of a Constituent Council in the Net Assets of the Authority as recorded in the CCI Schedule;

'Equity Interest Percentage' means the Equity Interest of a Constituent Council as a proportion of the Equity Interest of all Constituent Councils expressed as a percentage;

'Executive Officer' means the person appointed in accordance with clause 6.1 as the Executive Officer of the Authority;

'Fees' are fees for services or facilities provided by the Authority;

'Financial Contribution' means a monetary contribution of a Constituent Council to the Authority including under clause 5.3, but excludes Fees paid by the Constituent Council for services or facilities provided by the Authority;

'Financial Statements' has the same meaning as in the *Local Government (Financial Management) Regulations 2011*;

'Financial Year' means 1 July in each year to 30 June in the subsequent year;

'Long Term Financial Plan' means the long term financial plan adopted by the Authority and approved by the Constituent Councils in accordance with clause 5.5;

'Net Assets' means total assets (current and non-current) less total liabilities (current and non-current) as reported in the annual audited financial statements of the Authority;

'Region' means the collective geographical areas of the Constituent Councils; and

'Strategic Plan' means a strategic plan adopted by the Authority in accordance with clause 4.

1.2. Establishment

1.2.1. The Authority is a regional subsidiary established under section 43 of the Act by the Constituent Councils and must conduct its affairs in accordance with Parts 2 and 3, Schedule 2 of the Act except as modified by this Charter in a manner permitted by the Act.

1.2.2. The Constituent Councils are:

1.2.2.1. Mount Barker District Council;

1.2.2.2. Adelaide Hills Council;

1.2.2.3. Rural City of Murray Bridge; and

1.2.2.4. Alexandrina Council.

1.3. Purpose of the Authority

The Authority is established to facilitate, co-ordinate and undertake waste management including waste collection, treatment, disposal and recycling within the Region.

1.4. Common Seal

- 1.4.1. The Authority will have a common seal.
- 1.4.2. The common seal of the Authority must not be affixed to a document except to give effect to a resolution of the Board.
- 1.4.3. The affixing of the common seal of the Authority must be attested by two (2) Board Members.
- 1.4.4. The Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of the persons who attested to the affixing of the seal and the date on which this occurred.
- 1.4.5. The Authority may by instrument under common seal authorise a person to execute documents on behalf of the Authority subject to any limitations specified in the instrument of authority.

2. FUNCTIONS AND POWERS OF THE AUTHORITY

2.1. Functions

- 2.1.1. The Authority has the following functions to:
 - 2.1.1.1. develop and implement policies designed to improve waste management and recycling programmes and practices within the Region;
 - 2.1.1.2. regularly review the Region's waste management and recycling practices and policies;
 - 2.1.1.3. provide and operate a place or places for the treatment, recycling and disposal of waste collected by or in the areas of the Constituent Councils or provided by agreement with any other person;
 - 2.1.1.4. develop further co-operation between the Constituent Councils in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible;
 - 2.1.1.5. minimise the volume of waste collected in the areas of the Constituent Councils which is required to be disposed of to landfill;
 - 2.1.1.6. educate and motivate the community to achieve the practical reduction of waste through reuse and recycling initiatives; and
 - 2.1.1.7. undertake activities associated with its purpose outside the areas of the Constituent Councils where that activity has been approved by the Board as being necessary or expedient to the performance by the Authority of its functions.

2.1.2. In carrying out its functions, the Authority must:

2.1.2.1. consider measures to achieve financial sustainability; and

2.1.2.2. give due weight to economic, social and environmental considerations.

2.2. Powers

In addition to those powers specified in the Act, the powers of the Authority are:

2.2.1. subject to clause 2.5, to acquire, deal with and dispose of real or personal property (wherever situated) and rights in relation to real and personal property in accordance with the long-term financial plan, business plan and annual budget;

2.2.2. subject to clause 2.5, to lease, licence, hire or rent any real or personal property;

2.2.3. subject to clause 2.4, to sue in its corporate name provided that any litigation is subject to an immediate information report to the Constituent Councils by the Executive Officer;

2.2.4. subject to the requirements of this Charter, to enter into any kind of contract or arrangement;

2.2.5. to establish a reserve fund or funds clearly identified for the upkeep or replacement of fixed assets of the Authority or for meeting any deferred liability of the Authority;

2.2.6. to invest any surplus funds of the Authority in the Local Government Finance Authority of South Australia;

2.2.7. to distribute surplus funds to the Constituent Councils on a basis determined by the Board and included in the Budget;

2.2.8. to enter into arrangements with the Constituent Councils for the purpose of operating and managing sites for the treatment, recycling, disposal and transfer of waste;

2.2.9. to determine the types of refuse and waste which will be received and the method of collection, treatment, recycling and disposal of the waste;

2.2.10. subject to clause 2.4, to undertake projects and to undertake all manner of things relating to and incidental to the collection, treatment, recycling and disposal of waste;

2.2.11. subject to clause 2.4, to commit the Authority to undertake a project in conjunction with any other Council or government agency and in doing so to participate in the formation of a trust, partnership or unincorporated joint venture with the other body to give effect to the project;

- 2.2.12. subject to clause 2.4, to employ, engage, remunerate, remove, suspend or dismiss the Executive Officer of the Authority;
- 2.2.13. to open and operate bank accounts;
- 2.2.14. to make submissions for and accept grants, subsidies and contributions to further its objects and purposes and to invest any funds of the Authority in any securities in which a Council may lawfully invest;
- 2.2.15. to charge fees for services or facilities provided by the Authority; and
- 2.2.16. subject to the Act and this Charter to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

2.3. Delegated Functions and Powers

The Authority may exercise such other functions, powers and duties as are delegated to the Authority by the Constituent Councils from time to time.

2.4. Borrowings and Expenditure

- 2.4.1. The Authority has the power to incur expenditure as follows:
 - 2.4.1.1. in accordance with a Budget and approved by the Constituent Councils as required by the Act or this Charter;
 - 2.4.1.2. with the prior approval of the Constituent Councils; or
 - 2.4.1.3. in accordance with the Act, in respect of expenditure not contained in a Budget for a purpose of genuine emergency or hardship.
- 2.4.2. The Authority has the power to borrow money as follows:
 - 2.4.2.1. in accordance with a Budget and approved by the Constituent Councils as required by the Act or this Charter;
 - 2.4.2.2. in respect of an overdraft facility or facilities up to a maximum amount as determined by the Authority's Treasury Management Policy; or
 - 2.4.2.3. with the prior approval of the Constituent Councils.

2.5. Property

No real property of the Authority may be sold, encumbered or otherwise dealt with without the prior approval of the Constituent Councils and the approval of the Authority by a resolution of the Board.

2.6. National Competition Policy

The Authority will apply the principles of competitive neutrality to any significant business activity of the Authority in accordance with, and to the extent required by, the State of South Australia's *Revised Clause 7 Statement on the Application of Competition Principles to Local Government under the Competition Principles Agreement* (September 2002).

3. THE BOARD OF MANAGEMENT

3.1. Role of the Board

The Board is responsible for the administration of the affairs of the Authority and ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

3.2. Functions of the Board

In addition to the functions set out in the Act, the functions of the Board are:

- 3.2.1. formulating Strategic Plans and Business Plans in accordance with clauses 4.1 and 4.2 of this Charter and developing strategies aimed at improving the business of the Authority;
- 3.2.2. providing policy direction to the Authority;
- 3.2.3. monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;
- 3.2.4. subject to this Charter, ensuring that the business of the Authority is undertaken in an open and transparent manner;
- 3.2.5. ensuring that ethical behaviour and integrity is established and maintained by the Authority and Board Members in all activities undertaken by the Authority;
- 3.2.6. exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
- 3.2.7. ensuring that the Authority functions in accordance with its purpose and within its approved budget.

3.3. Board Members

- 3.3.1. The Board will be comprised of five (5) members appointed as follows:
 - 3.3.1.1. One (1) person (who may be an elected member, an employee or an Independent Member) appointed by each Constituent Council with skills and/or knowledge in any of the following:
 - a. financial management;
 - b. legal / corporate governance;

- c. marketing and promotions;
- d. waste management;
- e. business management.

3.3.1.2. One (1) person appointed jointly by Absolute Majority of the Constituent Councils, with relevant professional expertise, who is not a member or officer of a Constituent Council to be the chairperson of the Board.

3.3.1.3. The Chairperson of the Board shall be selected through a process determined by a panel comprising the Chief Executive Officers of the Constituent Councils.

3.3.1.4. A panel comprising each Constituent Council's Chief Executive Officers or nominee will meet collectively to develop a position description/information package for prospective Board Members, outlining the responsibilities and desired skills. The panel will meet to discuss their proposed appointees, prior to final appointment, for the purpose of ensuring that the Board will have an appropriate skill mix.

3.3.2. Each Constituent Council must also appoint one Deputy Board Member.

3.3.3. A Deputy Board Member will be appointed in the same manner as a Board Member.

3.3.4. The Deputy Board Member is entitled to act in place of a Board Member appointed by the same Constituent Council that appointed the Deputy Board Member, if the Board Member is absent or unable for any reason to act as a Board Member, for the period of the Board Member's absence or inability to act as a Board Member.

3.3.5. The Chairperson of the Board shall preside at all meetings of the Board and in the event of the Chairperson being absent from a meeting the Board shall appoint a Board Member present to be the chairperson for that meeting.

3.3.6. Each Constituent Council must give notice in writing to the Authority of its appointment of Board Members and Deputy Members, the term of appointment if applicable and any termination or revocation of those appointments. A notice in writing signed by the Chief Executive Officer of a Constituent Council will be sufficient evidence of an appointment, termination or revocation of an appointment and will constitute notice as required by this clause 3.3.6.

3.4. Term of Office

3.4.1. Subject to clause 3.4.3 the term of office of a Board Member appointed under clause 3.3.1.1 and a Deputy Board Member, shall be for a term

determined by the Constituent Council appointing that Board Member. At the conclusion of a such a Board Member's term of office, the Board Member will be eligible for re-appointment.

- 3.4.2. Subject to clauses 3.4.3 and 3.4.5, the term of office of the Chairperson of the Board shall be for a period of three (3) years. At the conclusion of the term of office the Chairperson of the Board will be eligible for re-appointment.
- 3.4.3. The office of a Board Member will become vacant if:
 - 3.4.3.1. any of the grounds or circumstances set out in the Act as to when a Board Member's office becomes vacant arise;
 - 3.4.3.2. the Constituent Council which appointed the Board Member under clause 3.3.1.1 terminates or revokes the Board Member's appointment;
 - 3.4.3.3. the Board Member is an elected member of a Constituent Council, upon ceasing to be an elected member of the Constituent Council which appointed him or her; or
 - 3.4.3.4. the Board Member is an employee of a Constituent Council, upon ceasing to be employed by the Council which appointed him or her.
- 3.4.4. The Authority may, by a resolution of the Board supported by at least two-thirds majority of the Board Members currently in office (excluding the Board Member subject to this clause) ignoring any fraction, make a recommendation to a Constituent Council that it terminate the appointment of a Board Member appointed by that Constituent Council in the event of any behaviour of that Board Member which in the opinion of the Authority amounts to:
 - 3.4.4.1. impropriety;
 - 3.4.4.2. serious neglect of duty in attending to the responsibilities as a Board Member;
 - 3.4.4.3. breach of fiduciary duty to the Authority;
 - 3.4.4.4. breach of the duty of confidentiality to the Authority; or
 - 3.4.4.5. any other behaviour which may discredit the Board, the Authority or a Constituent Council.
- 3.4.5. The Independent Chair appointed pursuant to clause 3.3.1.2 may be removed by a decision being a resolution in the same or similar terms passed by an Absolute Majority of the Constituent Councils.
- 3.4.6. Where any vacancy occurs in the membership of the Board it must be filled in the same manner as the original appointment and the person appointed to fill the vacancy will be appointed for the balance of the term

of the original appointment and at the expiry of that term shall be eligible for re-appointment.

3.5. Reimbursement of Expenses of Board Members and Remuneration of Chairperson

- 3.5.1. All Board Members will receive from the Authority reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Authority and set out in a policy adopted by the Authority for the purposes of this clause.
- 3.5.2. The Chairperson will be eligible for a sitting fee from the funds of the Authority as determined by the Constituent Councils.
- 3.5.3. Board Members appointed by Constituent Councils will not be entitled to a sitting fee from the funds of the Authority.

3.6. Propriety of Board Members

- 3.6.1. Subject to the express provisions of Schedule 2 to the Act and this Charter, all provisions governing propriety and duties of members of a Council and public officers under the law of South Australia will be applicable to Board Members.
- 3.6.2. Subject to clauses 20(6) and 20(7) of Schedule 2 to the Act, the provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were members of a Council.
- 3.6.3. The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties, including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and clause 23 of Schedule 2, Part 2 of the Act.
- 3.6.4. The Authority must adopt a Code of Conduct for Board Members.
- 3.6.5. Each Board Member is required to submit returns under Chapter 5, Part 4, Division 2 of the Act as if the Board Member was a member of a Council.

3.7. Proceedings of the Board

3.7.1. Board Meetings

- 3.7.1.1. Ordinary meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one (1) ordinary meeting of the Board every three (3) months.
- 3.7.1.2. An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.

- 3.7.1.3. Any Constituent Council, the Chairperson or two Board Members may, by delivering a written request to the Executive Officer, require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request for a special meeting must be accompanied by the agenda for the special meeting or the request will be of no effect.
- 3.7.1.4. On receipt of a written request pursuant to clause 3.7.1.3 the Executive Officer must send a notice to all Board Members at least four hours prior to the commencement of the special meeting.
- 3.7.1.5. For the purposes of this clause 3.7.1, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his or her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his or her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.
- 3.7.1.6. A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution will be as valid and effective as if it had been passed at a meeting of the Board duly convened and held.
- 3.7.1.7. Ordinary meetings of the Board will be open to the public unless the Board resolves to consider a matter in confidence in accordance with the provisions of Chapter 6, Part 3 of the Act. Chapter 6, Part 3 of the Act extends to the Authority as if the Authority were a Council and the Board Members were members of a Council. Where an order is made under this clause, a note must be made in the minutes of the making of the order and of the grounds on which it was made.
- 3.7.1.8. Where the Board has considered any information or a matter in confidence under clause 3.7.1.7, it may subsequently resolve to keep minutes and/or documents considered during that part of the meeting relating to that information or matter

confidential in accordance with section 91 of the Act as if the Authority were a Council.

3.7.2. *Notice of Meetings*

- 3.7.2.1. Subject to clause 3.7.2.2, notice to Board Members and the public of all meetings of the Board will be given in accordance with the requirements applicable to a meeting of a Council under the Act as if the Authority were a Council, the Board Members were members of a Council and the Executive Officer a Chief Executive Officer of a Council.
- 3.7.2.2. The Executive Officer must, in relation to a notice of meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the Authority, provide the notice to all Board Members at least four (4) months before the date of the meeting.

3.7.3. *Quorum*

No meeting of the Board will commence until a quorum of Board Members is present and no meeting may continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one-half of the Board Members in office, ignoring any fraction, plus one.

3.7.4. *Majority Decision-Making*

- 3.7.4.1. Unless otherwise required at law or by this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the Board Members present and entitled to vote on the matter.
- 3.7.4.2. All Board Members including the Chairperson present and entitled to vote on the matter are required to cast a vote.
- 3.7.4.3. All Board Members including the Chairperson are entitled to a deliberative vote only and if the votes are equal, the Chairperson (or person acting as the chairperson in accordance with this Charter) only will have a casting vote.

3.7.5. *Confidentiality*

All Board Members must at all times keep confidential all documents and reports provided to them for their consideration prior to a meeting of the Board that is subject to an indication by the Executive Officer that information or matter contained in or arising from a document or report may, if the Authority determines be considered in confidence or that relates to a matter dealt with by the Board on a confidential basis in accordance with clause 3.7.1.7 and Chapter 6, Part 3 of the Act.

3.7.6. Minutes

- 3.7.6.1. The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation. Where the Executive Officer is excluded from attendance at a meeting of the Board pursuant to clause 3.7.1.7 the person presiding at the meeting shall cause the minutes to be kept.
- 3.7.6.2. The Executive Officer must, within five (5) days after a meeting of the Board, provide to each Board Member a copy of the draft minutes of the meeting of the Board.
- 3.7.6.3. A copy of the minutes of a meeting of the Board must be placed on the Authority website within five days after the meeting at which the minutes are confirmed.
- 3.7.6.4. Clause 3.7.6.3 does not apply to the minutes of a meeting of the Board that relates to information or a matter dealt with by the Board on a confidential basis in accordance with clause 3.7.1.7 and Chapter 6, Part 3 of the Act.

3.7.7. Code of Practice

- 3.7.7.1. The Board must adopt a Code of Practice for Meeting Procedures to apply to the proceedings and conduct of meetings of the Board. The Code of Practice for Meeting Procedures must not be inconsistent with the Act or this Charter.
- 3.7.7.2. The Code of Practice for Meeting Procedures may be reviewed by the Board at any time and must be reviewed at least once every four (4) years.
- 3.7.7.3. In the event of any inconsistency between this Charter and the Code of Practice for Meeting Procedures, this Charter shall prevail.

3.7.8. Committees

- 3.7.8.1. The Board may from time to time as it sees fit establish committees, including their associated terms of reference, for the purposes of assisting it in the performance of its functions. A committee established by the Board under this clause may be comprised of such persons that the Board determines.
- 3.7.8.2. Every committee shall operate in accordance with the terms of reference and general procedures applicable to the Board itself subject to any variation prescribed by the Board when establishing the committee.

4. STRATEGIC MANAGEMENT

4.1. Strategic Plan

4.1.1. The Authority must:

- 4.1.1.1. prepare, and subject to clause 4.1.1.2, adopt a ten year Strategic Plan for the conduct of its business which will identify the Authority's objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives;
- 4.1.1.2. submit the Strategic Plan to the Constituent Councils for their approval; and
- 4.1.1.3. in consultation with the Constituent Councils, review the Strategic Plan at least once in every four years.

4.1.2. In preparing and when reviewing a Strategic Plan, the Board must at a minimum have regard to the following:

- 4.1.2.1. any State government agency waste plan then in force in relation to the area of a Constituent Council and any proposed changes to such plan;
- 4.1.2.2. any initiatives proposed by the Commonwealth of Australia or the State Government which may impact upon or affect proper waste management in the area;
- 4.1.2.3. any plan or policy of a Constituent Council for waste management then in force and any proposed changes to such plan or policy;
- 4.1.2.4. the current strategic management plans of each Constituent Council; and
- 4.1.2.5. the current annual business plan and budget of each Constituent Council.

4.2. Business Plan

The Authority:

- 4.2.1. must in consultation with the Constituent Councils prepare and adopt an annual Business Plan linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;
- 4.2.2. must before 31 March of each year submit a draft business plan and draft budget to the Constituent Councils for the ensuing Financial Year in accordance with the Act and obtain approval of the draft budget by an Absolute Majority of the Constituent Councils;

- 4.2.3. following approval of the draft business plan by the Constituent Councils, after 31 May and before 30 June each year, the Authority must adopt the draft business plan as the Business Plan for the ensuing Financial Year;
- 4.2.4. may, after consultation with the Constituent Councils, amend its Business Plan at any time; and
- 4.2.5. must ensure the contents of the Business Plan are in accordance with the Act.

4.3. Annual Report

The Authority must submit to the Constituent Councils by 30 September in each financial year an annual report on the work and operations of the Authority detailing achievement of the objectives described in the Business Plan and incorporating the audited Financial Statements of the Authority for the preceding Financial Year and any other information or reports as required by the Constituent Councils.

4.4. Audit

- 4.4.1. The Authority must cause adequate and proper books of account to be kept in relation to all the affairs of the Authority and must establish and maintain effective auditing of its operations.
- 4.4.2. The Authority must appoint an auditor in accordance with the Act on such terms and conditions as determined by the Authority.
- 4.4.3. The audited Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils by 30 September in each year.

4.5. Audit Committee

- 4.5.1. The Authority will establish an audit committee as required by clause 30, Schedule 2 of the Act.

5. FINANCIAL MANAGEMENT

5.1. Equity Interest

- 5.1.1. The Authority will by the end of every calendar year prepare or update as required a schedule setting out the interest of each Constituent Council in the Net Assets of the Authority (**CCI Schedule**).
- 5.1.2. The CCI Schedule will set out each Constituent Council's Equity Interest in the Authority as at 30 June that year calculated in accordance with clause 5.1.3.
- 5.1.3. The Equity Interest of a Constituent Council as at the end of a Financial Year will be determined by adjusting the Equity Interest of the Constituent Council calculated for the previous Financial Year by the Annual Contribution of the Council.

- 5.1.4. The Equity Interest of a Constituent Council as at the date on which this Charter comes into operation will be equal to the cumulative tonnes of rubbish and waste deposited by the Constituent Council at a landfill operated by the Authority in period commencing 1 July 2001 until 30 June of the financial year immediately preceding the commencement of this Charter.

5.2. Annual Budget

- 5.2.1. The Board will determine annually, and will include within the draft budget submitted to the Constituent Councils for approval, the funds required to enable the Authority to operate and to fulfil its purpose and undertake its functions.
- 5.2.2. The Authority must before 31 March of each year prepare and submit a draft budget (including proposed Fees and Financial Contributions) to the Constituent Councils for the ensuing Financial Year in accordance with the Act and obtain approval of the draft budget by an Absolute Majority of the Constituent Councils.
- 5.2.3. Following approval of the draft budget by the Constituent Councils, after 31 May and before 30 June each year, the Authority must adopt the draft budget as the Budget for the ensuing Financial Year in accordance with the Act.
- 5.2.4. The Authority may in a Financial Year, after consultation with the Constituent Councils, incur spending before adoption of its Budget for the year, but the spending must be provided for in the appropriate Budget for the year.
- 5.2.5. The Authority must each Financial Year provide a copy of its Budget to the Constituent Councils within five (5) business days after adoption by the Authority.
- 5.2.6. Reports summarising the financial position and performance of the Authority against the Budget shall be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.
- 5.2.7. The Authority must reconsider its Budget in accordance with the Act in a manner consistent with the Act and may with the approval of the Constituent Councils amend its Budget for a Financial Year at any time before the Financial Year ends.

5.3. Financial Contributions

- 5.3.1. The Authority may include in the Budget submitted to the Constituent Councils for approval Financial Contributions to be paid by the Constituent Councils.
- 5.3.2. The Authority may during any Financial Year for purposes of genuine emergency, extraordinary circumstances or hardship determine that additional Financial Contributions are required by the Authority for the

continuing functioning of the Authority and request these funds from the Constituent Councils.

- 5.3.3. Any additional financial contributions to be paid by the Constituent Councils will be submitted to the Constituent Councils for approval.

5.4. Financial Standards and Reporting

- 5.4.1. The Authority must ensure that the Financial Statements of the Authority for each Financial Year are audited by the Authority's auditor.
- 5.4.2. The Financial Statements must be finalised and audited by 31 August each year.

5.5. Long Term Financial Plan

- 5.5.1. The Board must prepare a Long Term Financial Plan covering a period of at least ten (10) years and an asset management plan in a form and including such matters which, as relevant, is consistent with section 122 of the Act and the *Local Government (Financial Management) Regulations 2011* as if the Authority were a Council.
- 5.5.2. The Authority must undertake:
 - 5.5.2.1. a comprehensive review of its Long Term Financial Plan every four (4) years;
 - 5.5.2.2. a review of the Long Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan and may undertake a review of the Long Term Financial Plan at any other time.
- 5.5.3. The Long Term Financial Plan and the Asset Management Plan will be taken to form part of the Strategic Plan.

5.6. Banking

- 5.6.1. The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Authority. The Authority will appoint no less than two (2) authorised operators of the bank accounts at any one time. The authorised operators must be Board Members, Authority staff or Constituent Council staff.
- 5.6.2. All payments made by the Authority must be authorised by an authorised operator appointed under clause 5.6.1 and be in accordance with a finance management policy adopted by the Board.

6. ADMINISTRATIVE MATTERS

6.1. Executive Officer and Staff

- 6.1.1. The Authority may employ staff and the Board must appoint an Executive Officer on a fixed term performance based employment

contract, which does not exceed five (5) years in duration and on such other terms as determined by the Board. The Board may at the end of the contract term enter into a new contract not exceeding five (5) years in duration with the same person.

- 6.1.2. The Executive Officer is responsible for appointing, managing, suspending and dismissing the other employees of the Authority on behalf of the Authority.
- 6.1.3. In the absence of the Executive Officer for any period exceeding three (3) weeks, the Executive Officer must after consultation appoint a suitable person as Acting Executive Officer. If the Executive Officer does not make or is incapable of making such an appointment, a suitable person must be appointed by the Board.
- 6.1.4. The functions of the Executive Officer include:
 - 6.1.4.1. ensuring the decisions of the Authority are implemented in a timely and efficient manner;
 - 6.1.4.2. carrying out such duties as the Authority may direct;
 - 6.1.4.3. attending at all meetings of the Board unless excluded by resolution of the Board;
 - 6.1.4.4. providing information to assist the Authority to assess the Authority's performance against the Strategic Plan and Business Plan;
 - 6.1.4.5. appointing, managing, suspending and dismissing all other employees of the Authority;
 - 6.1.4.6. determining the conditions of employment of all other employees of the Authority, within budgetary constraints set by the Board;
 - 6.1.4.7. providing advice and reports to the Authority on the exercise and performance of its powers and functions under this Charter or any Act;
 - 6.1.4.8. ensuring that the assets and resources of the Authority are properly managed and maintained;
 - 6.1.4.9. ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 6.1.4.10. achieving financial and other outcomes in accordance with adopted plans and budgets of the Authority;
 - 6.1.4.11. ensuring the efficient and effective management of the operations and affairs of the Authority; and

6.1.4.12. exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other Act or this Charter.

6.1.5. The Authority must undertake an annual performance review of the Executive Officer.

6.1.6. The Executive Officer and other senior staff of the Authority as determined by the Authority, are required to submit returns under Chapter 7, Part 4, Division 2 of the Act, as if the Executive Officer and other staff of the Authority were employees of a Council and the Authority was a Council.

6.1.7. The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and the Constituent Councils.

6.2. Engagement of Consultants and Advisers

The Authority may engage consultants and advisers to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personnel management prescribed by this Charter.

7. DISPUTES BETWEEN CONSTITUENT COUNCILS

7.1. General

Where a dispute arises between the Constituent Councils or between a Constituent Council and the Authority (the parties to this Charter) which relates to this Charter or the Authority ('the Dispute'), the parties will use their best endeavours to resolve the Dispute and to act at all times in good faith.

7.2. Mediation

7.2.1. A party is not entitled to initiate arbitration or court proceedings (except proceedings seeking urgent equitable or injunctive relief) in respect of a Dispute unless it has complied with this clause 7.2.

7.2.2. If the parties are unable to resolve the Dispute within thirty (30) days, the parties must refer the Dispute for mediation in accordance with the Mediation Rules of the Resolution Institute within seven (7) days of a written request by any party to the other party that the Dispute be referred for mediation, to:

7.2.2.1. a mediator agreed by the parties; or

7.2.2.2. if the parties are unable to agree on a mediator at the time the Dispute is to be referred for mediation, a mediator nominated by the President of the Law Society.

7.2.3. In the event the parties fail to refer the matter for mediation in accordance with clause 7.2.2, one or more of the parties may refer the matter for mediation in accordance with the Mediation Rules of the

Resolution Institute to a mediator nominated by the President of the Law Society.

- 7.2.4. The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a party unless that party has so agreed in writing.
- 7.2.5. If mediation does not resolve the Dispute within twenty-eight (28) days of referral of the Dispute for mediation or such longer period agreed unanimously by the parties as evidenced by resolutions of each of the parties, any party may then refer the Dispute to Arbitration in accordance with clause 7.3.

7.3. Arbitration

- 7.3.1. An arbitrator may be appointed by agreement between the parties.
- 7.3.2. Failing agreement as to an arbitrator, the Chief Executive Officer of the Resolution Institute or his or her successor shall nominate an arbitrator pursuant to these conditions.
- 7.3.3. A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the *Commercial Arbitration Act 2011*.
- 7.3.4. Upon serving a notice of arbitration, the party serving the notice shall lodge with the arbitrator a deposit by way of security for the cost of the arbitration proceedings.
- 7.3.5. Upon each submission to arbitration, the costs of and incidental to the submission and award shall be at the discretion of the arbitrator who may in his or her sole discretion determine the amount of costs, how costs are to be proportioned and by whom they are to be paid.
- 7.3.6. Whenever reasonably possible, performance of the obligations of the parties pursuant to this Charter shall continue during the mediation or arbitration proceedings and no payment by or to a party shall be withheld on account of the mediation and arbitration proceedings.

