

# NOTICE OF COUNCIL MEETING

Pursuant to the provisions of section 84 (1) of the  
*Local Government Act 1999*

**The Ordinary Meeting of the**



**Adelaide  
Plains  
Council**

will be held in

**Council Chambers  
Redbanks Road  
Mallala**

on

**Wednesday 21 November 2018 at 5:30pm**

A handwritten signature in blue ink, appearing to be 'James Miller', is written over a dotted line.

James Miller

**CHIEF EXECUTIVE OFFICER**

# INDEX

	<b>Page Number</b>
<b>1 ATTENDANCE RECORD</b>	
<b>2 OPENING/WELCOME</b>	
2.1 Declaration of Office	5
2.2 Acknowledgement of Elected Members' Service	6
2.3 2018 General Election Results	8
<b>3 MINUTES</b>	13
3.1 Confirmation of Council Minutes – Ordinary Meeting held 15 October 2018	14
3.2 Confirmation of Council Minutes – Special Meeting held 8 November 2018	27
<b>4 BUSINESS ARISING</b>	
<b>5 PUBLIC OPEN FORUM</b>	
<b>6 DECLARATION OF MEMBERS' INTEREST (material, actual, perceived)</b>	
<b>7 ADJOURNED BUSINESS</b>	
Nil	
<b>8 MAYOR'S REPORT</b>	
As a standing agenda item at future meetings, the Mayor will provide a report outlining relevant meetings attended and Mayoral activities.	
<b>9 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED</b>	
<b>DEPUTATIONS AND PRESENTATIONS</b>	
<b>10 DEPUTATIONS</b>	
Nil	
<b>11 PRESENTATIONS/BRIEFINGS</b>	
Nil	

<b>12</b>	<b>PETITIONS</b>	
	Nil	
<b>13</b>	<b>COMMITTEE MEETINGS</b>	
	Nil	
<b>14</b>	<b>SUBSIDIARY MEETINGS</b>	
14.1	Gawler River Floodplain Management Authority – Meeting held 18 October 2018	32
14.2	Gawler River Floodplain Management Authority – Meeting held 12 November 2018	42
<b>15</b>	<b>REPORTS FOR DECISION</b>	
15.1	Meeting Procedures – Code of Practice	47
15.2	Appointment of Deputy Mayor	74
15.3	Ordinary Council Meeting Schedule – 2019	81
15.4	Ordinary Council Meeting Agenda Template	86
15.5	Overview of Council Committees	93
15.6	Building Fire Safety Committee – Terms of Reference and Appointment of Members	95
15.7	Council Assessment Panel – Terms of Reference and Appointment of Members	103
15.8	Strategic Planning and Economic Development Committee – Terms of Reference and Appointment of Members	113
15.9	Section 43 Subsidiaries – Gawler River Floodplain Management Authority and Legatus Group	120
15.10	Policy Introduction – Council Members Induction Policy and Program	156
15.11	Carslake Road, Dublin – Strategic Freight Network and Developer Obligations	174
<b>16</b>	<b>REPORTS FOR INFORMATION</b>	
16.1	Questions Lapsed	183
16.2	Council Resolutions – Status Report	191
16.3	Council Members Allowances and Benefits	212
16.4	Gawler River Floodplain Management Authority – Federal and State Funding Initiative	245
16.5	Local Government Association – Annual General Meeting	324
16.6	Gawler River Floodplain Management Authority – Audit Committee	341

**MATTERS RAISED BY MEMBERS**

**17 QUESTIONS ON NOTICE**

Nil

**18 QUESTIONS WITHOUT NOTICE**

**19 MOTIONS ON NOTICE**

Nil

**20 MOTIONS WITHOUT NOTICE**

**21 URGENT BUSINESS**

**22 CONFIDENTIAL ITEMS**

22.1 Audit Committee – Terms of Reference and Appointment of Members

351

**23 CLOSURE**

 <b>Adelaide Plains Council</b>	<b>2.1</b>	<b>Declaration of Office</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/54010</b>

Section 60 of the *Local Government Act 1999* states that a member of Council must, at or before the first meeting to be attended by the member, make an undertaking in the prescribed manner to discharge the member's duties conscientiously and to the best of his or her abilities.