8. MISCELLANEOUS MATTERS

8.1. Alteration to Charter

- 8.1.1. Subject to the Act, this Charter may be amended at any time by the agreement of all Constituent Councils after taking into account the recommendations of the Authority.
- 8.1.2. This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four (4) years.
- 8.1.3. The Executive Officer must ensure that the amended Charter is published as required by the Act and a copy of the amended Charter provided to the Minister.

8.2. Withdrawal of a Constituent Council

- 8.2.1. Subject to ministerial approval and clause 8.2.2, a Constituent Council may withdraw from the Authority by giving not less than twenty-four (24) months' notice of its intention to do so to the Board and to the Executive Officer, unless a shorter withdrawal period is agreed by the Constituent Councils and approved by the Board.
- 8.2.2. On receipt of a notice under clause 8.2.1, the Authority will undertake an assessment of the impact of the withdrawal on the Authority for the purposes of determining the ongoing viability of the Authority. Should the Authority resolve following a consideration of the assessment that the Authority will no longer be financially viable then the Constituent Councils (including the Constituent Council which has notified its intention to withdraw) will work together to determine an orderly winding up of the Authority under clause 8.4 and a notice provided under clause 8.2.1 will be of no further effect.
- 8.2.3. Subject to clause 8.2.2, a withdrawal becomes effective from 30 June (or such later date as agreed by the Constituent Councils) following the expiry of the twenty-four (24) month notice period. Until the date on which the withdrawal becomes effective (**Withdrawal Date**), the withdrawing Constituent Council:
 - 8.2.3.1. must continue to pay Financial Contributions to the Authority as required by this Charter; and
 - 8.2.3.2. through its Board Members and Deputy Board Members, retains responsibility for ensuring the continued proper conduct of the affairs of the Authority.
- 8.2.4. A withdrawing Constituent Council will remain liable in proportion to the Constituent Council's Equity Interest Percentage calculated at the date of providing the notice under clause 8.2.1 for:
 - 8.2.4.1. liabilities of the Authority up to the Withdrawal Date;
 - 8.2.4.2. Financial Contributions towards any actual or contingent deficiency in the Net Assets of the Authority at the end of the financial year in which the Withdrawal Date occurs; and
 - 8.2.4.3. any ongoing or newly arising liability of the Authority existing or arising after the Withdrawal Date which relates to circumstances existing or acts, omissions or decisions of the Authority prior to the Withdrawal Date.
- 8.2.5. Upon withdrawal taking effect and subject to clause 8.2.7, a Constituent Council will be entitled at the discretion of the Board to be paid not more than 50% of the Constituent Council's Equity Interest (**Equity Payment**).
- 8.2.6. The withdrawing Constituent Council will be entitled to receive the Equity Payment by quarterly instalments to be paid over a period of two

(2) years with the first instalment being due on 1 January following the Withdrawal Date.

- 8.2.7. A withdrawing Constituent Council will not be entitled to be paid any amount in respect of any reserve fund established by the Authority.

8.3. Addition of New Member

- 8.3.1. Subject to the provisions of the Act and in particular ministerial approval to the admission of a new Constituent Council or Councils, this Charter may be amended by agreement of all of the Constituent Councils to provide for the admission of a new Constituent Council or Councils.
- 8.3.2. An incoming Constituent Council's Equity Interest will be calculated from the date on which the Constituent Council becomes a member of the Authority, subject to clause 8.3.3.
- 8.3.3. For the purposes of determining an incoming Council's Equity Interest, profits or liabilities of the Authority which relate to circumstances or acts, omissions or decisions of the Authority which existed or occurred prior to the incoming Council becoming a Constituent Council will be excluded in accordance with any applicable resolution of the Board.

8.4. Winding Up

- 8.4.1. Subject to the Act, the Authority may be wound up by the Constituent Councils.
- 8.4.2. In the event that there is a proposal to wind up the Authority, initiated by the Authority, a Constituent Council or the Minister, the Authority will recommend to the Constituent Councils a process and timeframe for the orderly winding up of the Authority.
- 8.4.3. In the event of there being Net Assets upon dissolution and after realisation of all assets and meeting all liabilities, the Net Assets will be distributed to the Constituent Councils on the basis of their Equity Interest Percentage.
- 8.4.4. In the event of there being any unfunded liabilities of the Authority at the time of a winding up or otherwise, each Constituent Council will be responsible (as between the Constituent Councils) to fund a proportion of the unfunded liabilities calculated on the basis of the Equity Interest Percentage of that Constituent Council.

8.5. Insurance

- 8.5.1. The Authority must obtain and maintain a prudent level of insurance to cover its anticipated risks and civil liabilities (including workers' compensation) and assets.
- 8.5.2. The Authority must take out a suitable policy of insurance insuring Board Members and their spouses or other persons who may be accompanying a Board Member against risks associated with the

performance or discharge of their official functions and duties or on official business of the Authority.

8.6. Non-Derogation and Direction by Constituent Councils

- 8.6.1. The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 8.6.2. Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Authority by resolution passed by each Constituent Council expressed in the same or similar terms.
- 8.6.3. For the purpose of clause 8.6.2, any direction given by the Constituent Councils must be given in writing to the Executive Officer of the Authority together with a copy of the relevant resolutions of the Constituent Councils.
- 8.6.4. Where the Authority is required pursuant to the Act or this Charter to obtain the consent or approval of one or more of the Constituent Councils, that approval must only be granted and must be evidenced by a resolution passed by each of the Constituent Councils granting such approval.
- 8.6.5. Unless otherwise stated in this Charter, where the Authority is required to obtain the consent or approval of the Constituent Councils, this means the consent and approval of all the Constituent Councils expressed in the same or similar terms.

8.7. Circumstances not provided for

- 8.7.1. If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chairperson may decide the action to be taken to ensure achievement of the objects and purposes of the Authority and its effective administration.
- 8.7.2. The Chairperson shall report any such decision at the next ordinary meeting of the Authority.

Appendix 2

*Draft Authority Board Member Position Description –
February 2022*

Draft Position Description

Title:	Board Members
Term of Appointment:	Two Years (subject to Council determination)
Board Meetings:	Minimum 4 meetings per year. Additional special meetings and online motions as required (Guide: 4-8 meetings annually)
Supervises:	Executive Officer
Location:	Mount Barker/Murray Bridge/Electronic (Zoom/Teams)

Background

The Adelaide Hills Region Waste Management Authority is a Regional Subsidiary established under section 43 of the Local Government Act (the Act) by the Constituent Councils.

The Authority is governed by its Charter (attached) and must conduct its affairs in accordance with Parts 2 and 3, Schedule 2 of the Act except as modified by the Charter in a manner permitted by the Act.

The Authority is established to facilitate, co-ordinate and undertake waste management including collection, treatment, disposal and recycling within the Region. The Authority currently operates a landfill located at Brinkley on behalf of its four Constituent Councils along with two Resource Recovery Centres, one on behalf of the Adelaide Hills Council and the other on behalf of the Rural City of Murray Bridge.

The Authority has the following functions to;

- Develop and implement policies designed to improve waste management and recycling programmes and practices within the Region;
- Regularly review the Region's waste management and recycling practices and policies;
- Provide and operate a place or places for the treatment, recycling and disposal of waste collected by or in the areas of the Constituent Councils or provided by agreement with any other person;
- Develop further co-operation between the Constituent Councils in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible;
- Minimise the volume of waste collected in the areas of the Constituent Councils which is required to be disposed of to landfill;
- Educate and motivate the community to achieve the practical reduction of waste through reuse and recycling initiatives;
- Undertake activities associated with its purpose outside the areas of the Constituent Councils where that activity has been approved by the Board as being necessary or expedient to the performance by the Authority of its functions.

Position Purpose

The Board is responsible for the administration of the affairs of the Authority and ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

In addition to the functions set out in the Act, the functions of the Board are, as follows;

- Formulating Strategic Plans and Business Plans in and developing strategies aimed at improving the business of the Authority;
- Providing policy direction to the Authority;
- Monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;
- Ensuring that the business of the Authority is undertaken in an open and transparent manner;
- Ensuring that ethical behaviour and integrity is established and maintained by the Authority and Board Members in all activities undertaken by the Authority;
- Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
- Ensuring that the Authority functions in accordance with its purpose and within its approved budget.

Board membership/skills/knowledge

Board Members

The Board will be comprised of five (5) members appointed as follows:

One (1) person (who may be an elected member, an employee or an Independent Member) appointed by each Constituent Council with skills and/or knowledge in any of the following:

- a. financial management
- b. legal / corporate governance
- c. marketing & promotions
- d. waste management
- e. business management

A panel comprising each Constituent Council's Chief Executive will receive expressions of interest and will meet to discuss their proposed appointees, prior to final appointment, for the purpose of ensuring that the Board will have an appropriate skill mix.

Each Constituent Council must also appoint one Deputy Board Member.

A Deputy Board Member will be appointed in the same manner as a Board Member.

The Deputy Board Member is entitled to act in place of a Board Member appointed by the same Constituent Council that appointed the Deputy Board Member if the Board Member is absent or unable for any reason to act as a Board Member for the period of the Board Member's absence or inability to act as a Board Member.

Independent Chair

One (1) person with relevant professional expertise, who is not a member or officer of a Constituent Council will be appointed jointly by Absolute Majority of the Constituent Councils to be the chairperson of the Board.

The Chairperson of the Board will be selected through a separate selection process determined by a panel comprising the Chief Executive Officers of the Constituent Councils.

Critical Competencies

- Highly developed communication skills
- Proven ability to carry out the duties and provide input and advice to the EO and Board, with a high degree of judgment, initiative, confidentiality and sensitivity
- Well-developed information technology skills
- Ability to solve problems through discussion, negotiation, teamwork and creativity
- Skills in negotiation, consultation and networking
- Previous experience on a Board is highly desirable
- Local Government or waste management experience is highlight desirable

Skills in one or more of the following areas;

- financial management
- legal / corporate governance
- marketing & promotions
- waste management
- business management

Reimbursement of Expenses of Board Members

Board Members appointed by Constituent Councils will not be entitled to a sitting fee from the funds of the Authority.

If a Constituent Council deems to nominate an independent member to the Board that Constituent Council at their discretion may determine to pay the independent member a sitting fee.

All Board Members will receive from the Authority reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Authority and set out in a policy adopted by the Authority.

The Independent Chairperson will be eligible for a sitting fee from the funds of the Authority as determined by the Constituent Councils.

Selection Criteria (all applicants to address)
<ul style="list-style-type: none"> • Highly developed communication skills • Proven ability to carry out the duties and provide input and advice to the EO and Board, with a high degree of judgment, initiative, confidentiality and sensitivity • Well-developed information technology skills • Ability to solve problems through discussion, negotiation, teamwork and creativity • Skills in negotiation, consultation and networking • Previous experience on a Board is highly desirable • Local Government or waste management experience is highly desirable • Previous governance or board experience • Desirable requirement: membership with the Australian Institute of Company Directors (AICD) • Have a demonstrated interest in the delivery of waste management services in the Adelaide Hills Region <p>In addition to the above please demonstrate how you add value in the following areas, acknowledging areas of greatest strength:</p> <ul style="list-style-type: none"> • financial management • legal / corporate governance • marketing & promotions • waste management/resource management /circular economy • business management
Commencement
<p>The position will commence when all Board Members are selected, appointed by Constituent Councils in accordance with the Charter and the Charter is printed in the Government Gazette.</p>

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.9

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

Subject: Caretaker Policy Review

For: Decision

SUMMARY

Council's current *Caretaker Policy* (the Policy) was adopted in June 2014 and reviewed in June 2018 in preparation for the November 2018 Local Government Election.

With the upcoming 2022 Local Government Election, it is an appropriate time for Council to review the Policy and determine the discretionary elements of the Policy which will apply to Council Members and Officers during the 'election period'.

The purpose of this report is to seek Council's consideration of the revised Policy and, if the Council considers it has merit, to resolve to adopt the Policy.

RECOMMENDATION

That Council resolves:

1. That the report be received and noted
 2. With an effective date of 06 April 2022, to revoke the 05 June 2018 *Caretaker Policy* and to approve the draft 22 March 2022 *Caretaker Policy* as contained in Appendix 1.
 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 22 March 2022 *Caretaker Policy* prior to the effective date.
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1. GOVERNANCE

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

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O4 We actively represent our community

Priority O4.3	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
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The review of Council's *Caretaker Policy* is an important element of Council's commitment to open and transparent decision making which facilitates public accountability.

➤ **Legal Implications**

Section 91A of the *Local Government (Elections) Act 1999* (the Elections Act) sets out the requirements for the establishment of a caretaker policy and the conduct of councils during the 'election period'.

The term 'election period' has the following meaning for the purposes of the Elections Act however the colloquial term 'caretaker period' is used interchangeably:

election period in relation to an election, means the period commencing on—

- (a) the day of the close of nominations for the election; or
- (b) if a council has specified a day (being a day that falls earlier than the day of the close of nominations) in its caretaker policy—the specified day,

and expiring at the conclusion of the election;

Note: for the 2022 Local Government Election the close of nominations is 12pm (noon) Tuesday 6 September 2022.

Another key term in respect of the provisions of s91A is:

designated decision means a decision—

- (a) relating to the employment or remuneration of a chief executive officer, other than a decision to appoint an acting chief executive officer; or
- (b) to terminate the appointment of a chief executive officer; or
- (c) to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100 000 or 1% of the council's revenue from rates in the preceding financial year,

other than a decision of a kind excluded from this definition by regulation;

➤ **Risk Management Implications**

The revision of the Policy will assist in mitigating the risk of:

Designated decisions being made during the election period which leads to those decisions being invalid and compensation being payable for loss or damage arising from those decisions.

Inherent Risk	Residual Risk	Target Risk
Extreme (4A)	Medium (4E)	Medium (4E)

Note that compliance with the Policy is the key control to achieving the residual risk rating.

➤ **Financial and Resource Implications**

There are no specific budget or resource implications in relation to this Policy.

There are restrictions placed on procurement decisions valued at the greater of \$100,000 or 1% of Council's rate revenue however there are some exceptions which are set out in the Policy.

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

It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming council.

As detailed below, Section 91A of the *Local Government (Elections) Act 1999* (the Elections Act) sets out these requirements.

(2) Subject to this section, the caretaker policy must, as a minimum—

- (a) prohibit the making of a designated decision; and
- (b) prohibit the use of council resources for the advantage of a particular candidate or group of candidates,

during the election period.

(2a) Nothing in subsection (2)(b) prevents a caretaker policy from allowing the equal use of council resources by all candidates for election.

➤ **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: Information or Briefing Session 15 March 2022

Advisory Groups: Not applicable.

External Agencies: Not applicable.

Community: Not applicable.

2. BACKGROUND

Council's first *Caretaker Policy* was developed in May 2010 in response to legislative amendments to the *Local Government (Elections) Act 1999*.

The current *Caretaker Policy* was adopted in June 2018 and was based heavily on a template from the Local Government Association (LGA). In addition to the legislative obligations of s91A, the Policy contains a number of voluntary (discretionary) provisions regarding dealing with significant but not 'designated' decisions during the 'election period' and policy positions during the election period on the following matters:

- use of council resources;
- council publications;
- attendance at events and functions;
- council media;
- stationery and equipment;
- council staff responsibilities;
- equity in assistance to candidates;
- public consultation; and
- dealing with code of conduct complaints

The legislative provisions of s91A of the Elections Act have not been revised since the development of the current *Caretaker Policy* however the LGA's guidance has been revised based on feedback received following the 2018 election.

3. ANALYSIS

In an overall sense the review of the *Caretaker Policy* has resulted in no substantial changes, however there have been a number of augmentations and clarifications of the information provided in the Policy. The key changes (shown in Track Changes at **Appendix 1**) are:

1. Clause 1.2 – inclusion of the changes arising from section 188 of the *Statutes Amendment (Local Government Review) Act 2021*, which amended section 91A of the *Local Government (Elections) Act 1999*.

2. Clause 3 – defining that the ‘election period’ commences at the close of nominations in accordance with the provisions of the Election Act rather than nominating an earlier commencement date (which is Council’s discretion);
3. Clause 5 – inclusion of definition for *Designated Decision, General Election and Minister*.
4. Clause 15 – modification of the standard template clause regarding policy availability.

4. OPTIONS

Council has the following options:

- I. To approve the draft Caretaker Policy, with or without amendment (Recommended), or
- II. To determine not to approve the draft Caretaker Policy at this time. This option is not recommended as the Policy must be adopted prior to the commencement of the ‘election period’ and clarification on the discretionary elements of the Policy are required in a timely manner to enable the Administration to schedule items for Council’s consideration leading up to and during the ‘election period’.

5. APPENDIX

- (1) *Caretaker Policy (draft) – March 2022*

Appendix 1

Caretaker Policy (draft) March 2022

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<p>CARETAKER</p>
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Policy Number:	GOV-06
Responsible Department(s):	Governance and Performance
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Council Member Conduct Code of Conduct for Council Employees Procurement Disposal of Assets Council Member Allowances & Support Council Member Training & Development
Relevant Procedure(s):	NIL
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Elections) Act 1999</i> <i>Local Government (Elections) Regulations 1999</i>
Policies and Procedures Superseded by this policy on its Adoption:	Caretaker 10/06/14, Item 12.2, 35/14 Caretaker 05/06/18, Item 12.6, 116/18
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	Prior to the Election Period of the next Local Government General Election

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	10/06/2014	Policy Review	Council - Res 35/14
2.0	05/06/2018	Policy Review	Council - Res 116/18
3.0	22/3/2022	Policy Review	TBA

DRAFT

CARETAKER POLICY

1. INTRODUCTION

- 1.1. The *Local Government (Elections) Act 1999* (the Elections Act) was amended in 2009 to require each Council to prepare and adopt a caretaker policy to govern the conduct of the Council and its staff during the election period for a general election. Section 91A of the Elections Act stipulates that the caretaker policy must at a minimum prohibit the making of certain designated decisions by the Council during an election period.
- 1.2. This policy was updated following the commencement of section 188 of the *Statutes Amendment (Local Government Review) Act 2021*, which amended section 91A of the *Local Government (Elections) Act 1999*.

2. POLICY STATEMENT

- 2.1. It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.
- 2.2. This Policy affirms Council's commitment to fair and democratic elections, and adherence to this principle. This Policy includes a commitment to comply with the requirements of Section 91A of the Elections Act.

3. APPLICATION OF POLICY

- 3.1. This Policy applies throughout the election period for a general election. For the purposes of the Local Government Elections of November 2022, the policy commences **on the Closing of Nominations, 12pm (noon) Tuesday 06 September 2022** and ends at the conclusion of the election, when results have been declared.

4. POLICY COVERAGE

- 4.1. This Policy applies during an election period of Council to cover:
- (a) designated decisions as defined in the Elections Act that are made by Council; and
 - (b) use of Council resources, including:
 - materials published by Council;
 - attendance and participation at functions and events;
 - access to Council information;
 - media services issues; and
 - responsibilities of Council Employees; and

- (c) other significant decisions that are made by the Council.
- 4.2. This Policy applies to both the elected Council (Council Members) and to Council Employees and captures all 'designated decisions' of Council, a committee of Council, or a delegate of the Council – refer to Clause 6.2.
- 4.3. This Policy forms part of (and is to be read in conjunction with) the Council's *Council Member Conduct Policy* and the *Code of Conduct for Council Employees* in accordance with section 91A(7) of the Elections Act.

5. INTERPRETATION

- 5.1. In this Policy:

Chief Executive Officer means the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee for the Adelaide Hills Council.

Council Employee means any person that is employed full-time, part-time or casually by the Council who receives remuneration for their work with the Adelaide Hills Council.

Council Member means an elected member of the Adelaide Hills Council.

Election period means the period commencing on the day of the close of nominations for a general election and expiring at the conclusion of the general election.

Designated Decision means a decision:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and wilful misconduct;
- (b) to terminate the appointment of the Chief Executive Officer;
- (c) to enter into a contract, arrangement or understanding (other than a contract for road construction, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:
 - i. relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* (SA), or under section 298 of the *Local Government Act 1999* (SA);
 - ii. is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;

- iii. relates to the employment of a particular Council employee (other than the Chief Executive Officer);
- iv. is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
- v. relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council;

General Election means a general election of council members held:

- (a) under section 5 of the *Local Government (Elections) Act 1999*; or
- (b) pursuant to a proclamation or notice under the *Local Government Act 1999*.

Minister means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the Local Government (Elections) Act.

6. PURPOSE

- 6.1. During a Local Government election period, Council will assume a 'Caretaker mode', and will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on or unnecessarily bind the incoming Council.
- 6.2. The purpose of this Policy is to clearly set the parameters that Council will operate within during an election period. Caretaker provisions are required pursuant to section 91A of the Elections Act and are generally regarded as necessary for the promotion of transparent and accountable government during an election period.

7. SIGNIFICANT DECISIONS

7.1. Scope

This clause applies to decisions of Council, a committee of Council, or a delegate of Council, including the Chief Executive Officer.

7.2. 'Designated decisions' prohibited by the *Local Government (Elections) Act 1999*

The following outlines those decisions which are expressly prohibited by section 91A of the Elections Act. A designated decision means a decision:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer; or
- (b) to terminate the appointment of the Chief Executive Officer; or
- (c) to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates in the preceding financial year; or

A "**prescribed contract**" means a contract entered into by the Council for the purpose of undertaking road construction or road maintenance or drainage works.

- (d) allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election),
other than a decision of a kind excluded from the definition of "designated decision" by regulation.

Regulation 12 of the *Local Government (Elections) Regulations 1999* (the Election Regulations) sets out those decisions referred to in Section 91A(8)(c) as excluded from the definition of a "designated decision" if the decision:

- (a) a decision of a kind referred to in paragraph (c) of the definition if the decision—
 - (i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the Emergency Management Act 2004, or under section 298 of the Local Government Act 1999; or
 - (ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government; or
 - (iii) relates to the employment of a particular council employee (other than the chief executive officer); or
 - (iv) is made in the conduct of negotiations relating to the employment of council employees generally, or a class of council employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or
 - (v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council;
- (b) a decision of a kind referred to in paragraph (a) of the definition if the decision is for the suspension of a chief executive officer for serious and wilful misconduct.

7.3. Consequence of a making a designated decision during the election period

A designated decision made by the Council during the election period, without an exemption from the Minister, is invalid.

Any person who suffers loss or damage as a result of acting in good faith in reliance on a designated decision made in contravention of the Policy is entitled to compensation from the Council for that loss or damage.

A breach of the Policy is a breach of the *Code of Conduct for Council Members* (contained within the *Council Member Conduct Policy*) and *Code of Conduct for Council Employees*.

7.4. Application for exemption

If the Council considers that it is faced with extraordinary circumstances which require the making of a designated decision during an election period, the Council may apply in writing to the Minister for an exemption to enable the making of a designated decision that would otherwise be invalid under s91A of the Elections Act and this Policy.

If the Minister grants an exemption to enable the making of a designated decision that would otherwise be invalid under s91A of the Elections Act and this Policy, then the Council and Council Employees will comply with any conditions or limitations that the Minister imposes on the exemption.

7.5. Scheduling consideration of designated decisions

The Chief Executive Officer must ensure that 'designated decisions' are not scheduled for consideration during the 'election period'.

7.6. Designated decisions made prior to an 'election period'

This Policy applies to actual designated decisions made during an election period, not the announcement of decisions made prior to the election period.

7.7. Other significant decisions which are prohibited by operation of this Policy

Prohibited Decision	Notes
Any major policy or other decisions which will significantly affect the Council area or community or will inappropriately bind the incoming Council	This is a non-legislative policy position of Council

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and, instead, ensure that such decisions:

- (a) are considered by Council prior to the election period; or

- (b) are scheduled for determination by the incoming Council.

In the context of this policy, a 'major policy' decision includes any decision:

- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to endorse a new policy;
- to dispose of Council land;
- to approve community grants; and
- any other issue that is considered a major policy decision by the CEO that is not a designated decision.

7.8. Role of the Chief Executive Officer

The determination as to whether any policy decision is major or any other decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor.

7.9. Considerations for urgent decisions

Where the Chief Executive Officer has determined that a decision is a major policy decision or is otherwise significant and therefore is covered by 7.7 above, and circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to Council.

The aim of the Chief Executive Officer's report is to assist Council Members to assess whether the decision should be deferred as a decision for the incoming Council.

The Chief Executive Officer's report to Council will address the following issues, where relevant:

- (a) Why the matter is considered 'significant';
- (b) Why the matter is considered urgent;
- (c) What are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
- (d) Whether deciding the matter will significantly limit the policy choices of the incoming Council;
- (e) Whether the matter requires the expenditure of unbudgeted funds;
- (f) Whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- (g) Whether the matter requires community engagement;
- (h) Any relevant statutory obligations or timeframes; and
- (i) Whether dealing with the matter in the election period is in the best interests of the Council area and community.

Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.

8. USE OF COUNCIL RESOURCES

8.1. Use of Council resources and advantage

Council notes that Section 91A(8)(d) of the *Local Government (Elections) Act 1999* requires Council to prohibit the use of Council resources for the advantage of a particular candidate or group of candidates. This includes a candidate or candidates who are currently elected Members of the Council.

The concept of 'advantage' is broad and for the purposes of this Policy an advantage will be conferred where a decision allowing the use of Council resources favours one candidate over another.

Council resources cover a wide range of personnel, goods, services, information and opportunities and may include:

- materials published by Council;
- facilities and goods owned by the Council;
- attendance and participation at functions and events;
- access to Council information;
- media services issues; and
- stationery and equipment.

Council Members and Employees will ensure that due propriety is observed in the use of Council resources and must exercise appropriate judgement in this regard.

Council resources must be used exclusively for normal Council business during an election period and, must not be used in connection with an election other than uses strictly relating to the election process.

8.2. Use of Council resources for personal benefit

The use of Council resources for personal benefit is distinct from a designated decision of a Council regarding the use of Council resources for the advantage of a particular candidate or group of candidates.

The use of Council resources for personal benefit is regulated by legislation other than s91A of the Elections Act. The use of Council resources by a Council Member for the purposes of an election campaign will be a use of those resources for personal benefit.

Council Members standing for re-election to Council must take care that they only use Council resources for normal Council business and not to assist them in campaigning.

The general duties on Council Members under s62 of the *Local Government Act 1999* include offences for improper use of information or position to gain personal advantage for the Council Member or another person.

Section 78 of the *Local Government Act 1999* provides for the use of Council resource by Council Members. Section 78(3) of the Local Government Act states:

A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).

The *Code of Conduct for Council Members* (contained within the *Council Member Conduct Policy*) also prohibit the use of Council resources for private purposes without authorisation.

The use of Council resources for personal benefit in breach of these requirements could be corruption or misconduct for the purpose of the *Independent Commission Against Corruption Act 2012*, the *Ombudsman Act 1972* and be the subject of a complaint to the relevant authority.

Conduct of a public officer that results in a substantial mismanagement of public resources may also be the subject of a complaint to the relevant authority.

Disciplinary consequences or prosecutions may ultimately result from the unauthorised use of Council resources for private purposes.

8.3. Council Publications During an 'Election Period'

8.3.1. Prohibition on publishing certain materials during an 'election period'

A decision by Council to publish information for the advantage of a particular candidate or group of candidates (other than a decision which allows for the equal use of Council resources by all candidates for election) is a designated decision and is prohibited by s91A of the Elections Act. Publishing includes publication by any medium, including but not limited to leaflets, newspapers, posters, email, websites, radio or television.

Council have a statutory responsibility to publish certain information regarding general elections. Under s12(b) of the Elections Act, Council is responsible for the provision of information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area and to

advise its local community about the outcome of the elections conducted in its area.

All election materials published by Council should fall within the types of material described in s12(b) of the Elections Act and not contain any material which would advantage a particular candidate or candidates.

'Electoral material' is defined in the Elections Act as 'an advertisement, notice, statement or representation calculated to affect the result of an election or poll'. Given that the purpose of electoral material is to persuade voters towards a particular candidate or group of candidates, it will not be appropriate for Council to publish electoral material.

Council Members are, however, permitted to publish campaign material on their own behalf (provided that they comply with ss 27 and 28 of the Elections Act)). Council Members should not assert or imply that the electoral material originates from or is endorsed by, Council. A Council Member also should not use Council resources to create or distribute his or her electoral material, including through the use of Council stationery, computers, printers, photocopiers, Council Employees or the application of Council logos.

NOTE: 'Publication' means any type of publication, including but not limited to leaflets, newspapers, posters, email, website, radio etc.

8.3.2. Council website

During an 'election period', new material which is prohibited by this Policy will not be placed on the Council website. Any information which refers to the election will only relate to the election process by way of information, education or publicity. Information about Council Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

8.3.3. Other Council publications

Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content contained within them regarding Council Members will be restricted to that strictly required by the *Local Government Act 1999* and Regulations.

Council publications produced before an election period containing material which might be construed as electoral material will not be circulated or displayed during the election period. However, they may be made available to members of the public on request.

8.4. Attendance at Events and Functions During an Election Period

In this clause, reference to events and functions means gatherings involving external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions and balls.

A key consideration is the capacity in which they have been invited to the event. If they have been invited as a Council Member (i.e. Councillor Smith is invited to...) then their attendance will be in the course of Council duties. If however they are invited in a private capacity (i.e. Mr Smith is invited to...) then their attendance will not be taken to be in the course of Council duties.

It is therefore important for the Council Member to clarify the nature of the invitation to the event and prudent for the Council Member to use their best endeavours to clarify to event participants the capacity in which they are attending, particularly if intending to address the participants or undertake campaigning activities.

8.4.1. Events etc staged by external bodies

Council Members may continue to attend meeting, events and functions staged by external bodies during an election period. This includes but is not limited to LGA and regional LGA meetings, including the LGA Annual General Meeting held in October.

8.4.2. Council organised events and functions

Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council.

8.4.3. Addresses by Council Members

Council Members must not give speeches or keynote addresses at Council organised or sponsored events and functions during an election period.

Council Members may, however, make short welcome speeches or closing remarks at Council organised or sponsored events and functions during an election period.

8.4.4. Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation will be consistent with Clause 8.3 of this policy.

8.5. Access to Council Information

Council Members continue during an election period to have a statutory right under s61 of the *Local Government Act 1999* to access Council information relevant to the performance of their functions as a Council Member. This right should be exercised with

caution and limited to matters that the Council is dealing with within the objectives and intent of this Policy. Any Council information so accessed that is not publicly available must not be used for election purposes.

Council Members should take care that access to Council documents is in connection with the performance or discharge of their functions or duties of the member. Access to Council documents for the purpose of campaigning or to gain an advantage in an election is an improper use of information gained by virtue of the Council Member's position as a member of Council.

All candidates (including those that are Council Members) have equal rights of access to public information relevant to their election campaigns from Council administration. Neither Council Members nor candidates will be provided with information or advice from Council Employees that might be perceived to support an election campaign, and there shall be transparency in the provision of all information and advice during an election period.

8.5.1. Information and briefing material

Information and briefing material prepared or secured by Council Employees for a Council Member during an election period must be necessary to the carrying out of the Council Member's role and, where appropriate, provided to any candidate seeking the same information. Queries by Council Employees regarding the provision of information will be directed to the Chief Executive Officer in the first instance.

8.6. Media Service

Council's media services are directly managed by or under the supervision of the Chief Executive Officer, are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour a candidate during an election period.

8.6.1. Media advice

Any request for media advice or assistance from Council Members during an election period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members.

8.6.2. Media releases / spokespersons

Media releases will not refer to specific Council Members during an election period. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will generally be the appropriate person.

8.6.3. Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the Elections Act, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer.

In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

8.6.4. Council Members

Council Members will not use their position as an elected representative or their access to Council Employees and other Council resources to gain media attention in support of an election campaign.

8.6.5. Council Employee Public Statements

During an 'election period', no Council Employee may make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.

8.7. Stationary and Equipment**8.7.1. Council branding and stationery**

No Council logos, letterheads, or other Council branding or Council resources or facilities may be used for, or linked in any way with, a candidate's election campaign.

8.7.2. Equipment and facilities

Equipment and facilities provided to Council Members for the purpose of conducting normal Council business (i.e. iPads, laptops, phones, etc.) must not be used for campaigning purposes.

9. COUNCIL MEMBER CORRESPONDENCE DURING AND ELECTION PERIOD

- 9.1 All correspondence addressed to Council Members regarding Council business will continue to be forwarded to the Council Member.
- 9.2 Correspondence received directly by Council Members (e.g. direct mail, email) can continue to be answered directly by the Council Member.
- 9.3 Council Members should be mindful of their obligations under s62(4) of the *Local Government Act 1999* regarding making improper use of their position as a member of the council for advantage and also the obligations under the *State Records Act 1997* and the Council's *Records and Information Management Policy*.

10. COUNCIL EMPLOYEE RESPONSIBILITIES DURING AND ELECTION PERIOD

Prior to any election period, the Chief Executive Officer will ensure that all Council Members and Council Employees are advised in relation to the application of this *Caretaker Policy*.

10.1.1. Activities that may affect voting

Council Employees in the course of their duties must not:

- (a) Undertake an activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer;
- (b) Authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer; and
- (c) Assist Council Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the incident must be reported to and advice sought from the Chief Executive Officer.

11. EQUITY IN ASSISTANCE TO CANDIDATES

Council confirms that all candidates for the Council election will be treated equally.

11.1. Candidate assistance and advice

Any assistance and advice provided to candidates as part of the conduct of the Council elections will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance.

11.2. Election process enquiries

All election process enquiries from candidates, whether current Council Members or not, are to be directed to the Local Deputy Returning Officer or, where the matter is outside of the responsibilities of the Local Deputy Returning Officer, to the Chief Executive Officer or his/her nominee.

11.3. Expenses incurred by Council Members

Payment or reimbursement of costs relating to Council Members out-of-pocket expenses incurred during an election period will only apply to necessary costs that have been incurred in the performance of normal Council duties. No reimbursements will be provided for campaigning, or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

12. PUBLIC CONSULTATION DURING AN 'ELECTION PERIOD'

12.1. Prohibition

It is prohibited under this Policy for discretionary public consultation to be undertaken during the 'election period' on an issue which is contentious unless Council specifically resolves otherwise.

For the purpose of this provision, discretionary public consultation means consultation which is not legislatively mandated and is a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

This Policy does not prevent any mandatory public consultation required by the *Local Government Act 1999* or any other Act which is required to be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by law or by this Policy.

12.2. Approval for public consultation

Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the 'election period', except where it is necessary for the performance of functions as set out at clause 8.6 above.

13. HANDLING CODE OF CONDUCT COMPLAINTS DURING AN ELECTION PERIOD

- 13.1. Any complaint against a Council Member who is also a candidate for re-election made under the Council's *Council Member Conduct Policy* during an election period will not be heard or determined by the Council during that period.
- 13.2. The Chief Executive Officer, upon receiving a complaint against a Council Member, who is also a candidate for re-election about conduct relating to the Council's Council Member Conduct Policy, will assume the responsibilities allocated to the Mayor in the Code of Conduct Complaint Handling Procedure under the *Council Member Conduct Policy*.
- 13.3. If the Council Member against whom the complaint is made is not returned to office after the election, the complaint will lapse.
- 13.4. Council recognises that the Electoral Commissioner has the role of investigating any alleged breach of the *Local Government (Election) Act 1999*, including alleged illegal practices.

14. DELEGATION

- 14.1. 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.

15. AVAILABILITY OF THE POLICY

- 15.1. This Policy will be available via the Council's website www.ahc.sa.gov.au.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.10

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

Subject: Nomination to the Libraries Board of South Australia

For: Decision

SUMMARY

The LGA is seeking nominations from local government members for three positions on the Libraries Board of SA for a three-year term commencing 1 August 2022.

Board Members receive a sitting fee for attendance at meetings.

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 Libraries Board of South Australia 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 Libraries Board of South Australia 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

Sections 73 and 74 set out the provisions regarding Material Conflicts of Interest. As members of the Libraries 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 Libraries 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 Libraries Board at the rate of \$590/meeting and mileage is paid for regional based members.

The *Council Member Allowance & Support Policy* does not provide for the reimbursement of any costs for attendance at bodies such as the Libraries 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 LGA is seeking nominations from suitably qualified council members, or employees of a council, or other local government entity, to fill three positions with a term of three years commencing 1 August 2022.

The Libraries Board of SA is established by the *Libraries Act 1982*.

The functions of the Libraries Board of SA are

- to formulate policies and guidelines for the provision of public library services; and
- to establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State; and
- to administer the State Library; and
- to establish and maintain such other public libraries and public library services as may best conduce to the public interest; and
- to promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others; and

- to collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the Public Sector Act 2009) and any other authority or body, in the provision of library and information services; and
- to make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services; and
- to initiate and monitor research and experimental projects in relation to public libraries and public library services; and
- to keep library services provided in the State under continuing evaluation and review; and
- to carry out any other functions assigned to the Board under this or any other Act or by the Minister.

There are three LGA nominated positions on the Libraries Board of SA currently held by:

- Mayor Jill Whittaker, Campbelltown City Council
- Ms Megan Berghuis, City of Unley
- Cr Bronwyn Lewis, Alexandrina Council.

The above positions expire on 31 July 2022 and current members are eligible for re-appointment.

The Board meets 10 times per year at the State Library of South Australia from 10am – 12noon with sitting fees of \$590 per session and mileage paid for regional based members.

The *Libraries Act 1982* requires the LGA to provide a panel of seven nominees from which the Minister will select three appointees. In accordance with section 42 of the *Legislation Interpretation Act 2021* the panel of nominees must include at least one male and one female.

In accordance with the LGA Appointments and Nominations to Outside Bodies Policy (Policy) the Nominations Committee of the LGA Board of Directors may undertake preliminary consideration of nominees and make recommendations to the LGA Board of Directors. In the case of the Libraries Board of SA this may include the Nominations Committee undertaking interviews and/or requesting the details of referees.

LGA nominations on Outside Bodies will, unless determined otherwise by the LGA Board of Directors, be currently serving council members or employees of a council or other local government entity. Only nominations submitted following a resolution of council will be considered.

Nominations are required to be received by 5pm, 5 April 2022.

Cr Osterstock has indicated an interest in nominating for one of these vacancies.

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 Libraries 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 Libraries 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 Libraries Board. (recommended)
2. Determine not to nominate to the Libraries Board. (not recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item:	12.11
Responsible Officer:	Lachlan Miller Executive Manager Governance & Performance Office of the Chief Executive
Subject:	Policy Review – Code of Practice for Council Meeting Procedures
For:	Decision

SUMMARY

The meeting procedures that apply to council meetings are set out in the legislation. Within these parameters, some requirements of the legislation are capable of being varied at the discretion of the council. Further, where the legislation is silent on a matter of meeting procedure, a council can develop additional procedure to the extent that it is not inconsistent with the prescribed elements of procedure.

In developing its discretionary and/or additional meeting procedures councils are required to prepare and adopt a code of practice.

Adelaide Hills Council has had successive codes of practice for meeting procedure for many years.

The Local Government Reform Program has resulted in a number of legislative changes and as meeting practice has evolved over time, it is appropriate for a full review of the current Code.

The purpose of this report is for Council to consider changes to the *current Code of Practice for Council Meeting Procedures* based on a review of the operation of the Code over the last 12 months. The Council is also being requested to note the upcoming cessation of the Public Health Emergency Declaration and the resultant impact that will have on any Council policies that provide for participation in meetings and briefing sessions for Council Members by electronic means.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. With an effective date of 5 April 2022, to revoke the 25 January 2020 *Code of Practice for Council Meeting Procedures* and to adopt the 22 March 2022 *Code of Practice for Council Meeting Procedures*.**

3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 March 2022 *Code of Practice for Council Meeting Procedures* prior to the effective date.
 4. To note that 28 days following the cessation of the Public Health Emergency Declaration, the legislative provisions for participation by electronic means will cease and the *Code of Practice for Council Meeting Procedures* and all other Council policies that refer to the Public Health Emergency Declaration and/or *Electronic Participation in Council Meetings Notice (No 5) 2021* will be revised accordingly.
-

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 structure and systems to prudently adapt to changing circumstances and meet our legislative obligations

A key element of the Governance Strategy within the Strategic Plan is that Council 'is committed to open, participative and transparent decision making and administrative processes'. Council meetings are an important window for the community to see these principles in action and the adoption of a robust and legislatively compliant suite of meeting procedures facilitates this process.

The Council policy directly impacted by this report is the *Code of Practice for Council Meeting Procedures* (the Code). Associated policies are:

- *Code of Practice for Access to Council and Council Committee and Information or Briefing Session Meetings & Documents;*
- *Petitions Policy;*
- *Information or Briefing Session Policy; and*
- *One Team – Communication Protocols for Council Members and the Administration*

➤ Legal Implications

Chapter 6 of the *Local Government Act 1999* (the Act) sets out the legislative requirements regarding (Part 1) council meetings.

Section 86 states that, subject to the Act, the procedures to be observed at a meeting of a council will be:

- a) As prescribed by regulation;
- b) Insofar as the procedure is not determined by regulation – as determined by the council.

The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), set out the procedures to be followed in council and council committee meetings.

The Regulations (Part 2, Division 2) prescribe a number of procedures that must be complied with for:

- a) The meetings of council;
- b) The meetings of council committees performing regulatory functions; and
- c) The meetings of any other council committee if the council has by resolution, determined that Part 2 should apply to that committee.

Regulation 6 states that where a provision of Part 2 is capable of being varied at the discretion of council, then the council may, by a resolution supported by at least **two-thirds of the council members**, determine that a code of practice be adopted that establishes its own procedures for matters which will apply in substitution of the relevant provision in Part 2. There is no requirement for public consultation.

The *Statutes Amendment (Local Government Review) Act 2021* resulted in a small number of changes to the Code in November 2021. It is possible that further changes could be required as regulations are development under that Act.

➤ **Risk Management Implications**

Ensuring the currency of practical and legislatively compliant meeting arrangements will assist in mitigating the risk of:

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

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

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

➤ **Financial and Resource Implications**

Costs and resourcing associated with Council meetings are accommodated in the Governance & Performance Department budget and establishment.

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

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that the public have a reasonable opportunity to engage and observe with these meetings.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable as Council Committees are not bound by the Code.
<i>Council Workshops:</i>	The legislative changes arising from the Local Government reform Program have been discussed at a number of Council workshops over the last 12 months.
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Office of Local Government Local Government Association
<i>Community:</i>	Not Applicable

2. BACKGROUND

Code Reviews

Adelaide Hills Council has had successive codes of practice for meeting procedure for many years.

At each review of the Code, incremental changes are made in relation to the discretionary elements of the Code to meet the emerging meeting culture of the Council.

The last full review of the Code by Council occurred at the 28 January 2020 meeting during which the Code was deemed to no longer to apply to the (now defunct) Strategic Planning & Development Policy Committee.

Council has however altered elements of the Code on four occasions since the 28 January 2020 review via resolutions on related matters including: COVID provisions (Notice No 1); petitions; broadcasting meetings; acknowledgements of country and information or briefing sessions.

Due to the Local Government Reform Program, the annual review of the Code was not undertaken in 2021.

Cessation of Public Health Emergency Declaration

On 11 November 2021, *Electronic Participation in Council Meetings Notice (No 5) 2021* (which replaced Notice No 1) was published and resulted in a number of consequential changes (largely reference updates) to the legislated (non-discretionary) elements of the Code.

In recent weeks there has been media speculation that the Public Health Emergency Declaration (the Declaration) regarding COVID-19 may be revoked. It is this Declaration which enables the issuing of Notices under s302B of the Act (the current one is Notice No 5). If the Declaration is revoked, any notices in effect will end 28 days after the cessation of the declaration.

The major implication of Notice No 5 is that it permits council meetings to occur via electronic participation (i.e. ZOOM). As such, the cessation of the Declaration will result in all council meetings needing to be held in person for Council Members. Note, broadcasting will continue and potentially members of the Administration and the public can continue to participate in meetings remotely.

Notwithstanding strong lobbying by the sector during the Local Government Reform Program there are no provisions within the Act which allow for electronic participation in council meetings (although there is for committee meetings), except those created for the Public Health Emergency Declaration [s302B). The author is not aware of any intention by the Minister to create such provisions once the declaration ceases.

Following the expiry of the 28 day period when the Declaration ceases, all references to electronic participation will administratively be removed from the Code. Further, any other Council policies that have similar references to participation in meetings/briefing sessions by Council Members by electronic means, by virtue of Notice No 5, will also be administratively amended.

3. ANALYSIS

In December 2021, Council Members and senior Council Officers were invited to contribute to the review of the Code. A pleasing amount of feedback was received and the Code has been updated in Track Changes format for the Council's consideration.

The key changes proposed to the Code (**Appendix 1**) are as follows:

1. Clarification of the quorum calculation formula (clause 3.1.2)
2. Specifying a 3.5 hour meeting duration regardless of the commencement time (clause 3.3.3)
3. Removing the specific wording and strengthening the reference to the *Acknowledgement and Welcome to Country Policy* to avoid desynchronization (clause 3.4.1)
4. Clarifying that a leave of absence is from all council duties including committees and advisory groups (clause 3.5.3)
5. Requesting that a leave of absence is obtained prospectively for interstate and overseas travel or other circumstances where Members are unable to fulfil the full duties (clause 3.5.4)
6. Clarifying that the recommencement of duties during a leave of absence will cease the leave immediately (clause 3.5.5)
7. Encouraging Members to draw their impending departure from a meeting to Mayor's attention to ensure a quorum is present (clause 3.5.10)
8. Restructuring the deputation approval process from an as-they-are-received decision to a post-closing date merit-based approach (clause 3.11.9)
9. Delegating the Mayor to accept one additional deputation if the matter is of sufficient importance and urgency (clause 3.11.10)
10. Creating a warning system for poor deputation or public forum conduct (clauses 3.11.18 and 3.12.5)
11. Shortening presentations from twenty (20) to fifteen (15) minutes (clause 3.13.3)

12. Requiring Members to liaise with the CEO or nominated delegate prior to lodging a Motion on Notice (clause 3.15.1)
13. Guidance on whether to contribute to a debate (clause 4.2.4)
14. Creating a process to enable Council Officers to assist the Mayor in the prevention of inaccurate or misleading information during debates (clauses 4.2.5 & 6)
15. Enabling a Council Member (not contesting a vote) to act as an observer to vote counts (clause 4.7.10 j)
16. Posting recordings of meetings (with confidential information redacted) onto the Council website (clause 5.1.5 & 6)
17. Restructuring MON and Administration Report templates for Governance information to be contained within the Analysis (Appendices B & C).

4. OPTIONS

Council has the following options:

- I. To adopt the suite of recommendation to make the proposed changes to the Council's meeting arrangements (Recommended)
- II. To determine not to adopt some or all of the recommendations

5. APPENDIX

- (1) *Code of Practice for Council Meeting Procedures – March 2022 (draft)*

Appendix 1

*Code of Practice for Council Meeting Procedures –
March 2022 (draft)*

Council Policy

Code of Practice for Council Meeting Procedures



COUNCIL POLICY

	CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES
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Policy Number:	GOV-14
Responsible Department(s):	Governance & Performance
Relevant Delegations:	As per the delegations schedule and as included in this Code
Other Relevant Policies:	<i>Acknowledgement and Welcome to Country Policy Council Member Conduct Policy Code of Practice for Access to Council and Council Committee and Information or Briefing Sessions Meetings & Documents Petitions Policy Information or Briefing Sessions Policy One Team – Communication Protocols for Council Members and the Administration</i>
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013 Electronic Participation in Council Meetings Notice (No 5) 2021</i>
Policies and Procedures Superseded by this policy on its Adoption:	Code of Practice for Council Meeting Procedures, 25 January 2020, Item 12.7, 17/20
Adoption Authority:	Council
Date of Adoption:	<i>To be updated administratively</i>
Effective From:	<i>To be updated administratively</i>
Minute Reference for Adoption:	<i>To be updated administratively</i>
Next Review:	No later than March 2025 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	28/1/2020	Code adopted	Council – Res 17/20
1.1	25/2/2020	Amendments to clause 3.10 to provide consistency with changes to Council <i>Petitions Policy</i>	Council - Res 47/20
1.2	21/4/2020	Amendments to provide consistency with <i>Electronic Participation in Council Meetings Notice (No 1) 2020</i>	Council - Res 63/20
1.3	22/9/2020	Amendments to provide for the broadcasting of Council meetings	Council – Res 198/20
1.4	31/1/2021	Amendment to provide consistency with the <i>Acknowledgement and Welcome to Country Policy</i>	Council – Res 295/20
1.5	10/11/2021	Consequential amendments from adoption of Information or Briefing Sessions Policy and changes to Local Government Act regarding question and motion notice periods.	Council – Res 226/21
1.6	11/11/2021	Updated legislative references relating to publication of <i>Electronic Participation in Council Meetings Notice (No 5) 2021</i>	N/A
2.0a		<u>Draft for consultation</u>	

Table of Contents

1. INTRODUCTION.....	6
1.1. Application of the Code of Practice	6
1.2. Public Health Emergency: Electronic Participation in Council Meetings.....	6
1.3. Guiding Principles	7
1.4. Suspension of other Inconsistent Provisions.....	7
1.5. Definitions associated with Notice No 5.....	8
2. OPERATING PROCEDURES – BEFORE THE MEETING	9
2.1. Calling Meetings.....	9
2.2. Notice and Agendas for Meetings – Ordinary and Special Meetings.....	9
2.3. Public Access to Meetings	10
2.4. Questions for Clarification Prior to the Meetings.....	10
3. OPERATING PROCEDURES – THE ORDER OF BUSINESS.....	11
3.1. Commencement of Meetings and Quorums	11
3.2. Order of Business.....	12
3.3. Length of Council Meetings	12
3.4. Opening Statement.....	12
3.5. Attendees, Apologies and Absences.....	12
3.6. Confirmation of Minutes	13
3.7. Declaration of Interest.....	<u>1413</u>
3.8. Mayor’s Opening Remarks.....	14
3.9. Questions Adjourned/Lying on the Table.....	14
3.10. Petitions	15
3.11. Deputations	<u>1615</u>
3.12. Public Forums	18
3.13. Presentations.....	<u>2019</u>
3.14. Questions on Notice	20
3.15. Motions on Notice	21
3.16. Administration Reports.....	22
3.17. Questions Without Notice	23
3.18. Motions Without Notice	<u>2423</u>
3.19. Council Member Reports.....	<u>2524</u>
3.20. Reports of Members/Officers as Council Representatives on External Organisations	<u>2524</u>
3.21. CEO Report.....	<u>2524</u>
3.22. Reports of Committees.....	25
3.23. Confidential Items.....	<u>2625</u>
4. OPERATING PROCEDURES – CONDUCT AT THE MEETING.....	<u>2726</u>
4.1. Leave of the Meeting.....	<u>2726</u>
4.2. Motions in General, Speaking to Motions and Rights of Reply	<u>2726</u>

4.3.	Formal Motions.....	<u>2827</u>
4.4.	Amendments to Motions.....	<u>2928</u>
4.5.	Variations.....	<u>3029</u>
4.6.	Addresses by Members	<u>3029</u>
4.7.	Voting.....	<u>3029</u>
4.8.	Divisions.....	<u>3332</u>
4.9.	Tabling of Information	<u>3332</u>
4.10.	Short-Term Suspension of Proceedings.....	<u>3433</u>
4.11.	Points of Order.....	<u>3534</u>
4.12.	Interruption of Meetings by Members.....	<u>3534</u>
4.13.	Interruption of Meetings by Others.....	<u>3635</u>
4.14.	Meeting Protocols.....	<u>3635</u>
5.	OPERATING PROCEDURES – RECORDING/BROADCASTING OF THE MEETING.....	<u>3736</u>
5.1.	Recording of Meetings.....	<u>3736</u>
5.2.	Livestreaming/broadcasting of Meetings.....	<u>3736</u>
5.3.	Minutes of Meetings.....	<u>3736</u>
6.	ADMINISTRATIVE ARRANGEMENTS.....	<u>4038</u>
6.1.	Availability of the Code	<u>4038</u>
6.2.	Delegation.....	<u>4038</u>
	APPENDIX A - AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS.....	<u>4139</u>
	APPENDIX B – MOTION ON NOTICE TEMPLATE	<u>4240</u>
	APPENDIX C – ADMINISTRATION REPORT TEMPLATE.....	<u>4341</u>

CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES

1. INTRODUCTION

- 1.0.1 Adelaide Hills Council (AHC) is committed to the principle of honest, open and transparent governance and encourages community participation in the business of Council. The rules and procedures for all meetings of Council and its Committees are outlined in the:
 - a. *Local Government Act 1999* (the Act)
 - b. *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations)
- 1.0.2 These Regulations provide that a council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to, or vary certain aspects of, these provisions. Committees, in this regard, refer to committees established under section 41 of the Act.
- 1.0.3 The purpose of this Code is to establish a consistent approach and provide clear expectations to Council Members, staff, residents, ratepayers and guests for the order of business, procedures and etiquette of AHC Council meetings.
- 1.0.4 This Code supplements the legislation, with any procedures that are required by legislation inserted into the document with reference to the relevant regulation (provided in boxes, with wording in italics). This enables the Code to be read in conjunction with AHC's meeting procedure requirements. Please note that this only applies to procedures at the meeting, rather than those aspects that relate to frequency, timing, and notice of meetings, where reference has only been made to the relevant section within the Act.

1.1. Application of the Code of Practice

- 1.1.1 This Code applies to all ordinary and special meetings of Council.
- 1.1.2 The section 41 committees of Council will be guided by the Act and Regulations as applicable to those committees and any provisions set out in the committee terms of reference.
- 1.1.3 References to the Mayor also include the acting Presiding Member in the Mayor's absence.

1.2. Public Health Emergency: Electronic Participation in Council Meetings

- 1.2.1 On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.
- 1.2.2 On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

- 1.2.3 On 5 November 2021 the Minister for Planning and Local Government issued a notice pursuant to section 302B of the Act (Notice No 5) varying or suspending the operation of the specified provisions of the Act as set out in Schedule 1 to Notice No 5. Notice No 5 commenced operation on 11 November 2021 and revoked Notice No. 1 issued on 30 March 2020.
- 1.2.4 For the period Notice No 5 has effect (as provided for in Notice No 5), this Code of Practice is altered as set out below and those alterations have effect notwithstanding any other provision in this Code of Practice to the contrary.
- 1.2.5 For the avoidance of doubt, save for the alterations to the Code of Practice as set out below, this Code of Practice otherwise applies to all meetings of the Council.
- 1.2.6 On 23 June 2020, in recognition of the easing of the COVID-19 restrictions in South Australia, Council resolved (108/20) to delegate to the CEO to determine the 'place' of Council meetings (i.e. virtual with participation by electronic means or physical with Members in the Council Chamber).
- 1.2.7 On 15 September 2020, Council resolved (198/20) to commence broadcasting the proceedings of Council meetings. For clarity, where meetings are being conducted by electronic means (under a Notice No 5 scenario) meetings will be livestreamed as required by legislation and where meetings are physically in the Chamber the meetings will be broadcast in accordance with the Council resolution.

1.3. Guiding Principles

- 1.3.1 Regulation 4 of the Regulations prescribes guiding principles that should be applied with respect to the procedures to be observed at a meeting of a council of council committee.
- 1.3.2 In determining a matter of meeting procedure, the Mayor should consider the extent to which the proposed action upholds the following principles:

Legislation – Regulation 4
<p><i>The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a Council or Council Committee.</i></p> <p>a) <i>procedures should be fair and contribute to open, transparent and informed decision making.</i></p> <p>b) <i>procedures should encourage appropriate community participation in the affairs of the Council.</i></p> <p>c) <i>procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.</i></p> <p>d) <i>procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.</i></p>

- 1.3.3 These Guiding Principles underpin the details documented in this Code of Practice.

1.4. Suspension of other Inconsistent Provisions

- 1.4.1 To the extent that any other discretionary provision of this Code of Practice or specific procedure adopted by the Council in this Code of Practice could be read as being inconsistent or incompatible with the ability of a member of the Council to

participate in a meeting of the Council by electronic means, the provision is suspended in respect of the member while they are participating in the meeting by electronic means.

- 1.4.2 In circumstances where a provision is suspended under this paragraph, the presiding member may give directions to a member of the Council in respect of an alternative method of compliance with the suspended provision.
- 1.4.3 Any member who disagrees with a direction of the presiding member under this paragraph may move a motion that the direction not be adhered to. Such a motion must be moved immediately following the issuance of the direction. In the event such a motion is successful, the meeting may give directions to a member, by resolution.

1.5. Definitions associated with Notice No 5

- 1.5.1 *Act* means the *Local Government Act 1999*.
- 1.5.2 *electronic means* includes a telephone, computer or other electronic device used for communication.
- 1.5.3 *regulations* means the *Local Government (Procedures at Meetings) Regulations 2013*.
- 1.5.4 *disconnection of the electronic* includes:
 - (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
 - (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;
 - (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;
 - (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or
 - (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

2. OPERATING PROCEDURES – BEFORE THE MEETING

2.1. Calling Meetings

Ordinary Meetings

- 2.1.1 Section 81 of the Act prescribes the legislative requirements for the frequency and timing of ordinary council meetings.
- 2.1.2 The schedules for Ordinary Council Meetings are resolved in advance and are maintained on the Council website.