The declaration is made in accordance with Form 2 of Schedule 1 to the *Local Government (General) Regulations 2013* and must be witnessed by a Justice of the Peace or another person authorised to take declarations under the *Oaths Act 1936*. The forms for completion will be provided at the meeting where there will be a Commissioner for Taking Affidavits present to act as a witness to the documents.

Once the declarations are made, the elected members will assume their office.

Upon assuming office, Elected Members will be issued with the following returns and Elected Members are hereby reminded of the timeframes for lodgement of those returns:-

- **Campaign Donations Return**

In accordance with Section 80 of the *Local Government (Elections Act) 1999*, any person who is a candidate for election to an office of a council (whether or not successfully elected) must complete this form and furnish it to the chief executive officer of the council **within 30 days** after the conclusion of the election.

- **Primary Return**

Pursuant to Section 65 of the *Local Government Act 1999* and Regulation 8 of the *Local Government (General) Regulations 2013*, when a person is first elected or appointed to a council, or elected or appointed after any period of absence during which time they were not an elected member, that person must submit a "primary return" to the chief executive officer **within six weeks after the election or appointment**.

 <b>Adelaide Plains Council</b>	<b>2.2</b>	<b>Acknowledgement of Elected Members' Service</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/53977</b>

## OVERVIEW

### Purpose

The purpose of this report is to acknowledge the service of elected members who are not continuing with Adelaide Plains Council beyond the 2018 General Election.

### Discussion

With the completion of the 2018 General Election, the term of several of Council's serving elected members was officially concluded.

It is therefore appropriate that the Council take the time to reflect briefly on the service given by these dedicated individuals to both the Council itself and the community that Council represents.

- **Mr Tony Flaherty OAM** served as the Mayor of Adelaide Plains Council from 2016 to 2018. Mr Flaherty had previously served his community as an elected representative over a number of terms, including as Mayor from 2008 to 2009. Tony contributed greatly to the various committee membership structures of Council, including but not limited to the Audit Committee and the Governance Advisory Panel, as well as representation on the Legatus Group and as Council's delegate at Local Government Association meetings. Wishing to continue to lead Council, he re-nominated for the 2018 Mayoral election however was not successful.
- **Mr Steve Jones** served as a Councillor from 2000 to 2018 for the Mallala/Dublin Ward. Mr Jones has served his community for 18 years as an elected representative. Steve contributed greatly to the various committee membership structures of Council, and in particular has been a member of Council's Audit Committee.
- **Mr Melville Lawrence** served as a Councillor from 2014 to 2018 for the Two Wells Ward and appointed by his peers as Deputy Mayor from 2016 to 2018. During his time with Council Mr Lawrence served on various council committees, and was also a

Board Member on the Gawler River Floodplain Management Authority. Wishing to further his representative role, Mel decided to contest the 2018 Mayoral election however was not successful.

- **Ms Karen McColl** served as a Councillor from 2010 to 2018 for the Lewiston Ward. Ms McColl has served her community for 8 years as an elected representative, including appointment as Deputy Mayor for a period. Karen has served on various council committees during her time, having a particular interest in suicide prevention networks. Karen retired from local government in 2018, pursuing other career opportunities.
- **Mr Eddie Stubing** served as a Councillor from 2014 to 2018 for the Two Wells Ward. Mr Stubing has served his community for 4 years as an elected representative. Over his time with Council, Eddie has served on various committees, with a particular interest in Council's community development and volunteering programs.

#### Summary

It is recommended that Council acknowledge the service and contributions of the above-mentioned former elected members.

### **RECOMMENDATION**

**“that Council, having considered Item 2.2 – *Acknowledgment of Elected Members’ Service*, dated 21 November 2018, receives and notes the report and in doing so acknowledges the contributions of Mr Tony Flaherty OAM, Mr Steve Jones, Mr Melville Lawrence, Ms Karen McColl and Mr Eddie Stubing in the service of Council and Community during their respective tenures as elected members of Adelaide Plains Council.”**

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#### **Attachments**

Nil

#### **References**

##### Legislation

Nil

##### Council Policies/Plans

Nil

 <b>Adelaide Plains Council</b>	<b>2.3</b>	<b>2018 General Election Results</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/53841</b>

## **OVERVIEW**

### Purpose

The purpose of this report is to provide Council with the formal results in relation to the Adelaide Plains Council 2018 General Election.