Special Meetings

- 2.1.3 Section 82 of the Act prescribes the legislative requirements for the calling of special meetings of council.
- 2.1.4 Details of special meetings of Council will be placed on the Council website as soon as possible after the decision to call the meeting.

2.2. Notice and Agendas for Meetings

Ordinary Meetings

- 2.2.1 Sections 83 and 84 of the Act prescribe the legislative requirements for providing Council Members and the public with notice for Council meetings.
- 2.2.2 At least three (3) clear days¹ before the Council meeting ~~(unless it is a special meeting²)~~ the Chief Executive Officer (CEO) must give written notice of the meeting to all Council Members setting out the date, time and place of the meeting.
- 2.2.3 The notice must contain or be accompanied by the agenda³ and, as far as practicable, the documents and reports that are to be considered at the meeting. Council's practice, whenever possible, is to provide the notice four (4) clear days before the meeting (i.e. by 5.00pm Thursday for a Tuesday evening meeting).
- 2.2.4 Each Council Member may indicate their preference for delivery of the notice of meeting, agenda and reports for all Council meetings. Any changes to the delivery arrangements must be requested in writing.
- 2.2.5 For members of the public, a copy of the notice of meeting, agenda and reports (with the exception of confidential items) will be displayed for viewing on Council's website www.ahc.sa.gov.au ~~and on public display at the principal office~~ as soon as practicable after the time when the document or report is supplied to members of the Council⁴.

¹ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, (e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday). If a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day

² ~~Special meetings under s83(2) of the Act require at least four (4) hours' notice.~~

³ 'agenda' under s4(1) of the Act means a list of items of business to be considered in a meeting. For clarity, reports and documents that accompany those business items are not considered to be the 'agenda'.

⁴ For more information on public access to the Council agenda, please see the *Code of Practice for Access to Council and Council Committee and Designated Informal Gatherings Meetings & Documents*

2.2.6 The notice will remain on the website and on public display until the completion of the meeting. In practice these notices remain available indefinitely.

Special Meetings

2.2.76 For Special Meetings, the CEO must ensure that each Member of the Council is given at least four (4) hours' notice of a special meeting of the Council.

2.2.87 Notices of special meetings will be distributed by email to the Council-provided email address for each Member, and will be displayed on Council's website for viewing by members of the public.

2.3. Public Access to Meetings

2.3.1 Council has adopted a *Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents* which outlines the arrangements for public access to Council meetings.

2.4. Questions for Clarification Prior to the Meetings

2.4.1 To facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate prior to Council meetings to clarify matters appearing on the agenda. For Administration Reports, the nominated delegate is the Council Officer whose name is listed as the Responsible Officer.

3. OPERATING PROCEDURES – THE ORDER OF BUSINESS

3.1. Commencement of Meetings and Quorums

Legislation – Regulation 7

- (1) *A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.*
- (2) *If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.*
- (3) *If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.*
- (4) *If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.*
- (5) *If a meeting is adjourned to another day, the chief executive officer must-*
 - (a) *give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and*
 - (b) *give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.*

3.1.1 A quorum for Council is determined under s85(1) of the Act by 'dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one'. For the purposes of s85(1) the members of council in office used to calculate the quorum does not include a member of council who is suspended from office or a member of council who has taken a leave of absence under s55 (to contest a state election) – see s85(2).

3.1.2 In the normal course of events, AHC's quorum is seven (7) Council Members (this includes the presiding member).

3.1.3 In accordance with Notice No 5, s85 of the Act has been amended in that a member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- a. can hear all other members present at the meeting;
- b. can be heard by all other members present at the meeting; and
- c. can be heard by the person recording the minutes of the meeting.

3.1.4. Further it is condition under Notice No 5, that where:

- a. a Council member is to participate in a Council meeting by electronic means; and
- b. the electronic means has the functionality to allow the Council member to participate in the meeting by being heard but not seen or by being both seen and heard; and

- c. the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard,
the member must participate by being both seen and heard.

3.1.5 In accordance with Notice No 5, a quorum is taken to be present even if one or more Council Members constituting the quorum is present by electronic means.

3.2. Order of Business

3.2.1 The order of business for Council meetings will generally be in accordance with the attached agenda template – refer **Appendix A**. However the Mayor at his/her own initiative or at the request of a Member of Council may bring forward items, with the leave of the meeting, for debate and resolution where:

- a. a large contingent of interested parties is present in the gallery
- b. contractors or consultants are present to make presentations; or
- c. it may otherwise be considered expedient or appropriate.

3.3. Length of Council Meetings

3.3.1 Council meetings will commence upon a quorum being present at the time set down in the Notice of Meeting.

3.3.2 ~~Council has resolved that~~ Council meetings will conclude at or before 10.00pm, or 3.5 hours after the commencement, whichever is the earlier, unless the meeting formally resolves on each specific occasion to continue beyond that time.

3.3.3 Where the business of a meeting is unlikely to be completed before ~~continue beyond~~ 10.00pm, or within 3.5 hours of the commencement, a motion is to be put to the meeting whether to continue or adjourn to another date and time. Extensions of the meeting will normally be in 30 minute blocks.

3.3.4 During the course of a Council meeting, a motion may be put to adjourn the meeting for a specified period (e.g. for 10 minutes).

3.4. Opening Statement

3.4.1 After calling a Council meeting to order, the meeting ~~is~~ shall be opened with opened with an Acknowledgement of Country consistent with the Council's Acknowledgement and Welcome to Country Policy, as amended from time to time. ~~the following 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.~~

3.5. Attendees, Apologies and Absences

3.5.1 If a Member expects to be late or unable to attend a meeting, the Governance & Performance Department (governanceandperformance@ahc.sa.gov.au) is to be advised prior to the commencement of the meeting or as soon as possible.

3.5.2 If a Member intends to seek a leave of absence, the request must be made in writing ~~to~~ via the Governance & Performance Department, specifying the period of leave that is being requested, prior to the commencement of the meeting.

3.5.3 A leave of absence will only be granted by a resolution of the Council **and will involve leave from all Council duties (including roles on council committees, panels and advisory groups).**

3.5.4 Where a Member is intending to be interstate, overseas or otherwise not able to attend to the full range of duties, they should seek a leave of absence at the meeting proceeding.

3.5.5 Where a Member recommences duties prior to the expiry of the approved period, the leave of absence will cease.

3.5.6 A leave of absence ~~should~~ **will** not be retrospective.

3.5.~~73~~ All apologies and leaves of absence will be listed in the Minutes for each Council meeting that it relates to.

3.5.~~84~~ If no apology has been received by the commencement of the meeting and there is no leave of absence and the Member is not present, they will be recorded in the Minutes as being absent.

3.5.~~95~~ If a Member arrives after the meeting commences, the time of arrival will be included in the Minutes.

3.5.10 If a Member has to leave a meeting (for longer than a comfort break), the Member should draw their impending departure to the attention of the Mayor to ensure that the presence of a quorum can be monitored.

3.5.~~116~~ Council Officers who address the Council meeting will be recorded in the Minutes as being in attendance.

3.5.~~127~~ The number of members of the public or representation of any other organisations will not be recorded in the minutes, unless presenting on a specific item in the agenda.

3.6. Confirmation of Minutes

Legislation – Regulation 8

- (1) *The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting*
- (2) *No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.*
- (3) *On the confirmation of the minutes, the presiding member will-*
 - (a) *initial each page of the minutes, which pages are to be consecutively numbered; and*
 - (b) *place his or her signature and the date of confirmation at the foot of the last page of the minutes.*

3.6.1 The Minutes ~~submitted at the~~included in an Ordinary meeting agenda will be those unconfirmed minutes of ~~the any~~ previous meetings less any information that is subject to an order under section 90 of the Act.

3.6.2 In accordance with Notice No 5, on confirmation of the minutes the presiding member may initial or sign the full (including confidential) minutes in hardcopy or electronically.

3.7. Declaration of Interest

3.7.1 The provisions in relation to a Council Member's interests are set out in sections 73, 74, 75 and 75A of the Act. Section 74 – *Dealing with material conflicts of interest* has been amended to recognise electronic participation in Council meetings by a member of Council.

3.7.2 It is a Council Member's responsibility to ensure they are aware of, and understand, the provisions of sections 73, 74, 75 and 75A of the Act in relation to declarations of interest.

3.7.3 A Council Member who has an interest in a matter, as defined under sections 73 and 75 of the Act, must disclose the interest to the Council in accordance with the provisions of sections 74 and 75A of the Act. Disclosures will be recorded in the Minutes in accordance with the relevant provisions of the Act and Regulations.

3.7.4 Council Members may seek advice about a possible interest before a meeting by contacting the CEO or the Governance & Performance Department. If necessary, ~~assistance the Governance & Performance Department will be provided to facilitate~~ the Member to contact the Council's lawyers directly for advice, at Council's expense.

3.8. Mayor's Opening Remarks

3.8.1 At each ordinary Council, the Mayor may present opening remarks which will be generally related to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.

3.9. Questions Adjourned/Lying on the Table

3.9.1 Sometimes 'questions'⁵ being debated in the Chamber may need to be adjourned for reasons such as required information not being available at that time. In these cases a 'formal motion'⁶ can be resolved to adjourn the matter for a later time.

Questions Adjourned

Legislation – Regulation 19
(1) <i>If a formal motion for a substantive motion to be adjourned is carried:</i>
(a) <i>The adjournment may either be to a later hour of the same day, to another day, or to another place; and</i>

⁵ Regulation 12 (14) refers to a motion that has been moved and seconded as a 'question'.

⁶ For more information on formal motions see clause 4.3 of this Code.

(b) The debate, will, on resumption, continue at the point at which it was adjourned.

(2) If debate was interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was adjourned.

(3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting

- 3.9.2 The resolution to adjourn a question will nominate the time and place that debate on the question will continue and therefore they do not require a resolution for debate to resume (at the point of interruption) however these questions must be considered prior to any new business being dealt with.

Questions Lying on the Table

- 3.9.3 Questions Lying on the Table require a resolution for the question to be retrieved (and debate resumed at the point of interruption).

Legislation – Regulation 12

(19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.

(20) The chief executive must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.

3.10. Petitions

3.10.1 Petitions may be submitted to Council in line with Council's *Petition Policy*. If the petition is a compliant petition for the purposes of the Act and the *Petition Policy*, it will be placed on the agenda for the next scheduled meeting of Council.

3.10.2 The Council agenda will contain a report regarding petition(s) received. The report will contain the nature of the request or submission, the name and locality of the Principal Signatory, a brief statement as to the nature of the request or submissions, the number of signatories and an Officer's Response providing a brief commentary on the relationship/relevance of the petition topic to Council services/activities/plans/strategies/ resolutions and options available to Council to address the petition request. Further the report will recommend, as a minimum, that:
a. The report be received and noted; and
a.b. The CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter

3.10.3 A full copy of the petition will not be included in the agenda to protect the privacy of individuals. Council Members may request a copy of the petition and it is the Members' responsibility not to distribute or publish a copy of the full petition.

3.10.4 If, in consideration of a petition, a Council Member determines to move a Motion Without Notice, the Council will deal with the motion at that point in the agenda, subject to the compliance with the applicable requirements of legislation/policy.

3.11. Deputations

- 3.11.1 A deputation is a formal opportunity to address the Council on a particular matter during a meeting.

Legislation – Regulation 11

Deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter.

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver ~~(to the council by means determined by the chief executive officer)~~ a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.

Making a Deputation Request

- 3.11.2 A person or persons wishing to appear as a deputation at a Council meeting must forward a written request to the CEO, indicating the reasons for the deputation. Deputations will be limited ordinarily to a maximum of two (2) per Ordinary Council meeting.

~~3.11.3 A person or persons wishing to appear as a deputation at a meeting may only appear by electronic means.~~

- 3.11.~~34~~ In the normal course of events the deputation request must be received no less than seven (7) clear days prior to the Council meeting, for inclusion in the Agenda. Details of Council meeting dates are contained on the Council website.

- 3.11.~~45~~ If however the matter relates to an item of business on the Agenda and there are not two (2) deputations already approved for the meeting, the Deputation Request Form may be lodged up to 5.00pm on the day prior to the Council meeting.

- 3.11.~~56~~ A request to make a deputation should be made by submitting a *Deputation Request Form*, which is available on Council's website. The Form, which must be completed in full, includes an acknowledgment of the deputation obligations and procedures to be observed at the meeting.

- 3.11.~~67~~ A deputation may comprise one (1) or a number of persons. When a deputation appears at a meeting up to two (2) members of the deputation (e.g. deputies) will be allowed to speak, and to reply to questions from Council Members.

- 3.11.~~78~~ Should a deputy be speaking on behalf of an association, organisation or other body, they may be required to provide a copy of the constitution and rules of that organisation, association or other body prior to the deputy's address.

Processing a Deputation Request

Legislation – Regulation 11

- (3) The presiding member may refuse to allow the deputation to appear at a meeting.

3.11.89 Whether or not a deputation may appear is to be determined on a case-by-case basis by the Mayor. In determining whether a deputation request is granted the following considerations will be taken into account:

~~a. the number of deputations that have already been granted for the meeting;~~

~~b.a.~~ the subject matter of the proposed deputation;

~~e.b.~~ relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;

~~d.c.~~ the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious);

~~e.d.~~ the size and extent of the agenda for the particular meeting; and

~~f.e.~~ 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.

3.11.9 Upon the expiration of seven (7) clear days prior to the Council meeting, the Mayor will consider the Deputation requests received and determine, as per clause 3.11.9, the request that will be granted.

3.11.10 Notwithstanding clause 3.11.2, the Mayor has the delegation to accept one (1) additional deputation if she determines that the matter of sufficient importance and urgency that it must be heard at that meeting.

Legislation – Regulation 11 (cont.)
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<i>(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.</i>

3.11.110 Written notification will be forwarded to the person who made the request for a deputation notifying them of the outcome of the deputation request. If approved they will be notified of the date and time of the meeting at which the deputation will be heard and the method by which the person or persons are to appear at the meeting. For deputation requests received in accordance with clause 3.11.4, phone/email contact will be made with the depute.

Legislation – Regulation 11 (cont.)
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<i>(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).</i>
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<i>(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.</i>
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<i>(7) A council may refer the hearing of a deputation to a council committee.</i>
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Presenting a Deputation at a Council Meeting

3.11.121 If the depute wishes for notes or other documents are to be distributed for the deputation, these are to be provided to the Minute Secretary up to 5.00pm on the day prior to the Council meeting to distribute electronically to the Council Members. No documents will be distributed during the meeting. The depute will remain legally liable for the content of any documents distributed.

- 3.11.1~~32~~ The depute(s) microphone will be unmuted and they will be invited by the Mayor to make the deputation on the topic or issue which has been nominated. The depute must state their name and locality, which will be recorded in the minutes to the meeting (which is a public document).
- 3.11.1~~43~~ Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility and content suitability. The depute will remain legally liable for the content of any presentation. Presentations provided at the Council meeting will not be displayed during the deputation.
- 3.11.1~~54~~ Deputies may address questions to the Council. The Mayor will determine if an answer is to be provided.
- 3.11.1~~65~~ In the interests of fairness, each deputation is to be no longer than ten (10) minutes in duration. Deputies may address questions to the Council which must be accommodated within the 10 minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.
- 3.11.1~~76~~ Following the Deputation, a maximum of five (5) minutes will be allocated for Members to direct questions to the depute(s) if required. Members of Council may ask questions of the depute(s) presenting. Care should be exercised in framing questions to ensure they clearly relate to the subject of the deputation. The Mayor will use ~~his~~/her best endeavours to manage this process fairly.
- 3.11.1~~87~~ Notes or presentation material provided as part of the deputation will be referenced in the minutes of the meeting.

Deputation Conduct

- 3.11.1~~98~~ All deputations are to be conducted in an orderly manner. Deputations should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or Officers must not be made during the depute's address. If this conduct occurs the Mayor will warn the depute, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting.
- 3.11.~~2019~~ Council meetings are also open to the public including being livestreamed/broadcast and there is unlikely to be any legal protection or other privilege attached to any statements made during a deputation in this forum. This means that anything said during the depute's address is subject to the normal laws of defamation. Consequently all deputies should take care in the statements they make and how they make their address.
- 3.11.2~~10~~ An 'Information Sheet – Deputations and Public Forums – How to Address Council or Council Committees on Issues of Concern' provides a summary of the above requirements and is available on the Council website.

3.12. Public Forums

- 3.12.1 For the effective duration of the *Electronic Participation in Council Meetings Notice (No 5) 2021*, Council will not conduct a Public Forum during the Council meeting where the meeting is being conducted by electronic means.

3.12.2 However if the meeting is being conducted physically in the Council Chamber, the Public Forum will be conducted in the following manner:

3.12.3 The Public Forum is a less formal opportunity to address Council on a particular matter during the meeting.

3.12.4 The guidelines which apply to Public Forum are:

- a. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council, in which case the time allocation can be increased.
- b. Each speaker in the Public Forum will have no longer than five (5) minutes (including questions), except with leave from the Council.
- c. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
- d. People wishing to speak in the public forum (speakers) must advise the Mayor of their intention at the beginning of this section of the meeting. Those who do not flag their desire to speak at this time will only be permitted to speak at the discretion of the Mayor.
- e. Where an intending speaker has made a deputation at the same meeting of Council they will not be permitted to speak in the public forum on the same or similar subject matter at that meeting.
- f. Upon being requested to come forward to address the Council, the Mayor will ask the speaker to state their name and locality of residence and the subject matter they wish to speak on.
- g. These details will be recorded in the minutes of the meeting (which is a public document).
- h. The speaker will then wait for the Mayor to invite them to commence their speech.
- i. The speaker may address questions to the Council which must be accommodated within the five (5) minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.
- j. Where a number of speakers are speaking on the same topic, the Mayor may encourage subsequent speakers to avoid repeating previous points and to focus on new points.
- k. Members may ask questions of all speakers appearing relating to the subject of their presentation.

Public Forum Conduct

3.12.5 All public forum presentations are to be conducted in an orderly manner. These should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or Officers must not be made during the presentation. If this conduct occurs, the Mayor will warn the depute, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting.

3.12.6 Council meetings are also open to the public including being livestreamed/broadcast and there is unlikely to be any legal protection or other privilege attached to any statements made during a presentation in this forum. This means that anything said

during the speaker's address is subject to the normal laws of defamation. Consequently all speakers should take care in the statements they make and how they make their address.

3.13. Presentations

- 3.13.1 Presentations are defined as an opportunity for an organisation, community group, Council Officer(s) or member of the public to address Council to provide information relevant to the Council at the invitation of Council.
- 3.13.2 Such presentations do not include deputations or representations under the *Planning, Development and Infrastructure Act 2016*.
- 3.13.3 The duration of each presentation is to be no longer than ~~twenty (20)~~fifteen (15) minutes plus ~~ten (10)~~five (5) minutes for questions, if required. There is to be a limit of two (2) presentations per scheduled meeting, except with the leave of the meeting.
- 3.13.4 If notes or other documents are to be distributed for the presentation, these are to be provided to the Minute Secretary up to 5.00pm on the day prior to the Council meeting to distribute electronically to the Council members. ~~No documents will be distributed during the meeting.~~
- 3.13.5 Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility and content suitability. ~~Presentations that are not received prior to the above deadline will not be displayed at the Council meeting. The presenter will remain legally liable for the content of any presentation.~~
- 3.13.6 Notes or presentation material referred to as part of the presentation will be referenced in the minutes of the meeting.

3.14. Questions on Notice

Legislation – Regulation 9

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under subregulation (1) -
- (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

- 3.14.1 When sending the questions to the CEO, the Member asking the question should provide a brief history, context, or reason why the question is being asked. This preamble will be included in the agenda with the question(s).

3.14.2 On receipt of the questions the CEO will forward the questions to Mayor. The Mayor will inform the CEO on one of the following processes:

- Request that the CEO (or delegate) respond to the questions; or
- Respond to the questions themselves; or
- Make a determination at the nominated meeting regarding the response.

Process 1

3.14.3 If the Mayor opts that the CEO (or delegate) responds to the questions and there is sufficient time to consider and respond to the questions, the questions and answers will appear in the Agenda and would then be replicated in the minutes in accordance with Regulation 9.

3.14.4 If the referral to the CEO (or delegate) does not allow for sufficient time to consider and respond to the questions and include the answers in the agenda, the CEO (or delegate) will arrange for answers to be tabled at the relevant meeting. The questions and answers will be included in the minutes in accordance with Regulation 9.

OR

Process 2

3.14.5 If the Mayor opts to respond to the questions they can either:

- Provide the response to the CEO and, if these answers are provided in sufficient time, the questions and answers will be included in the Agenda and would be replicated in the minutes in accordance with Regulation 9.
- Table at the meeting the written responses to the questions on the night of the nominated meeting and the questions and answers will be included in the minutes in accordance with Regulation 9.

OR

Process 3

3.14.6 If the Mayor opts to make a determination at the nominated meeting regarding a response, the questions will appear in the Agenda and these questions and the answers will be included in the minutes in accordance with Regulation 9.

3.14.7 This could include the Mayor answering the questions, referring it to the CEO (or delegate) for a response on the night or rule not to accept the questions in accordance with Regulation 9(6).

3.14.8 If a Mayor makes a determination that a question shall not be answered as per Regulation 9(6) the question and the reason for the determination shall be stated and recorded in the minutes.

3.15. Motions on Notice

Legislation – Regulation 12

- | |
|---|
| <p>(1) A member may bring forward any business in the form of a written notice of motion.</p> <p>(2) The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.</p> |
|---|

- (3) *A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.*
- (4) *If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought-*
- (a) until after the expiration of 12 months; or*
- (b) until after the next general election, whichever is sooner*

- 3.15.1 Prior to lodging a motion, Members ~~should~~must liaise with the CEO or nominated delegates on the content of the proposed motion to explore options and implications.
- 3.15.2 In circumstances where a Motion on Notice has been placed on the Agenda and the Member who placed the Motion on Notice is not in attendance at the meeting, another Member may move the motion in their stead.
- 3.15.3 The following are desirable characteristics when framing a motion⁷:
- a. *Form* – a motion should be in a positive, affirmative form. It should not be in a negative form, unless it achieves some specific advantage or value;
 - b. *Content* – a motion should be complete and plain, so that a resultant resolution when read in the future, identifies with certainty its object and substance;
 - c. *Wording* – It should be in precise and definite language. Its intention and import should be clear; and
 - d. *Drafting* – a motion should be framed and phrased in a way to enable persons to vote in favour of or against the proposal, and thus facilitate the ability of the meeting to make a decision,
- 3.15.4 The attached proforma should be used when framing Notices of Motion – refer **Appendix B**.

3.16. Administration Reports

- 3.16.1 Each Council agenda includes report items prepared by the Council Administration, which may include recommendations. These recommendations are not a ~~resolution~~motion, and have no status until moved by a Member. Alternatively Members may move a completely different motion.
- 3.16.2 Administration Reports to Council will be prepared using the standard format – refer **Appendix C**.
- 3.16.3 Administration Reports in the Order of Business will be grouped into the following categories:
- a. **Decision Items** – these are agenda items that are seeking the Council's resolution in relation to a course of action in relation to the matter; and
 - b. **Information Items** – these are agenda items that are informing the Council of the status of the matter. Generally, the recommendation in these reports will be for the receiving and noting of the item.
- 3.16.4 Where additional information is required this may be included as attachments to the report which will be inserted in the agenda papers immediately following the report.

⁷ A. D. Lang (2015) *Horsley's Meetings procedure, Law and Practice* (7th ed.), 119.

- 3.16.5 In order to contain the number of reports going before Council, report writers should consider any subsequent steps and wherever practical include them in the initial report and set of recommendations. Examples of these subsequent steps that should be included in the initial report include:
- the authorisation for the Mayor and/or CEO to sign and seal documents
 - authorising the Chief Executive Officer or relevant Director to make minor amendments to an associated document
 - if a working party or sub-committee is required, to indicate that in the report and include a recommendation seeking nominations for Membership of the working party, etc.
 - indicating a price or value range within which a delegated staff member can negotiate rather than a single fixed price.
- 3.16.6 Reports are to be prepared so as to communicate the required information in a clear and succinct way. The information presented should be impartial, balanced and evidence-based (where reasonably possible).
- 3.16.7 As per clause 2.4, to facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate **as early as possible** prior to Council meetings to clarify matters appearing on the agenda. The nominated delegate is the Council Officer whose name is listed as the Responsible Officer.
- 3.16.8 In the normal course of business, report authors will not introduce their report unless requested by the Mayor. However the Mayor will ask the author whether there are any updates to be provided based on queries received or recent events since agenda distribution.
- 3.16.9 Where practicable, Council Officers may utilise online meeting functionality to provide information to the Council meeting rather than physically attending the meeting.

Status Report – Council and Committee Resolutions Update

- 3.16.10 A report will be provided at each Council meeting for noting, setting out the status of each resolution from Council meetings until the item is completed.

3.17. Questions Without Notice

Legislation – Regulation 9
(3) <i>A member may ask a question without notice at a meeting.</i>
(4) <i>The presiding member may allow the reply to a question without notice to be given at the next meeting.</i>
(5) <i>A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.</i>
(6) <i>The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.</i>

- 3.17.1 To facilitate the efficiency of meetings, Members are encouraged to use the availability of the CEO or nominated delegates prior to the meetings to clarify issues of concern.
- 3.17.2 Questions Without Notice can be asked at a meeting and the Mayor has the discretion to accept the questions in accordance with Regulation 9(6).
- 3.17.3 If the question is accepted, the Mayor will make the determination to choose to answer the questions or refer them to the CEO (or delegate) for a response. Where an answer is not possible at the meeting, the questions may be taken “on notice” and a response provided by email within 14 days.
- 3.17.4 In accordance with Regulation 9(5) Questions Without Notice and the reply will not be included in the minutes unless the Council meeting resolves to do so.

3.18. Motions Without Notice

Legislation – Regulation 12
(5) <i>Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.</i>
(6) <i>The presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.</i>
(7) <i>The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)</i>

- 3.18.1 As they have not been foreshadowed to Members or the broader community and do not have an accompanying analysis (as do Motions On Notice and Administration Reports), it is not considered to be in the interests of good governance practice, and is a denial of natural justice, to consider Motions Without Notice other than those that meet the following criteria.
- 3.18.2 In general, Motions Without Notice should be restricted to:
- A request that a report on a particular topic be presented at a future meeting;
 - A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;
 - A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion Without Notice is seen as the best way to resolve or progress the matter in a timely manner; and/or
 - A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council or community.
- 3.18.3 Wherever practicable, Members wishing to move a Motion Without Notice (including a motion different from a report recommendation) are encouraged to make available a written copy of their motion to assist the Mayor in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.
- 3.18.4 Following the moving of a Motion Without Notice and prior to the seeking of a seconder, the Mayor will seek advice from the CEO or nominated delegate regarding the perceived implications of the motion.

3.18.5 The Mayor may refuse to accept the Motion Without Notice if, after taking into account the Guiding Principles (Regulation 4 and clause 1.2 of this Code), ~~he or~~ she considers that the motion should be dealt with by way of a written Motion On Notice.

3.18.6 Any Motions Without Notice which, in the opinion of the Mayor, require action involving the expenditure of unbudgeted resources should be on the basis of a Motion On Notice.

3.19. Council Member Reports

3.19.1 At each ordinary Council meeting, Council Members may present a written or verbal report detailing those functions or activities on the business of Council but not the prescribed meetings or advisory groups of Council.

3.19.2 Council Members are encouraged to submit their written reports seven (7) clear business days before the date of the meeting to enable the report to be incorporated into the Agenda.

3.19.3 Reports will be recorded in the minutes in summary form and will not include commentary on the activities or functions reported or the attendance of other Council Members or the personal details of residents/ratepayers.

3.20. Reports of Members/Officers as Council Representatives on External Organisations

3.20.1 At each Ordinary Council meeting, Members or Officers who are appointed as Council representatives on external organisations (e.g. regional subsidiaries) may provide a verbal or written report on their involvement in activities associated with that organisation.

3.20.2 Members and Officers are encouraged to submit their written reports seven (7) clear business days before the date of the meeting to enable the report to be incorporated into the Agenda.

3.21. CEO Report

3.21.1 At each ordinary Council meeting, the CEO will present a verbal report detailing the status of key activities and initiatives.

3.22. Reports of Committees

3.22.1 Committees will report to Council in accordance with the reporting requirements detailed in their specific-respective terms of reference.