### Discussion

The General Election was conducted by the Electoral Commission of South Australia (ECSA). Voting closed at 5:00pm on Friday, 9 November 2018 with the scrutiny and count commencing at 9:00am on Saturday, 10 November 2018 at the Mallala Council Chambers.

The formal results were officially declared as final by ECSA on 16 November 2018 (**Attachment 1**) and are as follows:-

MAYOR

**Mark Wasley**

MALLALA/DUBLIN WARD

**John Lush**

**Marcus Strudwicke**

**Terry-Anne Keen**

TWO WELLS WARD

**Kay Boon**

**Peppino (Joe) Daniele**

**Frank Maiolo**

LEWISTON WARD

**Margherita Panella**

**Brian Parker**

**Carmine Di Troia**

Summary

The above-mentioned elected members will be officially sworn in at the ordinary meeting to be held on 21 November 2018.

**RECOMMENDATION**

**“that Council, having considered Item 2.3 – 2018 General Election Results, dated 21 November 2018, receives and notes the report.”**

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**Attachments**

1. Copy of letter from Electoral Commission of South Australia dated 16 November 2018.

**References**

Legislation

*Local Government Act 1999*

*Local Government (Elections) Act 1999*

Council Policies/Plans

Nil



Electoral Commission of South Australia  
 Level 6 / 60 Light Square Adelaide SA 5000  
 GPO Box 646 Adelaide SA 5001  
 P 08 7424 7400  
 F 08 7424 7444  
[www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au)

16 November 2018

Mr J Miller  
 Chief Executive Officer  
 Adelaide Plains Council  
 PO Box 18  
 MALLALA SA 5502

### Re: Council Elections 2018 - Election Results

In accordance with the Local Government (Elections) Act 1999, I enclose the results for the November 2018 council elections.

The council elections were conducted entirely by post. Voting material comprising ballot papers, candidate profiles, a postal voting guide, ballot paper envelope containing the elector's declaration and reply paid envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5 pm Friday 9 November 2018 with the scrutiny and count conducted at the Council Chambers, Redbanks Rd, Mallala.

In accordance with section 50 of the Local Government (Elections) Act 1999, I Mick Sherry, Returning Officer, declare the following candidates elected:

<b>Mayor</b>		Vacancies (1)
WASLEY, Mark	Elected	
<b>Councillor for Mallala/Dublin Ward</b>		Vacancies (3)
LUSH, John	Elected 1	
STRUDWICKE, Marcus	Elected 2	
KEEN, Terry-Anne	Elected 3	
<b>Councillor for Two Wells Ward</b>		Vacancies (3)
BOON, Kay	Elected 1	
DANIELE, Peppino (Joe)	Elected 2	
MAIOLO, Frank	Elected 3	
<b>Councillor for Lewiston Ward</b>		Vacancies (3)
PANELLA, Margherita	Elected 1	
PARKER, Brian	Elected 2	
Di TROIA, Carmine	Elected 3	

All candidates will be notified in writing of the results of the elections and I enclose a report on the outcome for your council. Candidates will also be advised that copies of the reports along with copies of the full scrutiny and count details are available on the ECSA website at: [ecsa.sa.gov.au/elections/council-elections-home/results](http://ecsa.sa.gov.au/elections/council-elections-home/results).

I would like to thank you and your staff who have assisted in conducting these elections and remind you of the obligations for all candidates to lodge a Campaign Donations Return, regardless of whether they have been successful, within 30 days of the conclusion of the election, which is the date on this letter. You and your Governance Officers should be mindful of the operation of section 86 of the Local Government (Elections) Act 1999.

Should you require any guidance regarding the lodgement of returns, I would invite you to contact Ms Carol Vu, Manager Compliance, Funding & Disclosure Branch, on 7424 7459 at any time after Monday 3 December 2018.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Sherry', is written over a light blue circular stamp.