3.22.2 Council Committees will report to Council at the next Council meeting following the Committee meeting. The form of report will be by way of a verbal report from the Presiding Member (or other Member of the Committee should the Presiding Member not being present ~~or the Presiding Member of the committee be an independent member and not a member of Council~~) in support of the minutes of the Committee meeting.

3.22.3 A copy of these minutes will be included in the Agenda of the next Council meeting. All recommendations from the Committee will be considered by Council in the form of an Administration Report.

3.22.3 Recommendations to Council arising from a Committee meeting will either be the subject of a separate Administration Report or consolidated in a report under this section accompanying the Committee minutes.

3.23. Confidential Items

- 3.23.1 Under the provisions of Notice No 5, Council meetings will be live streamed for the public to view the proceedings except where the Council believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.
- 3.23.2 Before Council orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.
- 3.23.3 ~~If this occurs then the live stream will be disconnected.~~ This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, will not be able to view or listen to the meeting proceedings. For the operation of section 90(2) of the Act a member of the public does not include a Member of Council.
- 3.23.4 Once discussion on that particular matter is concluded, the ~~livestream will be reconnected~~ public will be permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.
- 3.23.5 Additional information of the use of the confidentiality provisions of the Act are contained in Council's *Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents*.

4. OPERATING PROCEDURES – CONDUCT AT THE MEETING

4.1. Leave of the Meeting

Legislation – Regulation 3

- (4) *For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by—*
- a show of hands; or*
 - where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative, (but nothing in this subregulation prevents a division from being called in relation to the vote).*

4.2. Motions in General, Speaking to Motions and Rights of Reply

Legislation – Regulation 12

- (5) *Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.*
- (6) *The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.*
- (7) *The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)*
- (8) *A motion will lapse if it is not seconded at the appropriate time.*
- (9) *A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.*
- (10) *A member may only speak once to a motion except-*
 - to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or*
 - with leave of the meeting ; or*
 - as the mover in reply.*
- (11) *A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion*

Seconding Speaking to a Motion

- 4.2.1 Regulation 12(9) is able to be varied at the discretion of Council and therefore Council has determined that the seconder has the option of reserving their right to speak to the motion at the time of seconding but if they choose to exercise this right it must be done prior to the mover in reply.
- 4.2.2 For clarity, where a Member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion until they have exercised that right.

Questions Regarding a Motion

- 4.2.3 Council Members may ask questions of the Administration and/or other Members and answer questions directed to them regarding a motion for the purpose of clarification (but not debate) and this will not be considered as speaking to the motion. Members should ensure that it is clearly a question and not used as an opportunity to contribute to the debate.

Contributing to the debate

4.2.4 There is no legislative requirement for any or all Members to contribute to the debate (only to vote as per clause 4.7). In considering whether to contribute, particularly where there is a large agenda to be transacted, Members may wish to evaluate whether their contribution will facilitate a more informed and/or progressive debate. Further, Members are not required to advise whether they will/not support the motion as the voting process will reveal their intentions.

Prevention of inaccurate or misleading information during debates

4.2.5 If during the course of debate a Council Officer becomes aware that the debate is predicated on incorrect/misleading information and could lead to any erroneous outcome, they may signal to the Mayor that they wish to advise the meeting to correct the record. It will be at the Mayor's discretion as to whether the Officer is to be heard.

4.2.6 If an opportunity to advise the meeting is granted, the Officer will limit their comments, to the best of their knowledge, the factual information related to the matter. For clarity, the Officer will take due care to ensure that they do not enter the debate.

Rights of Reply

4.2.74 Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately prior to the original motion or substantive motion being put to the meeting (i.e. immediately prior to the final vote).

4.2.85 The right of reply should be utilised to reinforce the rationale for moving the motion and to respond to issues raised in debate. Where possible, it should not be used to introduce new material into the debate.

4.3. Formal Motions

Legislation – Regulation 12

(12) *A member who has not spoken in the debate on a question may move a formal motion.*

(13) *A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).*

(14) *If the formal motion is:-*

(a) *that **the meeting proceed to the next business**, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or*

(b) *that **the question be put**, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or*

(c) *that **the question lie on the table**, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by*

- resolution (and, if so retrieved, debate is then resumed at the point of interruption); or*
- (d) that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or*
- (e) that **the meeting be adjourned**, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.*
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).*
- (16) A formal motion does not constitute an amendment to a substantive motion.*
- (17) If a formal motion is lost-*
- (a) the meeting will be resumed at the point at which it was interrupted ; and*
- (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least 1 member has spoken on the question.*
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.*
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*

- 4.3.1 For clarity, a 'question' as referred to Regulation 12 (14)(b-d) is a motion that has been moved and seconded.
- 4.3.2 A formal motion "the question be adjourned" must include the reasons for the adjournment and the details of time and place for the resumption of the debate.
- 4.3.3 If a formal motion that "the question lie on the table" or "the question or meeting be adjourned" as per Regulation 14(c), (d) and (e) is carried, the minutes shall record those that have spoken in the debate. This will ensure that the debate can recommence at the point of the interruption.

4.4. Amendments to Motions

Legislation – Regulation 12

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| <i>(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.</i> |
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Legislation – Regulation 13

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| <i>(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.</i> |
| <i>(2) An amendment will lapse if it is not seconded at the appropriate time.</i> |
| <i>(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.</i> |
| <i>(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.</i> |
| <i>(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.</i> |

- 4.4.1 The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or contradict it. The Mayor will not accept a proposed amendment that is direct negative of the motion.
- 4.4.2 For the avoidance of doubt, any Member (including the mover and seconder of the original motion and any other person who has spoken to the original motion at an earlier stage) is entitled to speak to the amendment and, in doing so, is not taken to have spoken to the original motion.
- 4.4.3 Members speaking in a debate on an amendment must confine their remarks to the amendment and not debate the substantive motion.
- 4.4.4 There is no right of reply to an amendment because it is not a motion. Likewise, no division can be called on an amendment because it is not a motion.

4.5. Variations

Legislation – Regulation 14

- (1) *The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.*
- (2) *The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.*

- 4.5.1 The withdrawal of a motion does not preclude another motion on the same matter being moved. Variations, alterations or withdrawal of a motion will be minuted in accordance with Regulation 8(4)(d).

4.6. Addresses by Members

Legislation – Regulation 15

- (1) *A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting*
- (2) *A member may, with leave of the meeting, raise a matter of urgency*
- (3) *A member may, with leave of the meeting, make a personal explanation*
- (4) *The subject matter of a personal explanation may not be debated*
- (5) *The contribution of a member must be relevant to the subject matter of the debate*

- 4.6.1 A personal explanation should provide the Member's account of the reasons or factors regarding an event or situation in which he/she had an involvement. The explanation should not: (a) make imputations of improper motives or contain personal opinions on fellow Council Members, the Administration or members of the public; or (b) be used for making statements regarding Council resolutions.
- 4.6.2 If a Member making a personal explanation wishes that the full text of that Personal Explanation be included in the minutes, it may be included by resolution of the Council, if not, only a brief account shall be included.

4.7. Voting

Council Meetings

4.7.1 Voting in Council meetings is applied as follows:

Legislation – Regulation 16

- (1) *The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.*
- (2) *The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.*
- 3) *A person who is not in his or her seat is not permitted to vote.*
- 4) *Subregulation (3)—*
 - a) *may be varied at the discretion of the council pursuant to regulation 6;*
 - b) *does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act; and*
 - c) *is varied in relation to a member participating in a council meeting by electronic means such that the reference to “not in his or her seat” is taken to include a disconnection of the electronic means.*
- 5) *In this regulation— **disconnection of the electronic means** includes—*
 - a) *ending a telephone connection such that the discussion and voting at the meeting cannot be heard;*
 - b) *ending a video conferencing connection such that the discussion and voting at the meeting cannot be heard;*
 - c) *logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;*
 - d) *signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or*
 - e) *disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.*

4.7.2 Each Member present at the meeting of council, must, subject to the provisions of the Act to the contrary, vote on a question arising from that meeting [section 86(4)].

4.7.3 The Mayor, or another member presiding in the absence of the Mayor, at a meeting of council, does not have a deliberative vote on a question arising but has, in the event of an equality of votes, a casting vote [section 86(6)].

4.7.4 In most cases the requirement is a simple majority of the members present and entitled to vote however there are provisions in both the Act and the Regulations that require either a two-thirds or an absolute majority of the members of Council for resolutions on specified matters.

4.7.5 A vote in relation to a question for decision before the Council may be taken:

- a) a show of hands; or

- b. where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.
- 4.7.6 The presiding member, or any other member, may ask the CEO to read out a motion or amendment before a vote is taken.
- 4.7.7 In relation to a member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

Appointments to Positions

- 4.7.8 Due to the potential implications of the Conflict of Interest provisions under s73 and s75 regarding the appointment of Council Members to positions (particularly those with potential personal or pecuniary benefits), the Council should adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the positions.
- 4.7.9 As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council, it is an Information or Briefing Session that is required to be open to the public under s90A(3) (see the *Information or Briefing Sessions Policy* (the Policy)). As an Information or Briefing Session that is required to be open to the public, the Chief Executive will conduct the meeting in accordance with the Policy.
- 4.7.10 The Indicative Voting Process is:
 - a. The Mayor seeks a motion to adjourn the meeting for the purpose of conducting an Indicative Voting Process.
 - b. Once the meeting is adjourned (and the Information or Briefing Session has commenced), the Chief Executive Officer calls for self-nominations for the position(s). If Council Officers or Independent Committee Members are eligible for appointment to the position, they can also self-nominate. If Council Officers are being put forward for consideration by the CEO this will be included in the report.
 - c. If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
 - d. The CEO will appoint a Council Officer as the Returning Officer and may enlist other Council Officers to assist with the conduct of the vote and the count.
 - e. The method of voting will be by secret ballot utilising the preferential counting system
 - f. Each Council Member (including the Mayor) shall have one vote.
 - g. Ballot papers will be provided to each Council Member
 - h. The nominee's names will be drawn by the Returning Officer to determine the order on the ballot paper.
 - i. Each nominee will have two (2) minutes to speak to the Information or Briefing Session in support of their candidacy. The speaking order will be as listed on the ballot paper.
 - j. Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an

observer [another Council Member (not being a nominee for the position being determined) or an Officer] present.

- k. In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- l. After all votes have been counted, the Returning Officer shall return to the Gathering and publicly declare the result of the election (i.e. the preferred person).
- m. The ballot papers will be shredded.
- n. With the conclusion of the Indicative Voting Process, the Council meeting will resume in accordance with the adjournment resolution.
- o. Upon resumption, any Council Members who nominated for the positions would be advised to consider their obligations under s74 or s75A of the Act (as applicable).
- p. Council can then consider a motion for the preferred person to be appointed to the position(s)

4.8. Divisions

Legislation – Regulation 17
<p>(1) <i>A division will be taken at the request of a member.</i></p> <p>(2) <i>If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.</i></p> <p>(3) <i>The division will be taken as follows:</i></p> <ol style="list-style-type: none"> (a) <i>subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;</i> (b) <i>subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats;</i> (c) <i>the presiding member will count the number of votes and then declare the outcome.</i> <p>(3a) <i>Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.</i></p> <p>(4) <i>The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).</i></p> <p>(5) <i>Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6</i></p>

4.9. Tabling of Information

Legislation – Regulation 18
<p>(1) <i>A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).</i></p>

(2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

4.9.1 A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting.

4.9.2 If the tabling of documents is crucial to the consideration of the matter and the documents are not able to be tabled in an expeditious manner, the meeting may consider a formal motion to adjourn the question.

4.10. Short-Term Suspension of Proceedings

Legislation – Regulation 20

(1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

(2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).

(3) If a suspension occurs under subregulation (1)—

(a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and

(b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—

(i) the provisions of the Act must continue to be observed; and

(ii) no act or discussion will have any status or significance under the provisions which have been suspended; and

(iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and

(c) the period of suspension should be limited to achieving the purpose for which it was declared; and

(d) the period of suspension will come to an end if—

(i) the presiding member determines that the period should be brought to an end; or

(ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

4.10.1 Use of a short term suspension can be useful when members could benefit from some informal sharing of ideas, opinions without the constraints of speaking to motions.

4.11. Points of Order

Legislation – Regulation 28	
(1)	<i>The presiding member may call to order a member who is in breach of the Act or these regulations</i>
(2)	<i>A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach</i>
(3)	<i>A point of order takes precedence over all other business until determined</i>
(4)	<i>The presiding member will rule on a point of order</i>
(5)	<i>If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately</i>
(6)	<i>The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put</i>
(7)	<i>A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –</i>
	<i>(a) the ruling has no effect; and</i>
	<i>(b) the point of order is annulled</i>

4.11.1 Points of order are not recorded in the minutes. The only entry in the minutes in relation to a point of order would be to record the process of a motion to disagree with a ruling by the Mayor.

4.12. Interruption of Meetings by Members

Legislation – Regulation 29	
(1)	<i>A member of a council or council committee must not, while at a meeting –</i>
	<i>(a) behave in an improper or disorderly manner or</i>
	<i>(b) cause an interruption or interrupt another member who is speaking</i>
(2)	<i>Subregulation (1)(b) does not apply to a member who is –</i>
	<i>(a) objecting to words used by a member who is speaking or</i>
	<i>(b) calling attention to a point of order or</i>
	<i>(c) calling attention to want of a quorum</i>
(3)	<i>If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation</i>
(4)	<i>Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting</i>
(5)	<i>If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution –</i>
	<i>(a) censure the member or</i>
	<i>(b) suspend the member for a part, or for the remainder, of the meeting</i>
(6)	<i>A member who –</i>
	<i>(a) refuses to leave a meeting in contravention of subregulation (4) or</i>
	<i>(b) enters a meeting in contravention of a suspension under subregulation (5)</i>
	<i>is guilty of an offence.</i>

4.12.1 Offences under Regulation 29 carry a financial penalty.

4.13. Interruption of Meetings by Others

Legislation – Regulation 29

<i>A member of the public who is present at a meeting of a council or council committee must not –</i>
--

- | |
|---|
| <i>(a) behave in a disorderly manner or</i>
<i>(b) cause an interruption</i> |
|---|

4.13.1 Offences under Regulation 29 carry a financial penalty.

4.14. Meeting Protocols

Mobile Phones/Pagers

4.14.1 Mobile phones/pagers ~~will~~should be switched off or silent during Council meetings unless prior approval is granted by the Mayor for the phone/pager to remain active.

Speaking during meetings

4.14.2 Council Members and Council Officers will raise their hand (in full view of the device's camera or utilising the 'raise hand' function for participation by electronic means) and wait to be invited to speak by the Mayor prior to addressing the Council.

4.14.3 Upon being invited to speak, the Member or Officer will lower their hand, unmute their microphone for the duration of their speech and will mute their microphone when concluded.

4.14.4 When addressing Council, the Member or Officer will speak 'through the chair' (e.g. 'through your Worship').

Forms of Address

4.14.5 The Mayor shall be addressed as Your Worship or Mayor.

4.14.6 Councillors should be referred to as 'Councillor' followed by their surname.

4.14.7 Council Officers should be referred to by the relevant prefix followed by their surname or by their position title (i.e. CEO, Director Community Capacity).

Interaction with the Gallery

4.14.8 The Mayor may speak to members of the Gallery for the purposes of welcoming attendees, arranging Deputies and Public Forum speakers and providing other information related to the functioning of the meeting.

4.14.9 Councillors ~~will~~must not speak to members of the Gallery during the meeting or accept notes from those present in the Gallery. The only exception is when Members of the Gallery are making a Deputation or speaking in the Public Forum.

4.14.10 Council Officers should also minimise discussion with members of the Gallery during the meeting other than to provide guidance regarding meeting logistics.

5. OPERATING PROCEDURES – RECORDING/BROADCASTING OF THE MEETING

5.1. Recording of Meetings

- 5.1.1 Council meeting will be recorded using the electronic meeting software (i.e. audio and visual).
- 5.1.2 As a general rule, the recordings will be captured by the Administration of open Council meetings to be used for the purpose of:
 - a. assisting in the preparation of minutes
 - b. ensuring decisions are accurately recorded
 - c. verifying the accuracy of minutes prior to their confirmation.
- 5.1.3 Recordings will be managed in accordance with the provisions of the *State Records Act 1997*, *Surveillance Devices Act 2016* and the *Freedom of Information Act 1991* (FOI Act).
- 5.1.4 The recording is an internal working document and is not the official record of the meeting. The official record of the meeting is the meeting minutes which require confirmation by resolution and are signed by the Mayor.
- 5.1.5 ~~Council is not obliged to provide the public with access to the recordings of Council meetings and they will not be published on the Council website. Members of the public are required to apply under the FOI Act to obtain a copy of a recording.~~
- ~~5.1.6 Recordings will be provided to Council Members under the following conditions:
 - Requests to access the recordings must be made via the Chief Executive Officer.Recordings are provided to Council Members on the basis that they are not to be provided to any other person and are not to be duplicated. In the absence of any technical difficulties, recordings of Council meetings [with any provisions subject to s90(3) redacted] will be placed on the Council website to coincide with the publication of the Council minutes.~~

5.2. Livestreaming/broadcasting of Meetings

- 5.2.1 Council meetings will be livestreamed/broadcast using the electronic meeting software (i.e. audio and visual) into social media channels and/or Council's website as determined by the Chief Executive Officer.
- 5.2.2 Details of the livestream/broadcast will be included on the Council website to enable members of the public to observe the meeting. The livestream/broadcast settings will not allow the public to participate in the meeting other than by deputation.
- 5.2.3 Further information on the public access to Council Meetings can be found in the *Code of Practice for Access to Council, Council Committee and Information or Briefing Session Meetings & Documents*.

5.3. Minutes of Meetings

- 5.3.1 In accordance with section 91 of the *Local Government Act 1999*, the CEO must ensure that minutes are kept of the proceedings at every meeting of Council.
- 5.3.2 If the CEO is excluded from a meeting, the Mayor must ensure the minutes are kept.

- 5.3.3 Each Member of the Council must, within five (5) days after a meeting of a Council, be supplied with a copy of all minutes of the proceedings of the meeting.
- 5.3.4 Minutes of all Council meetings will be posted on Council's website as soon as practicable after they are completed.
- 5.3.5 More information of public access to Council documents is contained in the *Code of Practice for Access to Council, Council Committee and Information or Briefing Session Meetings & Documents*.

Legislation – Regulation 8

- (1) *The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.*
- (2) *No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.*
- (3) *On the confirmation of the minutes, the presiding member will -*
- (a) initial each page of the minutes, which pages are to be consecutively numbered; and*
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.*
- (3a) *For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.*
- (4) *The minutes of the proceedings of a meeting must include –*
- (a) the names of the members present at the meeting; and*
 - (b) in relation to each member present -*
 - (i) the time at which the person entered or left the meeting; and*
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting;*
 - (iii) the method of attendance by the person; and*
 - (c) each motion or amendment, and the names of the mover and seconder; and*
 - (d) any variation, alteration or withdrawal of a motion or amendment; and*
 - (e) whether a motion or amendment is carried or lost; and*
 - (f) any disclosure of interest made by a member; and*
 - (g) an account of any personal explanation given by a member; and*
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and*
 - (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and*
 - (j) details of any adjournment of business; and*
 - (k) a record of any request for documents to be tabled at the meeting; and*
 - (l) a record of any documents tabled at the meeting; and*

- (m) *a description of any oral briefing given to the meeting on a matter of council business; and*
- (n) *any other matter required to be included in the minutes by or under the Act or any regulation.*

- 5.3.6 In accordance with Notice No 5 and further to Regulation 8(4)(iii), the minutes of the proceedings of a meeting must include in relation to each member present at the meeting the method of attendance by the person.

Example:

The following are examples of methods of attendance:

- (a) physical attendance;
- (b) by an audio-visual link;
- (c) by an audio link;
- (d) by telephone.

- 5.3.7 As the minutes are a reflection of decisions made by meeting as a whole, minutes of the meeting do not record (with the exception of [a](#) Division in accordance with Regulation 17 and as required under section 75A – *Dealing with actual and perceived conflicts of interest*) the names of the Members who voted in the affirmative or negative for a particular item. Minutes will also not record or reflect specifics of debate of an item.

6. ADMINISTRATIVE ARRANGEMENTS

6.1. Availability of the Code

6.1.1 This Code is available via the Council's website www.ahc.sa.gov.au.

6.2. Delegation

6.2.1 The CEO has the delegation to:

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

APPENDIX A - AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS

- 1. COMMENCEMENT**
- 2. OPENING STATEMENT**
- 3. APOLOGIES/LEAVE OF ABSENCE**
 - 3.1. Apology**
 - 3.2. Leave of Absence**
 - 3.3. Absent**
- 4. MINUTES OF PREVIOUS MEETINGS**
- 5. DECLARATION OF INTEREST BY MEMBERS**
- 6. MAYOR'S OPENING REMARKS**
- 7. QUESTIONS ADJOURNED/LYING ON THE TABLE**
 - 7.1. Questions Adjourned**
 - 7.2. Questions Lying on the Table**
- 8. PETITIONS / DEPUTATIONS / PUBLIC FORUM**
 - 8.1. Petitions**
 - 8.2. Deputations**
 - 8.3. Public Forum**
- 9. PRESENTATIONS**
- 10. QUESTIONS ON NOTICE**
- 11. MOTIONS ON NOTICE**
- 12. ADMINISTRATION REPORTS – DECISION ITEMS**
- 13. ADMINISTRATION REPORTS – INFORMATION ITEMS**
- 14. QUESTIONS WITHOUT NOTICE**
- 15. MOTIONS WITHOUT NOTICE**
- 16. REPORTS**
 - 16.1. Council Member Reports**
 - 16.2. Reports of Members/Officers as Council Representatives on External Organisations**
 - 16.3. CEO Report**
- 17. REPORTS OF COMMITTEES**
- 18. CONFIDENTIAL ITEMS**
- 19. NEXT MEETING**
- 20. CLOSE MEETING**

APPENDIX B – MOTION ON NOTICE TEMPLATE

ADELAIDE HILLS COUNCIL ORDINARY COUNCIL MEETING <day> <date> AGENDA BUSINESS ITEM

Item: 12.1 Motion on Notice

Originating from:

Subject:

1. MOTION

I move... <body of motion>

2. BACKGROUND

3. OFFICER'S RESPONSE – Officer Name, Position

GOVERNANCE

- Strategic Management Plan/ Functional Strategy/Council Policy Alignment
- Legal Implications
- Risk Management Implications
- Financial and Resource Implications
- Customer Service and Community/Cultural Implications
- Sustainability Implications
- Engagement/Consultation conducted in the development of the report

ANALYSIS

- Strategic Management Plan/ Functional Strategy/Council Policy Alignment
- Legal Implications
- Risk Management Implications
- Financial and Resource Implications
- Customer Service and Community/Cultural Implications
- Sustainability Implications
- Engagement/Consultation conducted in the development of the report
- Other Matters

APPENDIX C – ADMINISTRATION REPORT TEMPLATE

ADELAIDE HILLS COUNCIL ORDINARY COUNCIL MEETING <day> <date> AGENDA BUSINESS ITEM

Item: 12.

Responsible Officer:

Subject:

For: Decision/Information

SUMMARY

RECOMMENDATION

That Council resolves:

1. To receive and note the report
- 2.

4. ~~GOVERNANCE~~

- ~~➤ Strategic Management Plan/ Functional Strategy/Council Policy Alignment~~
- ~~➤ Legal Implications~~
- ~~➤ Risk Management Implications~~
- ~~➤ Financial and Resource Implications~~
- ~~➤ Customer Service and Community/Cultural Implications~~
- ~~➤ Sustainability Implications~~
- ~~➤ Engagement/Consultation conducted in the development of the report~~

1. BACKGROUND

2. ANALYSIS

- Strategic Management Plan/ Functional Strategy/Council Policy Alignment
- Legal Implications
- Risk Management Implications
- Financial and Resource Implications
- Customer Service and Community/Cultural Implications
- Sustainability Implications
- Engagement/Consultation conducted in the development of the report
- Other Matters

3. OPTIONS

4. APPENDICES

DRAFT

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.12

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

Subject: Confidential Items Review March 2022

For: Decision

SUMMARY

Section 91 of the *Local Government Act 1999* requires Council to review confidential orders at least once every year.

A review of the Register of Confidential Items has been undertaken and there are five (5) items that require a new confidentiality order. Council must determine the period of confidentiality for these items.

NB: If the meeting wishes to discuss the status of any items in a manner that will result in the disclosure of information currently under an s91(7) confidentiality order, it should first consider making a s90 order to move into confidence.

RECOMMENDATION

Council resolves:

DECISION 1

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

DECISION 2 – Resolution 147/21 - Event Opportunity - SANTOS TDU 2022

3. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(j) of the Act:
 - The Report of 26 June 2021, Item No. 18.1, Event Opportunity – SANTOS TDU 2022, 147/21 remain confidential until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2023 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which— (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would, on balance, be contrary to the public interest.

4. 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.

DECISION 3 – Resolution 144/21 - Cyber Security Plan

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

- The Report of 26 June 2021, Item No. 18.1, Cyber Security Plan, 144/21 remain confidential until 30 July 2023 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person.

6. 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.

DECISION 4 – Resolution 20/21 – CWMS Review

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

- The Report of 27 January 2021, Item No. 18.2, CWMS Review, 20/21 remain confidential until 30 July 2023 and that this order be reviewed every twelve (12) months.

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

8. 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.

DECISION 5 – Resolution 122/20 – Event Opportunity

9. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a

matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(j) of the Act:

- The Report of 23 June 2020 Item No. 18.1, Event Opportunity, 122/20 remain confidential until the South Australian Tourism Commission publically releases the official race routes for 2023 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which—
(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would, on balance, be contrary to the public interest.

10. 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.

DECISION 6 - Resolution No 183/18 – Retirement Village Review

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

- Clause 8 and Appendix 2 of the Report of 01 August 2018, Item No. 7.2.1, Retirement Village Review, 183/18 remain confidential until 31 July 2023 and that this order be reviewed every twelve (12) months.

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

12. 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.

DECISION 7 - Resolution No 85/14 – AHRWMA

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

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

On the grounds that the document(s) (or part) relates to information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council

14. 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.

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	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
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The review of Council's *Confidential Items Register* is an important element of Council's commitment to open and transparent decision making which facilitates public accountability.

➤ Legal Implications

Section 91(7) of the *Local Government Act 1999* sets out the provisions regarding the making of orders to retain documents and discussions considered at Council and Council Committees in confidence.

Section 91(9) requires that these orders must specify the duration of the order or the circumstances in which the order will cease to apply or must be reviewed. Any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

To enable management of any order made under Section (90) a Confidential Orders Register is maintained.

➤ Risk Management Implications

Reviewing confidentiality orders assists with mitigating the risks of:

Confidential information is released which prejudices Council's and/or third parties' interests.

Inherent Risk	Residual Risk	Desired Risk
Extreme (3A)	Low (3E)	Low (3E)

Information scheduled for release under a confidentiality order is not duly released resulting in a breach of legislation and depriving the community of public information.

Inherent Risk	Residual Risk	Desired Risk
Extreme (3A)	Low (3E)	Low (3E)

Note: there are a number of other controls that assist with managing these risks.

➤ **Financial and Resource Implications**

Not applicable

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

Not applicable

➤ **Sustainability Implications**

Not applicable

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

Consultation on the development of this report was as follows:

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: Not applicable

External Agencies: Not applicable

Community: Not applicable

2. **BACKGROUND**

An Extract of the Confidential Items Register is contained on Council's website and is reviewed on a monthly basis. Items that have progressed to the specified point and are no longer of a confidential nature are released in accordance with the respective council resolution. Items that remain in confidence are displayed on the Register.

For administrative and Council efficiencies, items may be included in reviews even though they may not be due for such. Processing items in this way eliminates the need for additional reports to Council whilst maintaining the confidential status of items.

3. **ANALYSIS**

The Register of Confidential Items has been reviewed and there are seven (7) items that require the consideration of a new confidentiality order at this time. An extract of the register is attached (**Appendix 1**) which provides a summary of all existing confidential orders highlighting those orders that require new confidentiality provisions, as follows:

- **Resolution No 147/21 – Event Opportunity - SANTOS TDU 2022**

The Period of Confidentiality for this item concludes 22 June 2022.

It is recommended that a new confidentiality order be applied and that the item remain confidential until the SATC publically release the official race routes for 2023 and that this order be reviewed every twelve (12) months.

- **Resolution No 144/21 – Cyber Security Plan**

The Period of Confidentiality for this item concludes 22 June 2022.

It is recommended that a new confidentiality order be applied and that the item remain confidential until the control deficiencies are mitigated but no longer than 30 June 2023 and that this order be reviewed every twelve (12) months.

- **Resolution No 105/21 – Multi Year Rally Proposal**

The Period of Confidentiality for this item concludes 25 May 2022.