Mick Sherry

**RETURNING OFFICER**

## ADELAIDE PLAINS COUNCIL

### Mayoral

4 candidates contesting 1 vacancy

Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
Formal	Informal					
1981	12 0.6%	991				
STARRS, Chris			195	Excluded	195	2
LAWRENCE, Mel			541	Excluded	672	4
WASLEY, Mark			794	Elected 1	948	4
FLAHERTY, Tony			451	Excluded	474	3

**Provisional Declaration made at 13:10 Saturday 10 November 2018**

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### Mallala/Dublin Ward

5 candidates contesting 3 vacancies

Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
Formal	Informal					
750	20 2.6%	188				
CROSS, Andrew Martin			62	Excluded	73	3
KEEN, Terry-Anne			85	Elected 3	186	5
JONES, Steve			86	Excluded	182	5
STRUDWICKE, Marcus			143	Elected 2	Quota	3
LUSH, John			374	Elected 1	Quota	1

**Provisional Declaration made at 14:50 Saturday 10 November 2018**

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### Two Wells Ward

7 candidates contesting 3 vacancies

Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
Formal	Informal					
647	18 2.7%	162				
KENNEDY, Steve			43	Excluded	47	5
BOON, Kay			174	Elected 1	Quota	1
DANIELE, Peppino (Joe)			131	Elected 2	Quota	9
STUBING, Edward			99	Excluded	129	9
WOLFENDALE, Jessica			41	Excluded	59	9
BRADLEY, Danny Keith			29	Excluded	30	3
MAIOLO, Frank			130	Elected 3	Quota	9

**Provisional Declaration made at 15:55 Saturday 10 November 2018**

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### Lewiston Ward

4 candidates contesting 3 vacancies

Ballot Papers		Quota	1st Preference Votes	Elected / Excluded	Votes at Election / Exclusion	Count
Formal	Informal					
538	18 3.2%	135				
Di TROIA, Carmine			127	Elected 3	Quota	2
HAYES, Mark			88	Excluded	114	2
PARKER, Brian			146	Elected 2	Quota	1
PANELLA, Margherita			177	Elected 1	Quota	1

**Provisional Declaration made at 16:30 Saturday 10 November 2018**

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**3. CONFIRMATION OF MINUTES**

**Wednesday 21 November 2018**

**Items:**

3.1 Confirmation of Council Minutes – Ordinary Meeting held 15 October 2018

3.2 Confirmation of Council Minutes – Special Meeting held 8 November 2018

3.1 Confirmation of Council Minutes – Ordinary Meeting held 15 October 2018

**“that the minutes of the Ordinary Council Meeting held on 15 October 2018 (MB Folios 16727 to 16739 inclusive), be accepted as read and confirmed.”**

3.2 Confirmation of Council Minutes – Special Meeting held 8 November 2018

**“that the minutes of the Special Council Meeting held on 8 November 2018 (MB Folios 16740 to 16744 inclusive), be accepted as read and confirmed.”**

# MINUTES

of

## Ordinary Council Meeting



Pursuant to the provisions of Section 84 (1) of the  
*Local Government Act 1999*

HELD IN

**Council Chambers  
Redbanks Road,  
Mallala**

on

**Monday 15 October 2018 at 6:30pm**

The Mayor formally declared the meeting open at 6:30pm.

**1. ATTENDANCE RECORD**

**1.1 Present:**

Mayor A J (Tony) Flaherty OAM JP  
Deputy Mayor Melville Lawrence  
Councillor P D (Joe) Daniele  
Councillor Stephen Jones  
Councillor Terry-Anne Keen  
Councillor Karen McColl  
Councillor Margherita Panella  
Councillor Marcus (S M) Strudwicke  
Councillor Eddie Stubing

**Also in Attendance:**

Chief Executive Officer	Mr James Miller
General Manager – Governance and Communications	Ms Sheree Schenk
General Manager – Development and Community	Mr Robert Veitch
General Manager – Finance and Economic Development	Mr Rajith Udugampola
Acting General Manager – Infrastructure and Environment	Mr Thomas Jones
Governance Officer / Minute Taker	Ms Alyssa Denicola
Executive Assistant	Ms Andrea Post

**1.2 Apologies:**

Nil

**1.3 Not Present:**

Councillor Carmine Di Troia

**2. CONFIRMATION OF MINUTES**

2.1 Confirmation of Council Minutes – Ordinary Meeting held on 17 September 2018

Moved Councillor Lawrence                      Seconded Councillor Daniele                      **2018/452**

**“that the minutes of the Ordinary Council Meeting held on 17 September 2018 (MB Folios 16705 to 16722 inclusive), be accepted as read and confirmed.”**

**CARRIED**

2.2 Confirmation of Council Minutes – Special Meeting held 26 September 2018

Moved Councillor Lawrence                      Seconded Councillor Keen                      **2018/453**

**“that the minutes of the Special Council Meeting held on 26 September 2018 (MB Folios 16723 to 16726 inclusive), be accepted as read and confirmed.”**

**CARRIED**

**3. BUSINESS ARISING**

Nil

**4. ADJOURNED BUSINESS**

Nil

**5. DECLARATION OF MEMBERS’ INTEREST (material, actual, perceived)**

Nil

**6. PUBLIC OPEN FORUM**

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a period of 10 minutes to facilitate ‘Public Open Forum’.

The meeting was suspended at 6:31pm.

The meeting resumed at 6:32pm.

**7. MAYOR'S REPORT**

Monday 17 September 2018

Citizenship Ceremony

Pre Council Meeting

Ordinary Council Meeting

Wednesday 26 September 2018

Pre Council Meeting

Special Council Meeting

Wednesday 10 October 2018

Mayor / CEO Meeting

**8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED**

Nil

**9. DEPUTATIONS**

Nil

**10. PRESENTATIONS / BRIEFINGS**

Nil

**11. PETITIONS**

Nil

**12. COMMITTEE RECOMMENDATIONS**

12.1 Adelaide Plains Council Historical Committee – Meeting held 5 September 2018

Moved Councillor Strudwicke                      Seconded Councillor McColl                      **2018/454**

**“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held on 5 September 2018.”**

**CARRIED**

**13. ASSOCIATED ORGANISATIONS**

Nil

**14. REPORTS FOR DECISION**

14.1 Hours of Operation – 2018/2019 Christmas and New Year Period

Moved Councillor Lawrence Seconded Councillor Panella **2018/455**

**“that Council, having considered Item 14.1 – *Hours of Operation – 2018/2019 Christmas and New Year Period*, dated 15 October 2018, receives and notes the report and in doing so endorses the following hours of operation for the 2018 / 2019 Christmas and New Year period:-**

- **Administration (Mallala, Two Wells and Depot)**
  - Closed from 4pm on Friday 21 December 2018;
  - Resume normal hours of operation from 9am on Wednesday 2 January 2019.
- **Depot Operations**
  - Closed from 12pm on Thursday 20 December 2018;
  - Resume normal hours of operation from 7am on Wednesday 2 January 2019.
- **Mallala Library**
  - Closed from 12pm on Wednesday 19 December 2018;
  - Resume normal hours of operation from 10am on Wednesday 2 January 2019.
- **Two Wells Library**
  - Closed from 4pm on Friday 21 December 2018;
  - Resume normal hours of operation from 12pm on Wednesday 2 January 2019.
- **Two Wells Transfer Station**
  - Closed from 12:30pm on Sunday 23 December 2018;
  - Resume normal hours of operation from 1:30pm on Wednesday 2 January 2019.
- **Mallala Resource Recovery Centre**
  - Closed from 10am on Sunday 23 December 2018;
  - Resume normal hours of operation from 1:30pm on Thursday 3 January 2019.”