It is recommended that a new confidentiality order be applied and that the item remain confidential until 31 December 2023 and that this order be reviewed every twelve (12) months.

Most of this item has been released except a small redaction in the report and the Appendices due to commercial in confidence information.

- **Resolution No 20/21 – CWMS Review**

The Period of Confidentiality for this item concludes 22 June 2022.

It is recommended that a new confidentiality order be applied and that the item remain confidential until the matter is further presented to Council and that this order be reviewed every twelve (12) months.

- **Resolution No 122/20 - Event Opportunity**

The Period of Confidentiality for this item concludes 22 June 2022.

It is recommended that a new confidentiality order be applied and that the item remain confidential until the SATC publically release the official race routes for 2023 and that this order be reviewed every twelve (12) months.

- **Resolution No 183/18 – Retirement Village Review**

The Period of Confidentiality for this item concludes 22 June 2022.

This item has been partially released, although the item is due for an annual review given Council's original resolution detailed '*Until settlement with the exception of Clause 8 and Appendix 2 which shall be retained in confidence until 31 July 2023*'.

While the settlement component has now occurred, it is recommended that a new confidentiality order be applied in relation to Clause 8 and Appendix 2 and that the item remain confidential until 31 July 2023 and that this order be reviewed every twelve (12) months.

- **Resolution No 85/14 – AHRWMA**

The Period of Confidentiality for this item concludes 22 June 2022.

It is recommended that a new confidentiality order be applied and that the item remain confidential until legal proceeding outcomes have concluded and that this order be reviewed every twelve (12) months.

4. OPTIONS

Council has the following options:

- I. To extend the period of confidentiality as per the recommendations. (Recommended)
- II. Determine an alternative period of confidentiality. (Not Recommended)
- III. Allow the confidentiality order to expire thus releasing the information. (Not Recommended)

NB: If the meeting wishes to discuss the status of any items in a manner that will result in the disclosure of information currently under an s91(7) confidentiality order, it should first consider making a s90 order to move into confidence.

5. APPENDIX

- (1) Extract of Confidential Items Register

Appendix 1

Extract of Confidential Items Register

Extract of Confidential Items Register Items in Confidence 17 February 2022														
Register No	Date of Meeting	Council/Committee	Agenda No	Resolution Number	Officer	Responsible People Leader	Report Title	LG Act S90 Provision	Release date (no longer than 12 mths)	Original Resolution regardingPeriod of Confidentiality	Revised Period of Confidentiality	Next Review Date (3 mths less than release date)	Notes for Update	Still in confidence
382	26/10/2021	Council	18.1	238/21	David Collins	Peter Bice	Electricity Procurement Legal Matter	90(3)(h)	26/10/2022	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined, but not longer than 26 October 2022.		26/07/2022		Yes
381	26/10/2021	Council	18.2	236/21	John McArthur	Peter Bice	Ashton Landfill	90(3)(i)	26/10/2022	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 26 October 2024.		1/07/2022		Yes
141	27/07/2021	Council	166/21	166/21	Natalie Westover	Terry Crackett	46 Mt Barker Road Stirling - Old Stirling Police Station	90(3)(d) & (j)	27/07/2022	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		27/04/2022		Yes
140	22/06/2021	Ordinary Council	18.2.1	147/21	Jennifer Blake	David Waters	Event Opportunity - SANTOS TDU 2022	90(3)(j)	22/06/2022	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.		22/03/2022		Yes
379	22/06/2021	Ordinary Council	18.1.1	144/21	James Sinden	Terry Crackett	Cyber Security Plan	90(3)(e)	22/06/2022	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the control deficiencies are mitigated but no longer than 30 June 2023.		22/03/2022		Yes
377	25/05/2021	Ordinary Council	18.1.1	105/21	Jennifer Blake	David Waters	Multi-Year Road Rally Proposal	90(3)(d)	25/05/2022	that the report and related attachments of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2023.		25/02/2022	PARTIAL RELEASE 08 OCTOBER 2021 Redaction and Appendices Remain Confidential	Yes
376	24/05/2021	Audit Committee	8.1.1	AC32/21	James Sinden	James Sinden	Cyber Security Report	90(3)(e)	30/06/2023	that the report, related attachments and the minutes of the Audit Committee and the discussion and considerations of the subject matter be retained in confidence until the control deficiencies are mitigated but no longer than 30 June 2023.		24/02/2022		Yes
373	27/01/2021	Council	18.2	20/21	David Collins	Peter Bice	CWMS Review	90(3)(d)	22/06/2022	that the report, related attachments and the discussion and considerations of the subject matter be retained in confidence until 30 July 2021.	The Report of 27 January 2021, Item No. 18.2, CWMS Review, 20/21 remain confidential until 30 July 2023 and that this order be reviewed every twelve (12) months.	22/03/2022	Last reviewed by Council 22 June 2021	Yes
365	19/10/2020	Audit	7.2	51/AC20	Terry Crackett	James Sinden	Cyber Security Audit	90(3)(e)	18/10/2022	that the report related attachments and the minutes of the Committee and the discussion and considerations of the subject matter be retained in confidence until the control deficiencies are mitigated	AC Meeting 18 Oct 2021 - Item 7.5	1/07/2022		Yes
360	23/06/2020	Council	18.1.1	122/20	Jennifer Blake	David Waters	Event Opportunity	90(3)(j)	22/06/2022	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the event agreements are signed and the relevant event details are announced by the relevant Minister, but not longer than 31 December 2021. 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.	The Report of 23 June 2020 Item No. 18.1, Event Opportunity, 122/20 remain confidential until the SATC publicly release the official race routes for 2022 and that this order be reviewed every twelve (12) months.	22/03/2022	Last reviewed by Council 22 June 2021	Yes
331	1/08/2018	Special Council	7.2.1	183/18	Terry Crackett	Andrew Aitken	Retirement Village Review	90(3)(b)	22/06/2022	This Item has been partially released, given Council's original resolution detailed 'Until settlement with the exception of Clause 8 and Appendix 2 which shall be retained in confidence until 31 July 2023'. The Report of 01 August 2018, Item No. 7.1, Retirement Village Review, on the grounds that the document(s) (or part) relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest. 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.	Clause 8 and Appendix 2 of the Report of 01 August 2018, Item No. 7.2.1, Retirement Village Review, 183/18 remain confidential until 31 July 2023 and that this order be reviewed every twelve (12) months.	22/03/2022	Last reviewed by Council 22 June 2021	Yes
240	22/04/2014	Council	18.2.1	85/14	John McArthur	Peter Bice	AHRWMA	90(3)(b,d,i)	22/06/2022	That the Report of 22 April 2014, Item No. 18.2Adelaide Hills Regional Waste Management Authority on the grounds that the document(s) (or part): (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and (ii) would, on balance, be contrary to the public interest. Commercial information of a confidential nature (not being a trade secret) the disclosure of which: (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest. Specifically, the present matter relates to Council considering an offer from a competitor with regard to where to take its waste stream, and to consider the long term implications and options in relation to the Regional Waste Management Authority of which it is a member, and due to the fact that the competitor has initiated legal proceedings against the aforementioned Authority where Council disposes of its waste. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act. 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.	The Report of 22 April 2014, Item No. 18.2.1, AHRWMA, 85/14 remain confidential until the matter is determined and that this order be reviewed every twelve (12) months.	22/03/2022	Last reviewed by Council 22 June 2021	Yes

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 12.13

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
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	None declared
22/06/2021	Ordinary Council	146/21	Event Opportunity - SANTOS TDU 2022	None declared
27/07/2021	Ordinary Council	154/21	AH Reconciliation Working Group Terms of Reference & Membership	None declared
23/11/2021	Ordinary Council	244/21	Cromer Cemetery Legal Access	None declared
25/01/2022	Ordinary Council	3/22	Amy Gillett Bikeway	Nil
25/01/2022	Ordinary Council	4/22	Wastewater Application Fee Refund Policy Update	Nil
25/01/2022	Ordinary Council	5/22	CAP Membership - Extension of Council Member term	Material - Cr John Kemp Material - Cr Leith Mudge
25/01/2022	Ordinary Council	7/22	CAP Membership - Selection Panel for Independent Members	Nil
25/01/2022	Ordinary Council	8/22	Revocation of Building and Swimming Pool Inspection Policy	Material - Cr Andrew Stratford
25/01/2022	Ordinary Council	9/22	Revocation of Liquor Licensing Policy	Material - Cr Mark Osterstock
25/01/2022	Ordinary Council	10/22	Updating Arrangements for Building Fire Safety Committee Members	Nil
25/01/2022	Ordinary Council	12/22	Service Review Brief - Civil Services	Nil
15/02/2022	Special Council	22/22	6.1 Motion on Notice – Preparation of representation submission re proposed Development at 160 Longwood Road Heathfield – Cr Mark Osterstock	Perceived - Cr John Kemp Actual - Cr Leith Mudge
22/02/2022	Ordinary Council	25/22	Regional Development Australia Funding Agreement	Nil
22/02/2022	Ordinary Council	27/22	Budget Review 2	Nil
22/02/2022	Ordinary Council	28/22	Bridge Asset Management Plan	Nil
22/02/2022	Ordinary Council	29/22	Long Term Financial Plan for Consultation	Nil

22/02/2022	Ordinary Council	30/22	Local Government Aboriginal Place Naming Action Plan	Nil
22/02/2022	Ordinary Council	31/22	Telecommunications Installation Small Cell Stobie Pole Mounted Antennae Policy Update	Nil
22/02/2022	Ordinary Council	32/22	Volunteer Engagement Policy	Nil
22/02/2022	Ordinary Council	33/22	Alteration and Occupation of Road Policy Review	Material - Cr Linda Green
22/02/2022	Ordinary Council	34/22	Outdoor Dining Policy Review	Nil
22/02/2022	Ordinary Council	35/22	Access to Development Application Information Policy	Nil
22/02/2022	Ordinary Council	39/22	MWN - Request for Special Council Meeting 1 March 2022 re Proposed Development 160 Longwood Road Heathfield	Perceived - Cr John Kemp Actual - Cr Leith Mudge
22/02/2022	Ordinary Council	43/22	Audit Committee Recommendations	Nil
1/03/2022	Special Council	44/22	Presiding Member's Opening Remarks - Jean Evans	Nil
1/03/2022	Special Council	45/22	Council Development Representation Submission – 160 Longwood Road Heathfield	Actual - Cr Leith Mudge Actual - Cr John Kemp Perceived - Cr Nathan Daniell Perceived - Cr Mark Osterstock

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> <p>Jan 22 - Fee estimates are being sought to complete the survey work which will assist to finalise a position with a report expected to be presented to Council at the March meeting for consideration.</p> <p>March 22 - Additional survey quotes being sought prior to it being presented to Council for consideration</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	Completed	<p>Sealing of Croft Road continues to be a focus for AHC and Forestry SA. A number of funding applications have been completed but thus far unsuccessful, however we are hopeful with further site upgrades occurring, successful funding will not be far away, and it is listed as a State/Federal priority of AHC. Subsequently, am closing this item as it is no longer required.</p>
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> <p>Jan 22 - contact has been made with DEW who are investigating the situation again prior to further communication with Council</p> <p>March 22 - a new contact has been established with DEW who is working proactively with Council to plan a path forward to meet both DEW and Council objectives</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements	2 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, AldgateHeathfield Waste Facility, 32 Scott Creed Road, HeathfieldKiley Reserve, 15 Kiley Road, AldgateShanks Reserve, 1 Shanks Road, AldgateStock Reserve, Stock Road, MylorLeslie Creek Reserve, Leslie Creek Road, MylorMi Mi Reserve, 125 Aldgate Valley Road, MylorAldgate Valley 2 Reserve, 114 Aldgate Valley Road, MylorKyle Road Nature Reserve, Kyle Road, MylorCarey Gully Water Reserve, Deviation Road, Carey GullyHeathfield Stone Reserve, 215 Longwood Road, HeathfieldMylor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements.</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 Applications scheduled for FY21/22 currently under way:</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 rededication in progress.</p>
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	<p>In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process</p> <p>The closed road is excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary</p>	Terry Crackett	In Progress	<p>Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General.</p> <p>Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council. The Boundaries Commission has agreed to investigate the proposal and that process is underway. Further feedback has been provided to the Boundaries Commission to progress. Boral are negotiating a Land Management Agreement with the State Government which has delayed the completion of the land division and road exchange</p> <p>Awaiting advice that land division has been completed so that the boundary realignment can occur</p> <p>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</p> <p>March 22 - awaiting lodgement of land division plans by Boral</p>
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement Villa	None declared	<p>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.</p> <p>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.</p> <p>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.</p> <p>That a further report be presented to Council for consideration after community consultation and further investigations have been completed</p>	Terry Crackett	In Progress	<p>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.</p> <p>Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to.</p> <p>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.</p> <p>November 21 - consultation has been undertaken and draft affidavit has been prepared for lodgement with the Supreme Court</p> <p>Jan 22 - awaiting approval from the Attorney General prior to lodgement with the Supreme Court</p>

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	In Progress	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 Jan 22 - further consideration is being given to options March 22 - report to be presented to Council at the April meeting in accordance with the MON of 25.1.22
7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings from Cor	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 be completed 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. The various Friends of the Libraries groups were engaged and had input into the draft Library Services Strategic Plan in October/November 2021. The Strategy is expected to be finalised in May 2022 after endorsement of the draft and community consultation in March/April. Mobile Library scoping has been completed with the procurement process underway.
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.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
17/09/2019	Special Council	239/19	Circular Procurement Pilot Project	None declared	Council resolves: That the report be received and noted. To approve participation in the Circular Procurement Pilot Project. That the Chief Executive Officer be authorised to execute the Memorandum of Understanding as contained in Appendix 1 of this report. That the Council endorses, in principle, the following targets: subject to the procurement needs and requirements of Council in 2020/21 purchasing recycled plastic products or materials equivalent to 10% of the weight of plastic collected within the Council area, which is equivalent to approximately 25 tonnes based on 2017/18 data. subject to the procurement needs and requirements of Council, commencing in 2021/22 Council will incrementally increase its purchasing of recycled plastic products or materials thereafter until it is equivalent to 50% of the weight of plastic collected within the Council area, which is equivalent to 124 tonnes based on 2017/18 data. That a report be provided to Council in early 2021/22 providing an update on the Council's participation in the Circular Procurement Pilot Project for the period 2020/21.	Peter Bice	In Progress	The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed. Amendments to Council's procurement processes has been completed to provide effect to Council's participation in the Circular Procurement trial. Staff training in the Circular Procurement Project has been undertaken. Recording of goods purchased with recycled content has commenced including bin surrounds, wheelie bins, office paper, fence posts and road construction materials. 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. Training is ongoing as required, staff continue to record purchases of recycled product through the procurement process. Staff continue to record purchases of recycled product through the procurement process. 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. 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. Participation in the Circular Procurement Pilot Project continues. Training in the program continues to be provided to new staff and reminders provided to existing staff. Update report planned to be provided at May 2022 Council meeting.
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	Investigations as to various arrangements is being undertaken with a report being presented to Council once further investigations are completed. March 22 - report being presented to Council at the March meeting
28/01/2020	Ordinary Council	11/20	Revocation of Community Land - Bridgewater Retirement Villa	None declared	That the report be received and noted. Subject to the Supreme Court issuing an order granting approval for a trust variation scheme, a report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 220 in Filed Plan No. 8131 known as 511 Mount Barker Road Bridgewater. The Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution.	Terry Crackett	In Progress	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 Jan 22 - awaiting approval from the Attorney General to lodge with the Supreme Court
28/07/2020	Ordinary Council	149/20	Road Widening Netherhill Road Kenton Valley	None declared	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	Progress has commenced in accordance with the resolution Awaiting completion of the process by the Surveyor and Land Services Group

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/09/2020	Ordinary Council	205/20	100 Old Mt Barker Road Stirling	Material - Cr Kirrilee 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	<p>Initial information provided to Crown Lands in relation to approval for lease, Ministerial approval is required for the lease and this is being sought.</p> <p>April - DA granted and tender for works being undertaken</p> <p>June 21 - works are being scheduled subject to availability of materials and contractor</p> <p>October 21 - meeting held with occupiers of the site to discuss progression of works and leasehold arrangements including restrictions on use</p> <p>November 21 - works have commenced on site</p> <p>Jan 22 - following completion of the works, a lease will be negotiated with the OSCG</p> <p>March 22 - works due to be completed by end of April</p>
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 noted2. 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	<p>Final Plans and Road Process Order documents have been executed by all parties.</p> <p>Awaiting on processing with the Surveyor- General and the Lands Titles Office</p>
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	
23/03/2021	Ordinary Council	49/21	Local Heritage Grant Fund Project 2020 - 2021	Material - Cr Linda Green Perceived - Cr Leith Mudge	<ol style="list-style-type: none"> 1. That the report be received and noted 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 - \$2,500Old Post Office, Crafers - \$1,417Crataegus Cottage, Crafers - \$2,500Circa 1850's Cottage, Mount George - \$2,500Shop, Stirling - \$2,500Stone Cottage, Stirling - \$2,500Former Aldgate Valley Church of Christ, Aldgate - \$2,500Cudlee Creek Uniting Church, Cudlee Creek - \$2,500 3. To delegate to the Chief Executive Officer to determine whether any changes to grant recipient's proposed works maintain grant eligibility. 	Melissa Bright	In Progress	<p>Round 2 update:</p> <p>Currently four out of the endorsed eight applications have received grant funding following successful completion of the grant application process. Two applications are still engaged in the Developemnt Application process. One application has been withdrawn. Full completion of Round 2 (three 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 can now progress.</p> <p>The Thrid and final round of the grant was open for applications until the 31st January 2022. Staff are currently reviewing the applciations and will present the shortlisted projects for endorsement in the coming months.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/03/2021	Ordinary Council	52/21	Crown Land Revocation	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. That the consultation report (<i>Appendix 1</i>) be received and noted 3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:- <ol style="list-style-type: none"> i. CR 5752/186, Lot 32 Fullgrabe Road, Crafers ii. CR 5753/725, Section 1609 Illert Road, Mylor iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside v. CR 5753/742, Section 547 Schuberts Road, Lobethal vi. CR 5753/744, Section 553 Pedare Park Road, Woodside vii. CR 5753/745, Section 556 Tiers Road, Woodside viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling ix. CR 5753/754, Section 511 North East Road, Inglewood x. CR 5753/758, Section 262 Reserve Road, Forreston xi. CR 5763/631, Section 1591 Silver Road, Bridgewater xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens xiv. CR 5763/636, Section 84 Forreston Road, Forreston xv. CR 6142/329, Lot 501 Greenhill Road, Balhannah xvi. CR 5926/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water) xvii. CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meals on Wheels) xviii. CR 5753/753, Section 495 off Kersbrook Road Kersbrook (for rededication to Forestry SA) 4. That a further report be presented to Council once a response from the Minister for Planning is received. 	Terry Crackett	In Progress	Being progressed in accordance with resolution. November 21 - awaiting feedback from the Minister for Planning on final application for revocation Jan 22 - final application has been lodged with the Minister for Planning
27/04/2021	Ordinary Council	70/21	Green Organic Service Options	None declared	<p>Council resolves that: The report be received and noted</p> <p>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</p> <p>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>	Peter Bice	In Progress	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. No progress to occur on this action until development of the 2022/23 budget. This matter to be discussed at Council Waste and Recycling workshop 15 March 2022.
22/06/2021	Ordinary Council	117/21	Mobile Library Replacement	None declared	<p>That the report be received and noted.</p> <p>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.</p> <p>That the report be received and noted.</p> <p>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.</p>	David Waters	In Progress	Procurement of the mobile library is currently underway.
22/06/2021	Ordinary Council	119/21	Community & Recreation Facilities Framework & Play Space Framework	None declared	<ol style="list-style-type: none"> 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. Jan 22 - due to extended consultation timeframe and request by a number of clubs to meet to discuss the framework, a workshop with Council has been delayed. It is proposed to arrange a meeting of CRFFIWG following completion of the requested meetings with clubs
22/06/2021	Ordinary Council	146/21	Event Opportunity - SANTOS TDU 2022	None declared	Refer to Confidential Minute	David Waters	Completed	The Santos Tour Down Under was replaced with a domestic event in 2022 and the event was held in January 2022.
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	The confidentiality order may need to be extended as the details of the matter to which it applies may not be endorsed for public release 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)
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	Completed	The selection process was carried out. The first meeting of the group with its new membership was held on Wednesday 16 March.
27/07/2021	Ordinary Council	158/21	Revocation of Community Land Classification - Closed Roads R; 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 Public Consultation has commenced and due for completion on 22 March.
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.
24/08/2021	Ordinary Council	170/21	Road Exchange Aldi Devleopment 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 Road Process Documents have been signed by Council. Currently awaiting process by the Surveyor-Generals Office
24/08/2021	Ordinary Council	173/21	Closed Road Upper Hermitage Community Revocation Consult: None declared		<ol style="list-style-type: none"> That the report be received and noted. To cease the revocation of community land process for the land described as "A" in Road Plan No. 855 ("Closed Road"). 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

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	<ol style="list-style-type: none"> 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 Fitout of Garrod Office and progression of preliminary work for Stirling transportable underway. Scoping of other components to be undertaken by June 2022.
28/09/2021	Ordinary Council	205/21	Roadside Trading Policy for Community Consultation	Actual - Cr Kirrilee Boyd	<ol style="list-style-type: none"> 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 	Terry Crackett	In Progress	Consultation has been completed. Consultation outcomes and proposed policy position will be presented to Council at a workshop in March prior to being presented to Council for a decision at the April Council meeting
26/10/2021	Ordinary Council	220/21	Charleston Cemetery Compulsory Acquisition	None declared	<ol style="list-style-type: none"> 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 Jan 22 - Minister has advised they are considering their position and will advise further in due course March 22 - Minister advised that has been deferred until after the election
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 and actions are in progress. Staff have prepared and submitted a brief submission on the consultation undertaken by State Government on pending single use plastic bans beyond March 2022.
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	Completed	Letter sent to Minister and responded to. A new contact has been established with DEW who is working proactively with Council to plan a path forward to meet both DFEW and Council objectives
23/11/2021	Ordinary Council	250/21	Road Acquisition - Portion of Teringie Drive Teringie	None declared	<ol style="list-style-type: none"> 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	Commenced in accordance with Council resolution. Documents being prepared by Conveyancer to complete the boundary realignment
14/12/2021	Ordinary Council	274/21	Woodside Recreation Ground Reuse further information	Perceived - Cr Stratford	<ol style="list-style-type: none"> 1. The report be received and noted. 2. That a report be prepared for Council's information on the costs associated with bore water saving initiatives that could be implemented in respect to Council-owned recreational assets that are currently irrigated by bore water. 	Peter Bice	Not Started	Exploration of bore water saving initiatives to commence early 2022. Tender documents being prepared for expert consultancy services.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
14/12/2021	Ordinary Council	276/21	Trails & Cycling Routes Framework - Draft Service Levels and G	None declared	That the report be received and notedThat the draft Trails and Cycle Routes Service Levels in <i>Appendix 1</i> and Guidelines in <i>Appendix 2</i> be endorsed for consultation That the results of consultation and the final draft Framework be presented to Council for their consideration by June 2022. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation andDetermine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's <i>Public Consultation Policy</i> .	Terry Crackett	In Progress	Commenced in accordance with resolution
25/01/2022	Ordinary Council	2/22	MON Randell's Cottages, Gumeracha	Nil	I move that the CEO provides a report to the April council meeting on options for the future of Randell's Workmen's Cottages, Beavis Court, Gumeracha. Such options to include separation of the cottage land from the reserve, Council's current investment in the preservation of the buildings and possible end use.	Melissa Bright	In Progress	
25/01/2022	Ordinary Council	3/22	Amy Gillett Bikeway	Nil	1. That the report be received. 2. That the Mayor, on behalf of Council, writes to the Hon Barnaby Joyce MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development in relation to the approved funding of \$2.6 million (GST exclusive) under the Community Development Grants Programme to Council for the Amy Gillett Bikeway - Mount Torrens to Birdwood project (Stage 4), accepts the funding, and respectfully requests a further time extension to 30 June 2022 in order to enable further negotiations to take place with the State Government concerning the construction and delivery of this project. 2a In the event that the Minister does not grant a further time extension, in order to enable final negotiations to take place with the State Government concerning construction and delivery of this project, that this matter is urgently brought back to Council for further consideration. 3. That the Mayor, on behalf of Council, writes to the Hon Corey Wingard MP, Minister for Infrastructure and Transport advising (and requests a personal deputation): a. That Council notes the correspondence received from Tony Braxton-Smith, Chief Executive, Commissioner of Highways dated 14 January 2022 concerning Amy Gillett Bikeway Stage 4. b. That Council is of the firm view that, consistent with Amy Gillett Bikeway Stages 1, 2 and 3, that the construction and maintenance of Stage 4 of this State asset is the sole responsibility of the State Government and not Council. c. That Council considers the Amy Gillett Bikeway to be of both Regional and State recreational and tourism significance, and as such, is of the firm view that the completion of Stage 4, by the State Government, is firmly considered to be a local community (State) election priority.	Peter Bice	Completed	Letters all sent, and contact has been made by a number of the identified stakeholders to explore positive way forward to seek project delivery to be enabled. AHC and DIT working together to progress the project, in the first instance be developing more detailed independent costings.
25/01/2022	Ordinary Council	4/22	Wastewater Application Fee Refund Policy Update	Nil	That the report be received and noted. With an effective date of 8 February 2022, to revoke the 18 December 2018 <i>Wastewater Application Fee Refund Policy</i> and to adopt the draft 25 January 2022 <i>Wastewater Application Fee Refund Policy</i> as contained in <i>Appendix 1</i> . That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 25 January 2022 <i>Wastewater Application Fee Refund Policy</i> prior to the effective date.	Melissa Bright	Completed	Wastewater Application Fee Refund Policy dated 18 December 2018 revoked, and draft Wastewater Application Fee Refund Policy dated 25 January 2022, as contained in Appendix 1, adopted.
25/01/2022	Ordinary Council	5/22	CAP Membership - Extension of Council Member term	Material - Cr John Kemp Material - Cr Leith Mudge	That the report be received and noted. That the term of the current Council Member (Cr John Kemp) and Deputy Council Member (Cr Leith Mudge) on the Council Assessment Panel be extended to the end of the Council term.	Melissa Bright	Completed	Term of the current Council Member (Cr John Kemp) and Deputy Council Member (Cr Leith Mudge) on the CAP extended to the end of the Council term. Advertisements for EOI for Independent Members of CAP placed in The Advertiser (10/2), The Courier (16/2) and the Weekender Herald (18/2), with a closing date of 6 March 2022.
25/01/2022	Ordinary Council	7/22	CAP Membership - Selection Panel for Independent Members	Nil	To appoint Cr John Kemp and Cr Leith Mudge and the CEO (or delegate) as members of the Council Assessment Panel Independent Member Selection Panel.	Melissa Bright	Completed	Council resolved to appoint Crs John Kemp and Leith Mudge, and the CEO (or delegate) as members of the Council Assessment Panel Independent Member Selection Panel.
25/01/2022	Ordinary Council	8/22	Revocation of Building and Swimming Pool Inspection Policy	Material - Cr Andrew Stratford	That the report be received and noted. That Council revokes the Building and Swimming Pool Inspection Policy (<i>Appendix 1</i>) with an effective date of 25 January 2022.	Melissa Bright	Completed	Building and Swimming Pool Inspection Policy revoked by Council, with an effective date of 25 January 2022.
25/01/2022	Ordinary Council	9/22	Revocation of Liquor Licensing Policy	Material - Cr Mark Osterstock	That the report be received and noted. That Council revokes the Liquor Licensing Policy (<i>Appendix 1</i>) with an effective date of 25 January 2022.	Melissa Bright	Completed	Liquor Licensing Policy revoked by Council, with an effective date of 25 January 2022.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
25/01/2022	Ordinary Council	10/22	Updating Arrangements for Building Fire Safety Committee Members	Nil	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To appoint the following members to the Adelaide Hills Building Fire Safety Committee as the appropriate Authority for the purposes of Section 157 (17) of the <i>Planning, Development and Infrastructure Act 2016</i> commencing on 27 January 2022 and expiring on 31 May 2022: Louis Palumbo, Team Leader Building Services as an authorised Council Officer with expertise and qualifications in building surveying and fire safety; and Tom Warneke, Building Officer as the Council representative with Catherine Clare, Building Officer appointed as deputy member. 3. To appoint Louis Palumbo as the Presiding Member of the Building Fire Safety Committee. 4. With an effective date of 27 January 2022, to revoke the 26 September 2017 <i>Building Fire Safety Committee Terms of Reference</i> and to adopt the draft <i>Building Fire Safety Committee Terms of Reference</i> as contained in <i>Appendix 1</i>. 	Melissa Bright	Completed	Council resolved to: Appoint Louis Palumbo and Tom Warneke to the Adelaide Hills Building Fire Safety Committee, and Louis Palumbo as the Presiding Member of the Committee; and Revoke the 26 September 2017 Building Fire Safety Committee Terms of Reference, and adopt the draft Building Fire Safety Committee Terms of Reference as contained in Appendix 1.
25/01/2022	Ordinary Council	12/22	Service Review Brief - Civil Services	Nil	<ol style="list-style-type: none"> 1. That the report be received and noted 2. To adopt the draft <i>Service Review Brief – Civil Services</i> as contained in <i>Appendix 1</i> 3. That the Chief Executive Officer be authorised to make minor changes to the draft <i>Service Review Brief – Civil Services</i> arising from the Council's consideration of the matter. 	Andrew Aitken	Completed	The procurement process has been completed and the preferred tenderer is in the process of being contracted.
25/01/2022	Ordinary Council	16/22	MWN Fire Hydrants and Fire Plugs	Nil	<p>I move that Council writes to SA Water Board Chair Mr. Andrew Fletcher, requesting the locations of Fire Hydrants and Fire Plugs be included on the South Australian Government Geographic Information System (GIS) mapping website SALocationMapView (https://location.sa.gov.au/viewer/?%20map).</p> <p>I move that Council writes to SA Water Board Chair Mr. Andrew Fletcher, seeking information on the methodology used to ensure Fire Plugs and Hydrants are inspected to assess functionality, particularly in the bushfire prone areas of the Adelaide Hills.</p> <p>A report be presented to Council on the reply from SA Water.</p>	Peter Bice	In Progress	Letters have been sent to Mr Fletcher encompassing the information requests outlined in the Council Resolution. Once response received, a report will be prepared to be tabled at the next available Council Meeting.
15/02/2022	Special Council	22/22	MON - Preparation of representation submission re proposed I Perceived - Cr John Kemp Actual - Cr Leith Mudge		<ol style="list-style-type: none"> 1. To engage an experienced and well credentialed planning lawyer/consultant to prepare a representation submission in relation to the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284). The scope and nature of the matters to be addressed are to include, yet are not limited to, Character and Amenity Bulk and Scale Hours of Operation [Noise] Traffic Management 2. To allocate a budget of up to \$10,000 in relation to the preparation of the representation submission. 3. To conduct a workshop (information or briefing session) on 22 February 2022 to enable the Council Members to receive a briefing from the planning lawyer/ consultant in relation to the proposed development. 4. To authorise the Chief Executive Officer to finalise and lodge the submission prior to the conclusion of the public notification period. 	Melissa Bright	In Progress	Kelley Jones Lawyers have been engaged to prepare a representation submission in relation to the proposed development at 160 Longwood Road Heathfield. A workshop was conducted at the start of the Council meeting on 22 February 2022 and a MWN was carried unanimously to hold a Special Council meeting on 1 March 2022.
15/02/2022	Special Council	22/22	6.1 Motion on Notice – Preparation of representation submission re proposed Development at 160 Longwood Road Heathfield – Cr Mark Osterstock	Perceived - Cr John Kemp Actual - Cr Leith Mudge	<ol style="list-style-type: none"> 1. To engage an experienced and well credentialed planning lawyer/consultant to prepare a representation submission in relation to the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284). The scope and nature of the matters to be addressed are to include, yet are not limited to, Character and Amenity Bulk and Scale Hours of Operation [Noise] Traffic Management 2. To allocate a budget of up to \$10,000 in relation to the preparation of the representation submission. 3. To conduct a workshop (information or briefing session) on 22 February 2022 to enable the Council Members to receive a briefing from the planning lawyer/ consultant in relation to the proposed development. 4. To authorise the Chief Executive Officer to finalise and lodge the submission prior to the conclusion of the public notification period. 	Andrew Aitken	Completed	The final representation submission was lodged prior to the close of the public consultation period. The next step is for the Council Assessment Panel to schedule the application for consideration.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/02/2022	Ordinary Council	25/22	Regional Development Australia Funding Agreement	Nil	That the report be received and noted. That the three-year funding agreement with Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island Inc, for 2022-23 be \$67,885 plus CPI with CPI increases in 2023-24 and 2024-25 as contained in Appendix 2, be approved by Council. That the Chief Executive Officer be authorised to make any minor changes to the funding agreement as required, in his opinion, to finalise the matter. That the Mayor and CEO be authorised to sign and seal the funding agreement on behalf of	David Waters	Completed	The agreement has been executed.
22/02/2022	Ordinary Council	27/22	Budget Review 2	Nil	1. That the report be received and noted. 2. To adopt the proposed budget adjustments presented in the 2020-21 Budget Review 2 which result in: An increase in the Operating Surplus from \$1.115m to \$1.546m for the 2021-22 financial year. Changes to Capital Works, reducing capital income by \$1.299m and reducing capital expenditure by \$5.253m for the 2021-22 financial year resulting in a revised capital expenditure budget for 2021-22 of \$21.982m. A reduction in Council's current Net Borrowing Result from \$7.348m to \$2.572m for the 2021-22 financial year as a result of the proposed operating and capital adjustments.	Terry Crackett	Completed	Council's financial systems have been updated to reflect 2021-22 Budget Review 2 budget adjustments adopted by Council.
22/02/2022	Ordinary Council	28/22	Bridge Asset Management Plan	Nil	1. That the report be received and noted 2. That Council notes the community feedback on the <i>Bridge Asset Management Plan</i> , as contained in Appendix 1. 3. With an effective date of 4 March 2022, The <i>Bridge Asset Management Plan</i> , as contained in Appendix 2, be adopted by Council. 4. That feedback regarding Department of Infrastructure and Transport (DIT) bridge assets collected during the consultation phase will be forwarded on to DIT. 5. That the CEO, or delegate, be authorised to make any necessary formatting, nomenclature or other minor changes to the <i>Bridge Asset Management Plan</i> prior to 4 March 2022.	Peter Bice	Completed	Feedback on DIT assets provided to DIT. Final adopted Bridge Asset Management Plan available on website.
22/02/2022	Ordinary Council	29/22	Long Term Financial Plan for Consultation	Nil	1. To endorse the Draft <i>Long Term Financial Plan</i> , as contained in Appendix 1 for community consultation in accordance with Section 122 of the <i>Local Government Act 1999</i> . 2. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Plan 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 Public Consultation Policy.	Terry Crackett	Completed	Council's Draft 2022-23 Long Term Financial Plan was amended for minor changes emanating from Council comments and consultation process commenced 2 March 2022 in accordance with Council's Public Consultation Policy
22/02/2022	Ordinary Council	30/22	Local Government Aboriginal Place Naming Action Plan	Nil	1. That the report be received and noted. 2. With an effective date of 8 March 2022, that Council adopts the draft <i>Aboriginal Place Naming Action Plan 2022 to 2025</i> as contained in Appendix 1. 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 22 February 2022 <i>Aboriginal Place Naming Action Plan 2022 to 2025</i> prior to the effective date.	David Waters	Completed	
22/02/2022	Ordinary Council	31/22	Telecommunications Installation Small Cell Stobie Pole Mounted Antennae Policy Update	Nil	1. That the report be received and noted. 2. With an effective date of 1 March 2022, to revoke the 23 July 2019 <i>Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy</i> and to adopt the draft 22 February 2022 <i>Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy</i> as contained in Appendix 2. 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 22 February 2022 <i>Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy</i> prior to the effective date.	Melissa Bright	Completed	With an effective date of 1 March 2022, the 23 July 2019 <i>Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy</i> be revoked, and the draft 22 February 2022 <i>Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy</i> (as contained in Appendix 2) be adopted.
22/02/2022	Ordinary Council	32/22	Volunteer Engagement Policy	Nil	That the report be received and noted. With an effective date of 8 March 2022, to revoke the <i>Volunteer Engagement Policy</i> 24 July 2018 and to adopt the draft Volunteer Engagement Policy 22 February 2022, as contained in Appendix 1. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the <i>Volunteer Engagement Policy</i> 22 February 2022 prior to the effective date of adoption.	David Waters	Completed	
22/02/2022	Ordinary Council	33/22	Alteration and Occupation of Road Policy Review	Material - Cr Linda Green	That the report be received and noted With an effective date of 8 March 2022, to revoke the 24 April 2018 <i>Road Rents Policy</i> and adopt the 22 February 2022 draft <i>Alteration and Occupation of Public Roads Policy</i> as contained in Appendix 1. 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 February 2022 draft <i>Alteration and Occupation of Public Roads Policy</i> prior to the effective date.	Terry Crackett	Completed	Updated Policy available on Council's website

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/02/2022	Ordinary Council	34/22	Outdoor Dining Policy Review	Nil	That the report be received and noted With an effective date of 8 March 2022, to revoke the 24 April 2018 <i>Outdoor Dining Permit Policy</i> and to adopt the 22 February 2022 draft <i>Outdoor Dining Policy</i> as contained in <i>Appendix 1</i> . That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 22 February 2022 draft <i>Outdoor Dining Policy</i> prior to the effective date.	Peter Bice	Completed	Updated policy available on Council's website
22/02/2022	Ordinary Council	35/22	Access to Development Application Information Policy	Nil	1. That the report be received and noted. 2. With an effective date of 8 March 2022, to revoke the 11 October 2016 <i>Development Application Document Reproduction Policy</i> and to adopt the 22 February 2022 <i>Access to Development Application Information Policy</i> as contained in <i>Appendix 1</i> . 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft 22 February 2022 <i>Access to Development Application Information Policy</i> prior to the effective date.	Melissa Bright	Completed	With an effective date of 8 March 2022, the 11 October 2016 Development Application Document Reproduction Policy be revoked, and the 22 February 2022 Access to Development Application Information Policy (as contained in Appendix 1) be adopted.
22/02/2022	Ordinary Council	37/22	Lobethal Bushland Park	Nil	Council resolves that consideration of Item 12.12 Lobethal Bushland Park be deferred until the 26 April 2022 Ordinary meeting and the report be updated with any relevant information.	Peter Bice	Not Started	To be tabled at April meeting
22/02/2022	Ordinary Council	39/22	MWN - Request for Special Council Meeting 1 March 2022 re Proposed Development 160 Longwood Road Heathfield	Perceived - Cr John Kemp Actual - Cr Leith Mudge	As a result of the information received at this evening's confidential information session concerning this proposed development, 160 Longwood Road, Heathfield (OTR Heathfield), that a Special Meeting of Council be convened for Tuesday, 1 March 2022 at 6.30pm, for Council to finalise a representation to the Council Assessment Panel concerning this proposal.	Melissa Bright	Completed	A Special Meeting of Council will be convened for Tuesday 1 March 2022, for Council to finalise a representation to the Council Assessment Panel concerning the proposed development at 160 Longwood Road Heathfield.
22/02/2022	Ordinary Council	43/22	Audit Committee Recommendations	Nil	1. That the report be received and noted 2. To adopt the revised <i>Strategic Internal Audit Plan v1.9a</i> as contained in Appendix 1. 3. To approve the <i>2021-22 External Audit Plan</i> by Galpins Accountants, Auditors and Business Consultants as contained in Appendix 2. 4. To note the status of the Risk Management Plan at Appendix 3.	Andrew Aitken	Completed	All actions completed.
1/03/2022	Special Council	44/22	Presiding Member's Opening Remarks - Jean Evans	Nil	To express its condolences to the family and friends of Mrs Jean Evans upon her passing. That the summary of Mrs Jean Evans' contributions to the Adelaide Hills community and the beef cattle industry be included in the meeting minutes.	Andrew Aitken	Completed	
1/03/2022	Special Council	45/22	Council Development Representation Submission – 160 Longwood Road Heathfield	Actual - Cr Leith Mudge Actual - Cr John Kemp Perceived - Cr Nathan Daniell Perceived - Cr Mark Osterstock	1. That the report be received and noted 2. That it objects to the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284) and submits that planning consent be refused. The proposed development is considered to be seriously at variance with the Planning and Design Code, specifically the Rural Neighbourhood zone and the Adelaide Hills subzone. Further it is considered to lack merit with the relevant provisions of the Code in relation to character and amenity, size and scale, hours of operation, bushfire mitigation, advertising, and land use interfaces. 3. To approve the draft Representation Submission for the proposed development of a 24 hour retail fuel outlet at 160 Longwood Road Heathfield (PlanSA Ref:21031284) as contained in <i>Appendix 1</i> for lodgement. 4. To authorise the Chief Executive Officer to make any minor changes to the draft Representation Submission arising from Council's consideration of the matter and to finalise and lodge the submission prior to the conclusion of the	Andrew Aitken	Completed	The final representation submission was lodged prior to the close of the public consultation period. The next step is for the Council Assessment Panel to schedule the application for consideration.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 March 2022
AGENDA BUSINESS ITEM**

Item: 13.1

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

Subject: Policy Register Review – March 2022

For: Information

SUMMARY

Council has developed a range of policies over time, some in response to legislative obligations and others at Council's discretion. Policies are generally adopted with review to occur at a set period (i.e. 3 years) or as required by changes in legislation.

The attached Policy Register is provided for the Council's consideration and review to get a consolidated picture of the schedule of policies and review timeframes.

RECOMMENDATION

Council resolves that the report be received and noted.

1. GOVERNANCE

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

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective 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

Council's Policy Framework is a key component of the wider Governance Framework.

➤ **Legal Implications**

The *Local Government Act 1999* and the *Local Government (Elections) Act 1999* require a number of codes and policies to be developed; these include but are not limited to:

- Code of Practice for Access to Council & Committee Meetings and Documents;
- Complaints Handling;
- Caretaker;
- Internal Review of Council Decisions;
- Public Consultation;
- Procurement.

The *Statutes Amendment (Local Government Review) Act 2021* has resulted in large number of changes to provisions in the above Acts which will come into effect over the next two years.

➤ **Risk Management Implications**

Maintenance of a contemporary and legislatively compliant Policy Framework 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

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

➤ **Financial and Resource Implications**

There is no specific budget for the development and implementation of the Policy Review process however administrative costs are provided for in the Governance & Performance budget. The financial implications of individual policies will be identified when submitted for Council's consideration.

The resource implications associated with the development, implementation, training and monitoring of each policy is incorporated into the responsible department's budget.

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

Specific policies developed/revised as part of this Program will have customer service implications however there is a community expectation that Council has in place a suite of logical, cohesive and legislatively-compliant policies.

➤ **Sustainability Implications**

Not directly applicable.

➤ **Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group and Community**

Consultation regarding the Policy Framework has previously been undertaken within Council.

Some policies are required by legislation to be subject to consultation prior to adoption (i.e. *Code of Practice for Access to Meetings and Documents*) and for some others it may be desirable to undertake a discretionary consultation approach (the Council can determine this on a policy-by-policy basis).

Consultation on the development of this report was as follows:

Council Committees: The Audit Committee has received a number of reports on the required changes and timing regarding functions within its Terms of Reference.

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Community: Not Applicable

2. BACKGROUND

The Policy Register is provided to enable the Council to fulfil its oversight role, in relation to the Policy Framework.

3. ANALYSIS

The Administration has reviewed the Policy Register (**Appendix 1**) and specifically the timings for policy reviews to come before the Council.

Considerable progress has been made in recent years to update and maintain the currency of Council's Policy Framework. A small number of policies remain on the Register which is legislatively or contextually superfluous and these will be targeted for rescission over the forthcoming period.

A number of governance-related policies have been and will continue to be impacted by the Local Government Legislative Reform Process. The *Statutes Amendment (Local Government Review) Act 2021* (the "Amendment Act") was assented to by the Governor on 17 June 2021. Section of the Act are being progressively commenced.

On 23 December 2021, the *Statutes Amendment (Local Government Review) Act (Commencement) Proclamation 2021* (the "Proclamation") was published in the *SA Government Gazette*. The Proclamation set out commencement dates for a series of reforms contained in the Amendment Act. This has provided some certainty to the sector and will facilitate the planning and implementation of systems and processes to achieve compliance with the new/revised requirements.

On this basis, **Appendix 1** contains a number of policies that have been identified for a further review deferral pending the commencement of the new legislation. It is worth noting that a policy being overdue for review does not mean that the policy ceases to have effect.

4. OPTIONS

The Council has the following options:

- I. To note the Policy Register as attached (recommended)
- II. To alter the timings of proposed policy reviews (not recommended).

5. APPENDIX

- (1) Adelaide Hills Council Policy Register – March 2022

Appendix 1

Adelaide Hills Council Policy Register
March 2022

ADELAIDE HILLS COUNCIL POLICY REGISTER

Policy	Policy No.	Category	Mandatory/ Recommended by LGA	Last Adopted Date	Review Date on Policy (traffic light)	Commence Review (traffic light)	Responsible Directorate	Responsible Department	Responsible Officer	Date of Update for Notes	Notes
Sport and Recreation Policy	COM-22	Community	Other	16-Dec-08	Apr-11	Jan-11	Corporate Services	Open Space	Coordinator Sport and Recreation	7-Mar-22	The strategic elements of this policy have been incorporated into the draft Community & Recreation Facility Framework. Consultation on the Framework has been undertaken & data is currently being analysed. This Policy will be revoked when Framework is in place. The final draft of the Framework is due to be presented at the June 2022 Council Meeting for endorsement.
One Team Communication Protocols	GOV-11	Corporate Governance	Other	2-Aug-15	Aug-18	May-18	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	25-Feb-22	The Statutes Amendment Act contains a new Council Member behavioural management framework which is scheduled to commence in November 2022. Elements of this framework are still being developed (Council made a submission on the draft Standards in February) and therefore it would be premature to amend the protocols until there is greater clarity. It is likely that elements of the Protocols will form the content of a Behavioural Support Policy in the new term of Council.
Internal Audit (LGA s125)	GOV-18	Corporate Governance	Mandatory	13-Jun-17	Apr-20	Jan-20	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	25-Feb-22	The Statutes Amendment Act contains a number of new provisions relating to internal audit functions (where these exist) however these provisions will not come into effect until Nov 2023. Nevertheless the policy will be revised to the extent possible to mirror the incoming provisions and will be considered at the April 2022 Audit Committee meeting.
Prudential Management (LGA s48)	GOV-09	Corporate Governance	Mandatory	13-Jun-17	Apr-20	Jan-20	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	25-Feb-22	The Statutes Amendment Act contains a number of new provisions relating to prudential reviews which came into effect on 10 November 2021. The policy will be reviewed to incorporate these provisions and will be considered at the April 2022 Audit Committee meeting.
Community Group Use of Photocopiers	COM-02	Community	Other	11-Jul-17	Jul-20	Apr-20	Community Capacity	Library & Customer Services	Manager Libraries and Customer Service	28-Feb-22	Due to the impacts COVID-19 and the change of leadership within the Department, this policy was not reviewed by its original due date, but will be reviewed by end of June 2022. Whilst this policy is overdue for review the policy remains relevant and is considered to be meeting the expectations of the community.
Delegations Policy for the Determination of Development Applications by CAP	DEV-12	Strategy & Development	Mandatory	28-Nov-17	Nov-20	Aug-20	Development & Regulatory Services	Development & Compliance	Assessment Manager / Manager Development Services	2-Mar-22	As a result of the implementation of the PDI Act, this Policy only applies to applications lodged prior to 19 March 2021. The Policy will need to be revoked once the last development application lodged under the Development Act is determined by CAP. Therefore the Policy will not be reviewed as intended as it will become redundant.
Code of Practice for Meeting Procedures (LGPAMR r6)	GOV-14	Corporate Governance	Mandatory	28-Jan-20	Jan-21	Oct-20	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	25-Feb-22	Updated with the consequential amendments from the Information or Briefing Sessions Policy, Electronic Participation in Council Meetings Notice No. 5 and changes to Regs regarding QON and MON timeframes. (Nov 21). Full periodic review to Council in March 2022.
Play Space	COM-10	Community	Other	27-Mar-18	Jan-21	Oct-20	Corporate Services	Open Space	Coordinator Sport and Recreation	7-Mar-22	The review of the Play Space Policy has been incorporated into the development of Council's draft Play Space Framework. Consultation has been undertaken & data currently being analysed. The final draft is due to be presented at the June 2022 Council Meeting for endorsement.
Roadside Trading (Use of Public Road Verges for Business Purposes)	COM-20	Community	Other	24-Apr-18	Mar-21	Dec-20	Corporate Services	Property Services	Manager Property Services	Date and Update Required	Draft revised Policy being presented to Council at September 21 meeting to then go out for community consultation
Flags	COM-16	Community	Other	24-Jul-18	Jul-21	Apr-22	Community Capacity	Communications & Events	Manager Communications, Engagement and Events	28-Feb-22	Due to the impacts COVID-19 and the change of leadership within the Department, this policy was not reviewed in 2021, but will be reviewed by end of June 2022. Whilst this policy is overdue for review the policy remains relevant and is considered to be meeting the expectations of the community.
Tributes for Commemorative Services	COM-13	Community	Other	24-Jul-18	Jul-21	Mar-22	Community Capacity	Communications & Events	Manager Communications, Engagement and Events	28-Feb-22	Due to the impacts COVID-19 and staff changes within the Department, this policy was not reviewed in 2021, but will be reviewed by end of June 2022. Whilst this policy is overdue for review the policy remains relevant and is considered to be meeting the expectations of the community.
Management of Built Heritage	DEV-09	Development	Other	12-Apr-16	Nov-21	Aug-21	Development & Regulatory Services	Policy Planning	Senior Strategic & Policy Planner	3-Mar-22	The Policy had been scheduled for review by end of November 2021, however due to the Local Heritage Grant Fund 3 Year Pilot due to reach its conclusion at the end of the financial year, it was deemed appropriate to run the review of this Policy and the Local Heritage Grant Fund Guidelines concurrently. This will be initiated in June 2022 through a Council Workshop followed by an August 2022 Council Meeting seeking endorsement for a revised policy and procedure suite. This policy also has crossover with any future proposed Code Amendments regarding local heritage places and this will be an important consideration as staff begin preliminary investigations into the Stage 2 Local Heritage Code Amendment.
Advisory Group Operation and Conduct	GOV-15	Corporate Governance	Other	18-Dec-18	Dec-21	Sep-21	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	25-Feb-22	Updated with the consequential amendments from the Information or Briefing Sessions Policy (Nov 21). Full periodic review to Council in March 2022.
Public Transport	COM-23	Community	Other	14-Feb-17	Dec-21	Sep-21	Development & Regulatory Services	Policy Planning	Senior Strategic & Policy Planner	3-Mar-22	Review of this Policy is ongoing. The review will consider how AHC might consider priorities particularly with respect to Regional Planning. Given the interest in Public transport across the region, the review process will require a Council workshop prior to being tabled at the May 2022 Council Meeting.
Buffers	DEV-06	Development	Other	1-Jan-15	Jan-22	Oct-21	Development & Regulatory Services	Policy Planning	Senior Strategic & Policy Planner	3-Mar-22	Staff are currently reviewing the Buffers Policy with consideration to the updated Australian Pesticides and Veterinary Medicines Authority spray drift guidelines, the recent changes to interface policy brought in via the Planning and Design Code and industry best practice through engagement with local industry and State Agencies. The outline of the early revised draft was tabled at a Council Workshop in February 2022, with targeted stakeholder engagement to follow through March. The final revised policy will be tabled at the April Council Meeting.
Council Member Conduct (LGA s63)	CM-04	Council Member	Mandatory	28-Jan-20	Jan-22	Oct-21	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	25-Feb-22	The Statutes Amendment Act contains a new Council Member behavioural management framework which is scheduled to commence in November 2022. Elements of this framework are still being developed (Council made a submission on the draft Standards in February) and therefore it would be premature to amend the protocols until there is greater clarity. It is likely that elements of the AHC Standards will form the content of a Behavioural Support Policy in the new term of Council. The Complaints Handling Procedures will form the Behavioural Management Policy under the Framework.
Provision of Physical Models or other Visual Representation Tools for Major Development Proposals which require Public Notification	DEV-11	Development	Other	24-Jul-18	Feb-22	Nov-21	Development & Regulatory Services	Development & Compliance	Assessment Manager / Manager Development Services	2-Mar-22	This Policy is currently being reviewed, with a scheduled update for April/May 2022.

ADELAIDE HILLS COUNCIL POLICY REGISTER

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Waste and Resource Recovery Service	ENV-05	Environment & Open Space	Other	27-Mar-18	Feb-22	Nov-21	Infrastructure & Operations	Sustainability, Waste & Emergency Management	Manager Sustainability, Waste & Emergency Management	28-Feb-22	Review postponed to mid 2022 due to significant unplanned works in the Sustainability, Waste and Emergency Management area during 2021. The Policy does not have any areas that require urgent change and therefore the review can be comfortably delayed until 2022, and will be further informed following March 2022 Workshop..
Festivals & Events	COM-11	Community	Other	27-Aug-19	Mar-22	Mar-22	Community Capacity	Communications & Events	Manager Communications, Engagement and Events	28-Feb-22	The review of this policy did not commence in time for finalisation by March 2022 due to the events resources being dedicated to event delivery during the peak November-March event season. The review commenced in March 2022 and is expected to be completed by June 2022.
Tree Management	ENV-04	Environment & Open Space	Other	26-Mar-19	Mar-22	Dec-21	Infrastructure & Operations	Sustainable Assets	Manager Open Space	1-Mar-22	The review of this policy is currently underway and is expected to be completed by April 2022.
Community Information Display	COM-09	Community	Other	26-Mar-19	Mar-22	Dec-21	Community Capacity	Library & Customer Services	Manager Libraries and Customer Service	28-Feb-22	The review of this policy is currently underway and is expected to be completed by June 2022.
Risk Management	GOV-19	Corporate Governance	Recommended	28-May-19	Apr-22	Jan-22	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	25-Feb-22	The Statutes Amendment Act contains a new provisions regarding risk management including an enhanced role of the Audit Committee which is scheduled to commence in November 2023. The current Policy will only require minor changes to comply with the incoming provisions and it scheduled for consideration at the April 2022 Audit Committee.
Council Assessment Panel Review of Decisions of the Assessment Manager	CAP-01	Development	Mandatory	10-Jun-20	Apr-22	Jan-22	Development & Regulatory Services	Development & Compliance	Assessment Manager / Manager Development Services	2-Mar-22	This is a new Policy which was adopted as part of business readiness for the PDI Act system. As the term of appointment of the existing independent CAP members expires on 31 May 2022 the revision of this Policy will take place in September 2022 to allow time for consultation with the new CAP.
Caretaker (LGEA s91A(1))	GOV-06	Corporate Governance	Mandatory	22-May-18	May-22	Feb-22	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	17-Feb-22	Scheduled for a workshop in March 2022 with Policy to March 2022 Ordinary Council Meeting.
Lease & Licencing	NEW	Community	Other	25-Feb-20	Jun-22	Mar-22	Corporate Services	Property Services	Manager Property Services	Date and Update Required	NOTE: we don't currently have a lease and licencing policy, the new policy is to be presented to Council in conjunction with the adoption of the Community & Recreation Facility Framework, unlikely to be until mid 2022
Local Heritage Grant Fund Guidelines - Procedure	DEV-13	Development	Other	26-May-20	Jun-22	Mar-22	Development & Regulatory Services	Policy Planning	Senior Strategic & Policy Planner	3-Mar-22	The 2020 review was completed following the first round of the Grant Fund. Refinements have been made to the Procedure to streamline it. A further review was scheduled to follow the third grant round in the 2021/22 Financial Year. The launch of this round was delayed to October 2021 and is likely to be finalised in June 2022. A review will be undertaken at this time to coincide with the review of Management of Built Heritage Policy.
Rating (LGA Chpt 10)	FIN-02	Finance	Recommended	22-Jun-21	Jun-22	Mar-22	Corporate Services	Financial Services	Manager Financial Services	28-Feb-22	Rating Policy is always updated and adopted in June as part of ABP
Accredited Professionals	DEV-14	Development	Mandatory	23-Jun-20	Sep-22	Jun-22	Development & Regulatory Services	Development & Compliance	Assessment Manager / Manager Development Services	2-Mar-22	This is a new Policy which was adopted as part of business readiness for the PDI Act system and which is due for review in September 2022
Council Member Training and Development (LGA s 80A)	CM-05	Council Member	Mandatory	24-Jul-18	Sep-22	Jun-22	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	1-Mar-22	Will be considered closer to the scheduled Review Date
Disposal of Assets (LGA s49(1d))	FIN-07	Finance	Mandatory	10-Oct-19	Sep-22	Jun-22	Corporate Services	Financial Services	Manager Financial Services	28-Feb-22	Scheduled for review by Audit Committee prior to Council in August 2022.
Acknowledgement And Welcome To Country	COM-25	Community	Other	15-Dec-20	Oct-22	Jul-22	Community Capacity	Community Development	Community and Cultural Development Officer	28-Feb-22	This policy is expected to be reviewed as scheduled.
Council Member Allowances and Support (LGA s 77(1)(b))	CM-02	Council Member	Mandatory	22-Sep-20	Nov-22	Aug-22	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	1-Mar-22	Policy lapses at a general election of council.
Genetically Modified Crops	ENV-01	Environment & Open Space	Other	18-Dec-18	Nov-22	Aug-22	Development & Regulatory Services	Policy Planning	Senior Strategic & Policy Planner	3-Mar-22	Changes to the legislation resulted in the GM Ban being lifted in the State. Further, Council was unsuccessful in applying for GM Free status in November 2020. As a result of this, the Policy has lost what efficacy it once had, particularly from a advocacy perspective. A Council workshop will be held in April to seek guidance on what an appropriate next step might be for this policy.
Procurement (LGA s49)	GOV-08	Corporate Governance	Mandatory	27-Aug-19	Nov-22	Aug-22	Corporate Services	Financial Services	Manager Financial Services	28-Feb-22	Scheduled for review by Audit Committee prior to Council in August 2022.
Public Consultation (LGA s50)	COM-01	Community	Mandatory	28-Jan-20	Jan-23	Oct-22	Community Capacity	Communications & Events	Manager Communications, Engagement and Events	28-Feb-22	The changes to community engagement provisions within the Local Government Act 1999 have not yet been proclaimed for commencement. A key component of the community engagement reforms is the publication of a Community Engagement Charter by the Minister for Local Government. The LGA Community Engagement Working Group provided the draft charter to the Minister for consideration in December 2021. We've had advice from the Office of Local Government that there will be a public consultation process on the proposed Community Engagement Charter, however, the timing of that is not clear given the State election occurring in March. We understand public consultation may commence on the proposed Community Engagement Charter (CEC) from April 2022, however, this will be subject to the State Election outcome.
Records and Information Management	GOV-13	Corporate Governance	Recommended	22-Sep-20	Feb-23	Nov-22	Corporate Services	Information Systems	Manager Information Systems	28-Feb-22	Scheduled for review by Information Management in November 2022