**CARRIED**

14.2 Floodplain Management Australia National Conference 2019

Moved Councillor Lawrence Seconded Councillor Keen **2018/456**

**“that Council, having considered Item 14.2 – *Floodplain Management Australia National Conference 2019*, dated 15 October 2018, receives and notes the report and in doing so resolves to send both of its Gawler River Floodplain Management Authority Board Member and Elected Member Proxy Member to the conference, set down for 14-17 May 2019 in Canberra, ACT. In recognition of the abstract submission deadline, Council further resolves to delegate authority to either of its Board Members to submit an abstract to present at the conference by the due date of 29 October 2018.”**

Councillor Stubing left the meeting at 6:37pm.

**CARRIED**

14.3 Adoption of Annual Report 2017-2018

Moved Councillor McColl                      Seconded Councillor Lawrence                      **2018/457**

**“that Council, having considered Item 14.3 – *Adoption of Annual Report 2017-2018*, dated 15 October 2018, receives and notes the report and in doing so:-**

- 1. Adopts the Annual Report 2017-2018 as presented in Attachment 1 to this Report, subject to the endorsement of the Audited Annual Financial Statements 2017-2018; and**
- 2. Authorises the Chief Executive Officer to make any necessary final amendments to the Annual Report.”**

**CARRIED**

14.4 Managing Our Landscapes – Discussion Paper: Proposed Landscape South Australia Act

Moved Councillor Lawrence                      Seconded Councillor Keen                      **2018/458**

**“that Council, having considered Item 14.4 - *Managing Our Landscapes – Discussion Paper: Proposed Landscape South Australia Act*, dated 15 October 2018, receives and notes the report and in doing so:-**

- 1. Endorses the consultation response to the South Australian Government subject to the inclusion of reference to (i) the ability to undertake proactive maintenance of private levee banks so as to mitigate flood inundation, (ii) the ability of the Plains and Valleys Landscape Board to have representation in some capacity on the Gawler River Floodplain Management Board and (iii) business and employment opportunities for our residents; and**
- 2. Instructs the Chief Executive Officer to furnish the associated agenda report with the Legatus Group for their information and possible incorporation into their response.”**

Councillor Stubing returned to the meeting at 6:42pm.

**CARRIED**

14.5 Requests to Waive Development Application Fees – Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees

Moved Councillor Strudwicke                      Seconded Councillor Keen                      **2018/459**

**“that Council having considered Item 14.5 – *Requests to Waive Development Application Fees – Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees*, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek the non-statutory component of Development Application Fees (to a maximum capped amount of \$350) associated with the Adelaide Plains Kennel and Obedience Club’s application to place a shipping container at 77 Old Pt Wakefield Road, Two Wells Certificate of Title Volume 5984 Folio 730 and a second application for the same on a portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494.”**

**CARRIED**

14.5 Moved Councillor Strudwicke Seconded Councillor Lawrence 2018/460

**“that Council having considered Item 14.5 – *Requests to Waive Development Application Fees – Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees*, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek the non-statutory component of Development Application Fees (to a maximum capped amount of \$175) associated with Moquet Lee Trustees’ application to erect entrance gates on the boundary of Lot 676, 7 Nairne Road, Grace Plains, Certificate of Title Volume 5545 Folio 930.”**

**CARRIED**

14.6 Request to Waive Costs Associated with Lease Agreement – Adelaide Plains Council Kennel & Obedience Club

Moved Councillor Keen Seconded Councillor McColl 2018/461

**“that Council, having considered Item 14.6 – *Request to Waive Costs Associated with the Lease Agreement – Adelaide Plains Kennel & Obedience Club*, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek reimbursement of 50% of the legal costs for the preparation of the Lease (to a maximum capped amount of \$550) in regards to the leasing of a portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494 to the Adelaide Plains Kennel & Obedience Club.”**

**CARRIED**

14.7 Webb Beach Road Access

Moved Councillor Strudwicke Seconded Councillor Lawrence 2018/462

**“that Council, having considered Item 14.7 – *Webb Beach Road Access*, dated 15 October 2018, receives and notes the report and in doing so seeks to vary the 2018-2019 Budget, by way of a budget variation, to include additional expenditure of \$102,000 for the upgrade (raise height of road and incorporate floodway ford) of the causeway sections of Webb Beach Road as presented in Attachment 1.”**