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Records and Information Management Procedure for Council Members	GOV-20	Corporate Governance	Recommended	22-Sep-20	Feb-23	Nov-22	Corporate Services	Information Systems	Manager Information Systems	28-Feb-22	Scheduled for review by Information Management in November 2022
Safe Environments	COM-12	Community	Recommended	25-Feb-20	Feb-23	Nov-22	Corporate Services	Organisational Development	Executive Manager Organisational Development	7-Mar-22	Will be considered closer to the scheduled Review Date
Arts & Heritage Collection	COM-14	Community	Other	28-Jul-20	Aug-23	May-23	Community Capacity	Community Development	Community and Cultural Development Officer	28-Feb-22	This policy is expected to be reviewed as scheduled.
Community Loans	FIN-06	Finance	Other	22-Sep-20	Sep-23	Jun-23	Corporate Services	Financial Services	Manager Financial Services	28-Feb-22	Will be considered closer to the scheduled Review Date
Development Application Fee Waiver	DEV-05	Development	Other	27-Oct-20	Sep-23	Jun-23	Development & Regulatory Services	Development & Compliance	Assessment Manager / Manager Development Services	2-Mar-22	Review of this Policy was completed in October 2020 and the next review date is September 2023.
School Parking and Associated Facilities	COM-21	Infrastructure & Assets	Other	25-Aug-20	Sep-23	Jun-23	Infrastructure & Operations	Sustainable Assets	Manager Civil Assets	Date and Update Required	Will be considered closer to the scheduled Review Date
Unsealed Roads	INF-09	Infrastructure & Assets	Other	25-Aug-20	Sep-23	Jun-23	Infrastructure & Operations	Sustainable Assets	Manager Civil Assets	Date and Update Required	Will be considered closer to the scheduled Review Date
Cemetery Operating	COM-06	Community	Recommended	24-Aug-21	Oct-23	Jul-23	Corporate Services	Property Services	Cemeteries Officer	28-Feb-22	Will be considered closer to the scheduled Review Date
Fraud Corruption Misconduct & Maladministration	GOV-02	Corporate Governance	Recommended	28-Apr-20	Oct-23	Jul-23	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	1-Mar-22	Current policy will need to be reviewed following the changes to the <i>Independent Commission Against Corruption Act 2012</i> and the <i>Ombudsman Act 1972</i> . Directions and Guidelines are still being produced and will drive the policy revisions.
Code of Practice for Access to Council Meetings, Committees & Documents (LGA s92)	GOV-17	Corporate Governance	Mandatory	15-Sep-20	Nov-23	Aug-23	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	1-Mar-22	Updated with the consequential amendments from the Information or Briefing Sessions Policy, Electronic Participation in Council Meetings Notice No. 5 and changes to s92. (Nov 21).
Complaints Handling (LGA s 270(a1)(b))	GOV-04	Corporate Governance	Mandatory	26-Nov-19	Nov-23	Aug-23	Community Capacity	Service Improvement	Director Community Capacity	28-Feb-22	This policy is expected to be reviewed as scheduled. To be done in consideration of GOV-01, GOV-03, GOV-04 & GOV-08.
Debt Recovery (Inc. CWMS Customer Hardship Policy) (LGA s144)	FIN-04	Finance	Mandatory	24-Jan-21	Nov-23	Aug-23	Corporate Services	Financial Services	Manager Financial Services	28-Feb-22	Will be considered closer to the scheduled Review Date
Grant & External Funding Acceptance	GOV-07	Corporate Governance	Other	24-Jan-21	Nov-23	Aug-23	Corporate Services	Financial Services	Manager Financial Services	28-Feb-22	Will be considered closer to the scheduled Review Date
Internal Review of Council Decisions (LGA s 270(1))	GOV-01	Corporate Governance	Mandatory	26-Nov-19	Nov-23	Aug-23	Community Capacity	Service Improvement	Coordinator Services Strategy and Innovation	28-Feb-22	The Reforming Local Government (legislative) program specifically contemplates changes to the provisions regarding Council Member conduct and complaints handling. As such, a fulsome review of the Code will be required when the Reform Bill is passed.. To be done in consideration of GOV-01, GOV-03, GOV-04 & GOV-08
Request for Service (LGA s270(a1)(a))	GOV-03	Corporate Governance	Mandatory	26-Nov-19	Nov-23	Aug-23	Community Capacity	Service Improvement	Coordinator Services Strategy and Innovation	Date and Update Required	Will be considered closer to the scheduled Review Date. To be done in consideration of GOV-01, GOV-03 & GOV-04.
Treasury	FIN-03	Finance	Recommended	24-Jan-21	Nov-23	Aug-23	Corporate Services	Financial Services	Manager Financial Services	28-Feb-22	Will be considered closer to the scheduled Review Date
Unreasonable Complainant Conduct Policy	GOV-08	Corporate Governance	Other	26-Nov-19	Nov-23	Aug-23	Community Capacity	Service Improvement	Coordinator Services Strategy and Innovation	Date and Update Required	To be done in consideration of GOV-01, GOV-03, GOV-04 & GOV-08.
Burials Outside Cemeteries	COM-15	Community	Other	22-Jan-19	Jan-24	Oct-23	Corporate Services	Property Services	Cemeteries Officer	28-Feb-22	Will be considered closer to the scheduled Review Date
Grant Giving	COM-05	Community	Other	27-Apr-21	Feb-24	Nov-23	Community Capacity	Community Development	Director Community Capacity	28-Feb-22	This policy is expected to be reviewed as scheduled.
Public Place & Road Naming (LG Act s219(5))	DEV-02	Infrastructure & Assets	Mandatory	23-Mar-21	Apr-24	Jan-24	Infrastructure & Operations	Sustainable Assets	Manager Strategic Assets	Date and Update Required	Will be considered closer to the scheduled Review Date. Public notice must be given of the adopting or altering of a policy (s219(7))
Public Interest Disclosure	GOV-16	Corporate Governance	Recommended	27-Apr-21	Apr-24	Jan-24	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	25-Feb-22	Current policy will need to be reviewed following the changes to the <i>Independent Commission Against Corruption Act 2012</i> and the <i>Ombudsman Act 1972</i> . Directions and Guidelines are still being produced with will drive the policy revisions.

ADELAIDE HILLS COUNCIL POLICY REGISTER

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Burning Permit Policy	ENV-06	Environment & Open Space	Recommended	25-May-21	May-24	Feb-24	Development & Regulatory Services	Development & Compliance	Team Leader Regulatory Services	28-Feb-22	Review of this Policy was completed in May 2021 and the next review is scheduled for early 2024.
Trails and Cycling Routes Management	INF-01	Infrastructure & Assets	Other	24-Aug-21	Jun-24	Mar-24	Infrastructure & Operations	Open Space	Coordinator Sport and Recreation	7-Mar-22	Will be considered closer to the scheduled Review Date
Development Application Fee Refunds	DEV-07	Development	Other	27-Jul-21	Jul-24	Apr-24	Development & Regulatory Services	Development & Compliance	Assessment Manager / Manager Development Services	2-Mar-22	Review of this Policy was completed in July 2021 and the next review will be in mid-2024.
Petitions	GOV-22	Corporate Governance	Recommended	24-Aug-21	Aug-24	May-24	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	1-Mar-22	Will be considered closer to the scheduled Review Date
Directional Signage	INF-07	Infrastructure & Assets	Other	28-Sep-21	Sep-24	Jun-24	Infrastructure & Operations	Sustainable Assets	Manager Strategic Assets	Date and Update Required	Will be considered closer to the scheduled Review Date
Information or Briefing Sessions	GOV-23	Corporate Governance	Other	26-Oct-21	Sep-24	Jun-24	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	1-Mar-22	This policy has replaced the Informal Gatherings and Discussions Policy
Mayor Seeking Legal Advice (LGA s78A)	CM-03	Council Member	Other	28-Sep-21	Sep-24	Jun-24	Office of the Chief Executive	Governance & Performance	Executive Manager Governance & Performance	1-Mar-22	This is reviewed every four years following an election.
Street Lighting	INF-08	Infrastructure & Assets	Other	28-Sep-21	Sep-24	Jun-24	Infrastructure & Operations	Sustainable Assets	Manager Strategic Assets	Date and Update Required	Will be considered closer to the scheduled Review Date
Development Applications Involving Regulated Trees	DEV-08	Development	Other	26-Oct-21	Oct-24	Jul-24	Development & Regulatory Services	Development & Compliance	Assessment Manager / Manager Development Services	2-Mar-22	Review of this Policy was completed in October 2021 and the next review will be in late 2024.
Memorials within Council Cemeteries	COM-26	Community	Other	23-Nov-21	Oct-24	Jul-24	Corporate Services	Property Services	Cemeteries Officer	28-Feb-22	Will be considered closer to the scheduled Review Date
Privately Funded (Council-led) Code Amendments	DEV-10	Development	Other	28-Sep-21	Oct-24	Jul-24	Development & Regulatory Services	Development & Compliance	Senior Strategic & Policy Planner	3-Mar-22	Will be considered closer to the scheduled Review Date
Wastewater System Application Fee Refunds	COM-24	Community	Other	25-Jan-22	Dec-24	Sep-24	Development & Regulatory Services	Environmental Health	Team Leader Environmental Health Services	Date and Update Required	Will be considered closer to the scheduled Review Date
Access to Development Application Information Policy	DEV-03	Development	Recommended	22-Feb-22	Feb-25	Nov-24	Development & Regulatory Services	Development & Compliance	Manager Development Services	2-Mar-22	Will be considered closer to the scheduled Review Date
Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae	ENV-02	Development	Other	22-Feb-22	Mar-25	Dec-24	Development & Regulatory Services	Policy Planning	Senior Strategic & Policy Planner	1-Mar-22	Will be considered closer to the scheduled Review Date
Outdoor Dining	COM-19	Community	Other	22-Feb-22	Mar-25	Dec-24	Corporate Services	Property Services	Manager Property Services	Date and Update Required	Will be considered closer to the scheduled Review Date
Alteration \$ Occupation of Public Roads (previously Road Rents)	INF-06	Infrastructure & Assets	Other	22-Feb-22	Mar-25	Mar-25	Corporate Services	Property Services	Manager Property Services	Date and Update Required	Will be considered closer to the scheduled Review Date
Volunteer Engagement	COM-04	Community	Recommended	22-Feb-22	Mar-25	Dec-24	Community Capacity	Community Development	Volunteers Coordinator	28-Feb-22	Will be considered closer to the scheduled Review Date
Asset Management	INF-03	Infrastructure & Assets	Other	22-Jun-21	May-25	Feb-25	Infrastructure & Operations	Sustainable Assets	Manager Strategic Assets	1-Mar-22	To be considered by Audit Committee for recommendation to Council.
Enforcement Policy	GOV-10	Environment & Open Space	Recommended	15-Dec-20	Nov-25	Aug-25	Development & Regulatory Services	Regulatory Services	Team Leader Regulatory Services	28-Feb-22	The review was undertaken and updated policy was endorsed by Council in December 2020. The next review is schedule for late 2025.

Item 17 Minutes of Committees

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Melissa Bright

James Booker

Melanie Scott

Ashleigh Gade

Aaron Wilksch

Karen Savage

Acting Director Development & Regulatory Services

Team Leader Statutory Planning

Senior Statutory Planner

Statutory Planner

Planning Consultant

Minute Secretary

1. Commencement

The meeting commenced at 6.31pm

2. Opening Statement

"Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come".

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3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Nil

Previous Minutes

4.1 Meeting held 9 February 2022

The minutes were adopted by consensus of all members (10)

That the minutes of the meeting held on 9 February 2022 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report
Nil

6. Declaration of Interest by Members of Panel

Paul Mickan advised that he has recently been engaged by The Barossa Council to undertake a planning project, to review policies which affect a small portion of the Adelaide Hills Council area, which includes the area south of Kersbrook which is within the Barossa Valley Character preservation district. As none of the applications before the CAP are within this area he does not believe he has any conflict of interest in these matters and will remain in the room and vote.

The Presiding Member also advised that, in relation to Item 9.1, the organisation he works for has a contract with URPS to deliver planning assessment services. This is a professional relationship and will not impair his ability to remain impartial, and he will remain in the meeting and vote in respect of that item.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
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7.2 Matters Deferred

7.2.1 Development Application 21015778 by ProHealthCare Stirling for alterations and additions to existing consulting rooms, car parking and landscaping at 104 Mount Barker Road, Stirling

Deferred from meeting 9 February 2022

“That a decision on the matter be deferred to enable the applicant to provide the following information:

- 1) A site plan to scale that demonstrates all trees to be retained and removed, earthworks and a Tree Protection zone for Tree 18 based on arboricultural advice.*
- 2) Clarification on the intensity of the use in relation to all the treatment and consulting rooms, and calculation of car parking provisions.*
- 3) Traffic engineering report assessing the safety of the proposed two-way access and impact on traffic flow, including information regarding the collection of waste, on Mount Barker Road”.*

7.2.2 Development Application 21035577 by Adelaide Hills Council for demolition of Buildings 12A & 12B, alterations and additions to Building 14 which will include a change of use to the existing offices to include accommodation (artist short term accommodation), a new bridge to Building 20 and a ground floor addition (community facility including a shop, office and amenities); and construction of a small plant and equipment compound behind Building 20 at Buildings 10-22E / 1 Lobethal Road, Lobethal

Deferred from meeting 9 February 2022

“That a decision on the matter be deferred to allow for further processing of the Application”.

8. Development Assessment Applications – Development Act
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
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9. Development Assessment Applications – Planning, Development and Infrastructure Act

9.1 Development Application 21031474 by 14 Johnston Pty Ltd for construction of a three-level childcare centre (pre-school) with ancillary car parking, outdoor play areas and landscaping at 14 Johnston Street, Stirling

9.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Simon Dwyer	12 Oakbank Street Stirling	Did not Attend
Noel Kassebaum	4 Oakbank Street Stirling	Dr Don Wallis
Evan Boland	10 Oakbank Street Stirling	Did not Attend
Brian & Glenys Baldwin	2 Oakbank Street Stirling	Brian & Glenys Baldwin
Michael French	PO Box 291 Crafers	Michael French
Victoria Sands Kwong	12 Paratoo Road Aldgate	David Kwong
Ross & Janet Sands	16 Johnston Street & 31 Milan Terrace Stirling	Janet Sands
Eamonn Ansell	12 Johnston Street & 28 Mount Barker Road Stirling	Did not Speak
Dr Don Wallis	PO Box 95 Stirling	Dr Don Wallis

The applicants' representatives, Matthew King (URPS) and Phil Weaver (Phil Weaver & Associates) addressed the Panel.

**ADELAIDE HILLS COUNCIL
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9:00pm The meeting was adjourned

9:22pm The meeting resumed

9.1.2 Decision of Panel

Moved	John Kemp	Lost
S/-	Paul Mickan	(11)

The Council Assessment Panel REFUSES Development Application Number 21031474 by 14 Johnston Pty Ltd for construction of a three-level childcare centre (pre-school) with ancillary car parking, outdoor play areas and landscaping at 14 Johnston Street, Stirling as the proposal is considered to be at variance with the following Performance Outcomes of the Planning and Design Code:

Part 4 General Development Policies
Design

- PO 26.5 – the proposal does not adequately have provision for waste collection

Part 4 General Development Policies
Transport, Access and Parking
Vehicle Parking Rates

- PO 5.1 – the proposal does not provide sufficient on-site parking

Suburban Main Street Zone
Building Height and Setbacks

- PO 3.1 – the proposal exceeds the envisaged building height and levels

**ADELAIDE HILLS COUNCIL
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Moved Ross Bateup
S/- David Brown
Carried
(12)

The Council Assessment Panel DEFERS consideration of Development Application Number 21031474 by 14 Johnston Pty Ltd for construction of a three-level childcare centre (pre-school) with ancillary car parking, outdoor play areas and landscaping at 14 Johnston Street, Stirling to enable the applicant to provide the following:

- 1) An acoustic report prepared by a suitably qualified professional.
- 2) A review of the car parking design and its relationship with the intensity of the land use, in consideration of staff, parents and children, and visitors to the site.
- 3) Preparation and provision of a Waste Management Plan which considers storage capacity, location and collection times.
- 4) Consideration of built form in terms of overshadowing.

9.2 Development Application 21030645 by Linda Guan for two storey detached dwelling, indoor swimming pool, retaining walls and fencing at 6 Coach-House Drive, Teringie

9.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Raymond Tham	4 Coach-House Drive Teringie	Raymond Tham

9.2.2 Decision of Panel

The following was adopted by consensus of all members (13)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

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63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

- 2) Development Application Number 21030645 by Linda Guan for two storey detached dwelling, indoor swimming pool, retaining walls and fencing at 6 Coach-House Drive, Teringie is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) Development In Accordance with Approved Plans
The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) Prior to Building Rules Consent – Requirement for Stormwater Calculations
Prior to Building Consent being granted a final Stormwater Management Plan and all associated hydrological and hydraulic stormwater calculations shall be provided to the reasonable satisfaction of Council staff.
- 3) External Finishes
The external finishes to the building herein approved shall be as follows:

WALLS: Paint-Finish Render in 'White' and 'Dark Tonal', Austral Metallix Brick in 'Zinc', Stone, or similar
ROOF: Colorbond 'Shale Grey' or similar
- 4) Residential Lighting
All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
- 5) Sill Heights for Windows
The upper level windows on the southern elevation of the dwelling shall have a minimum sill height of 2.0 metres above finished floor level as shown on Elevation (Drawing No. A A006) prepared by SOKO Design Studio Revision 2 dated 27 October 2021.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

- 6) **Balcony Screening**
The balcony on the southern elevation of the dwelling shall have fixed screening as shown on Elevation (Drawing No. A006) prepared by SOKO Design Studio Revision 2 dated 27 October 2021 to a minimum height of 1.7m above the balcony floor level. The screening shall be installed prior to occupation and maintained in good condition at all times.
- 7) **Erosion Control – Provision of Drainage Channels**
Drainage channels are to be provided above and below the cut and fill area to minimise water entry.
- 8) **Erosion Control – Straw Bales**
Prior to commencement of construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.
- 9) **Timeframe for Landscaping to be Planted**
The landscaping detailed on the Landscaping Plan (Drawing No. A009) prepared by SOKO Design Studio Revision 2 dated 27 October 2021 shall be planted in the planting season following occupation of the dwelling and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate:
 - a) until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b) if an appeal is commenced:
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).
- 6) Building Consent must be applied for and granted prior to the expiry of the Planning Consent.

9.3 **Development Application 21021753 by Lou Fantasia Planning Pty Ltd for residential flat building comprising three (3) dwellings, commercial shop tenancy, associated car parking and associated landscaping at Flats 1-3, 79 Onkaparinga Valley Road, Woodside**

9.3.1 **Representations**
None to be heard

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

9.3.2 Decision of Panel

The following was adopted by consensus of all members (14)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21021753 by Lou Fantasia Planning Pty Ltd for residential flat building comprising three (3) dwellings, commercial shop tenancy, associated car parking and associated landscaping at Flats 1-3, 79 Onkaparinga Valley Road, Woodside is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) Development in Accordance With Approved Plans
The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) Commercial Lighting
Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
- 3) External Finishes
The external finishes to the buildings herein approved shall be as follows:

Commercial Building:

WALLS: Mixture of Scyon Linea Painted Lexicon and Sandstone Wall cladding or similar

ROOF: Colorbond Shale Grey or similar

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

Residential Flat Building (comprising 3 dwellings):

WALLS: Mixture of Brick in Austral Chapel Red and Scyon Linea Painted
Lexicon or similar

ROOF: Colorbond Shale Grey or similar

- 4) **Unloading And Storage Of Materials And Goods**
All materials and goods associated with the commercial use shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land in areas delineated for use as car parking.
- 5) **Opening Hours**
The opening hours of the shop shall be 9:00am to 5:30pm - Monday to Sunday.
- 6) **Firefighting Water Supply- Mains Water Supply Available**
A supply of water independent of reticulated mains supply shall be available for each of the dwelling at all times for fire-fighting purposes as follows:
 - a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
 - the water supply shall be located such that it provides the required water; and
 - the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
 - the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
 - a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
 - where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.
- 7) **Stormwater Overflow Directed To Street**
Stormwater management shall be undertaken in accordance with the stormwater management plan and calculations prepared by Jack Adcock Consulting Pty Ltd, project number JAC200769-DRG-C002, issue D dated 27/10/2021 and stormwater calculation dated 27 October 2021.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.

- 8) **Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004**
All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of bitumen prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.

One (1) car parking space in the car park shall be designated as spaces for people with a disability and designed in accordance with Australian Standard 2890.1:2004.

- 9) **Residential Access Points**
The residential vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 – residential vehicular crossing concrete for sealed road with kerb and SD16 – allowable crossover locations, within 3 months of occupation/use of the development.

- 10) **Commercial Access Points**
The commercial vehicle access point and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD16 – commercial industrial vehicular crossing concrete for sealed road with kerb and SD16 – allowable crossover locations, prior to occupation/use of the development.

- 11) **Landscaping Protection In Car Parks**
All landscaped areas and structures adjacent to driveways and parking areas shall be separated by a wheel stop device prior to the occupation of the development. Such devices shall not impede the free movement of people with disabilities.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

12) Timeframe For Landscaping To Be Planted

Landscaping, detailed on the site and floor plan prepared by Nielsen Architects drawing number PA101 revision D shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

13) Vehicle Access Points

Vehicular access location and configuration to serve the site shall be in accordance with the Site Plan by Nielsen Architects (Drawing No. DA101, dated 3 February 2021).

14) Stormwater Run-off

Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

1) Planning Consent Expiry

This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC.

2) Erosion Control - During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

3) Surveyed Boundaries

The onus of ensuring that any wall or fence is located in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a boundary survey being undertaken by a licensed land surveyor prior to the work commencing and when the wall is complete.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

4) Signage

It is recommended that the proposed signage is consistent with DIT's publication '*Advertising Signs: Assessment Guidelines for Road Safety*'.

General Notes

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- 3) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**
- 4) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 5) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate:**
 - a) until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or**
 - b) if an appeal is commenced:**
 - i. until the appeal is dismissed, struck out or withdrawn; or**
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).**

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

- 10. Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
- 11. ERD Court Appeals**
Nil
- 12. Policy Issues for Advice to Council**
- 12.1 It was suggested by the Panel that Council give consideration to undertaking a Stirling Traffic MasterPlan to better understand the traffic issues. Mel Bright undertook to have a conversation with the CEO and Engineering staff, and provide a response at a future meeting.
- 12.2 Paul Mickan suggested that Council seek clarification from PlanSA regarding the difference between the car parking rates of Childcare Centres and Pre-Schools in the Planning and Design Code. James Booker advised that this query had already been raised with PlanSA and staff are awaiting a response. Staff will report back to CAP once this response has been received.
- 13. Other Business**
- 13.1 Following a question from John Kemp, James Booker provided an update on the proposed development at 160 Longwood Road, Heathfield for a retail fuel outlet.
- 13.2 The Panel were asked to consider their preferred style of Officer's report (templates slightly different for each item) and provide their feedback at the next meeting.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 13 April 2022.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 MARCH 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 April 2022]

- 17. Close meeting**
The meeting closed at 10.31pm.

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 17 FEBRUARY 2022
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Cr Mark Osterstock

Members:

Ms Janet Miller	Independent Member
Mayor Jan-Claire Wisdom	
Cr Nathan Daniell	
Cr Chris Grant	

In Attendance:

Andrew Aitken	Chief Executive Officer
Lachlan Miller	Executive Manager Governance & Performance
Megan Sutherland	Executive Manager Organisational Development

1. COMMENCEMENT

The meeting commenced at 6.00pm.

1.1. Acknowledgement of Country

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come.

2. APOLOGIES/LEAVE OF ABSENCE

2.1 Apology

Nil

2.2 Leave of Absence

Nil

2.3 Absent

Nil

Presiding Member _____ 12 May 2022

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 17 FEBRUARY 2022
63 MT BARKER ROAD STIRLING**

3. MINUTES OF PREVIOUS MEETINGS

3.1 CEO Performance Review Panel Meeting – 11 November 2021

Moved Cr Nathan Daniell
S/- Cr Chris Grant

PRP1/22

That the minutes of the CEO Performance Review Panel meeting held on 11 November 2022 as distributed, be confirmed as an accurate record of the proceedings of that meeting

Carried

4. PRESIDING MEMBER'S OPENING COMMENTS

Welcome to the last calendar year of the Panel for the Elected Members. Hoped all Members had a happy Christmas and New Year. Looking forward to Panel's deliberations in 2022.

5. DELEGATION OF AUTHORITY

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE

Nil

7. OFFICER REPORTS – DECISION ITEMS

7.1 Status of 2021-22 CEO Performance Targets

Moved Mayor Jan-Claire Wisdom
S/- Janet Miller

PRP2/22

The CEO Performance Review Panel resolves that the report be received and noted.

Carried

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 17 FEBRUARY 2022
63 MT BARKER ROAD STIRLING**

7.2 CEO Performance Review Process and Schedule 2022

Moved Cr Nathan Daniell

S/- Mayor Jan-Claire Wisdom

PRP3/22

The CEO Performance Review Panel resolves:

1. That the report be received and noted.
2. To recommend to Council to undertake the 2022 CEO Performance Review and Remuneration Review using an external consultant.
3. To recommend to Council that the 2022 CEO Performance Review Panel Meeting and Process Schedule – External (Caretaker Period) as contained in Appendix 2, be adopted and the CEOPRP Presiding Member be delegated to amend the Process Schedule meeting/workshop dates as required in consultation with the Administration.

Carried

7.3 Remuneration Tribunal Submission on CEO Remuneration

Moved Cr Chris Grant

S/- Mayor Jan-Claire Wisdom

PRP4/22

The CEO Performance Review Panel resolves:

1. That the report be received and noted
2. To suspend formal meeting procedure for the purposes of workshopping matters to be incorporated into the Council's submission to the Remuneration Tribunal of South Australia's 2022 Review of Local Government CEO Minimum and Maximum Remuneration.

Carried

8. MOTIONS WITHOUT NOTICE

Nil

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 17 FEBRUARY 2022
63 MT BARKER ROAD STIRLING**

9. QUESTIONS WITHOUT NOTICE

Nil

10. CONFIDENTIAL ITEMS

Nil

11. NEXT MEETING

The next ordinary meeting of the CEO Performance Review Panel will be held on Thursday 12 May 2022, from 6.00pm at 63 Mt Barker Road Stirling.

12. CLOSE MEETING

The meeting closed at 7.17pm.