**CARRIED**

**15. REPORTS FOR INFORMATION**

15.1 Council Resolutions – Status Report

Moved Councillor Strudwicke                      Seconded Councillor Lawrence                      **2018/463**

**“that Council, having considered Item 15.1 – Council Resolutions – Status Report dated 15 October 2018, receives and notes the report.”**

**CARRIED**

15.2 Gawler River Floodplain Management Authority – Northern Floodway Status Update

Moved Councillor Lawrence                      Seconded Councillor McColl                      **2018/464**

**“that Council, having considered Item 15.2 – Gawler River Floodplain Management Authority – Northern Floodway Status Update, dated 15 October 2018, receives and notes the report.”**

**CARRIED**

15.3 Horse Float Parking - Parham

Moved Councillor Lawrence                      Seconded Councillor Strudwicke                      **2018/465**

**“that Council, having considered Item 15.3 – Horse Float Parking – Parham, dated 15 October 2018, receives and notes the report.”**

**CARRIED**

15.4 Library & Community Services Quarterly Report – July to October 2018

Moved Councillor Lawrence                      Seconded Councillor McColl                      **2018/466**

**“that Council, having considered Item 15.4 – Library & Community Services Quarterly Report – July to October 2018, dated 15 October 2018, receives and notes the report.”**

**CARRIED**

15.5 Sealed Road Maintenance - Lewiston

Moved Councillor Lawrence                      Seconded Councillor Panella                      **2018/467**

**“that Council, having considered Item 15.5 – Sealed Road Maintenance – Lewiston, dated 15 October 2018, receives and notes the report.”**

**CARRIED**

15.6 Review of Council’s Roadside Weed Control Program  
 Moved Councillor Lawrence Seconded Councillor McColl **2018/468**  
**“that Council, having considered Item 15.6 – Review of Council’s Roadside Weed Control Program, dated 15 October 2018, receives and notes the report.”**

**CARRIED**

15.7 Provision of Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices  
 Councillor Strudwicke raised a Point of Order on the basis that a formal motion should be put, if the Councillor wishes for the question to lie on the table. The Mayor accepted the Point of Order.  
 Councillor Jones raised a Point of Order on the basis that the discussion did not constitute a formal motion. The Mayor accepted the Point of Order.

Moved Councillor Strudwicke Seconded Councillor **2018/469**

**“that Council, having considered Item 15.7 – Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices, dated 15 October 2018, receives and notes the report.”**

**LAPSED DUE TO FORMAL MOTION 2018/470**

15.7 Moved Councillor Keen Seconded Councillor Lawrence **2018/470**  
**“that the matter lie on the table.”**

**CARRIED**

**16. QUESTIONS ON NOTICE**

Councillor Jones gave notice of his intention to ask the following questions:	
<b>Preamble</b>	Questions have been raised regarding aspects of earlier report on Northern Floodway technical design proposed on lower reaches Gawler River
<b>Question 1:</b>	<b>Does the current Gawler River Northern Floodway design layout currently being put forward by GRFMA differ from an earlier technical design layout by Consulting firm if so please provide detail</b>
<b>Answer:</b>	The Chief Executive Officer recommends that this question be directed to the Executive Officer of the GRFMA. The GRFMA would be best placed to provide an accurate answer to this question as they would have all the relevant material at their disposal and were intimately involved in the development of the various flood mitigation concepts.

<b>Question 2:</b>	<b>Was any design change from original earlier Northern Floodway proposal endorsed by GRFMA , if so please provide details of :- when did the design proposal change occur what was reasoning behind any design change and please provide before and after Northern Floodway design site map</b>
<b>Answer:</b>	The Chief Executive Officer recommends that this question be directed to the Executive Officer of the GRFMA. The GRFMA would be best placed to provide an accurate answer to this question as they would have all the relevant material at their disposal and were intimately involved in the development of the various flood mitigation concepts.

Moved Councillor Keen

Seconded Councillor Lawrence

**2018/471**

**“that the following questions be put to the Gawler River Floodplain Management Authority:-**

- 1. Does the current Gawler River Northern Floodway design layout currently being put forward by GRFMA differ from an earlier technical design layout by Consulting firm if so please provide detail; and**
- 2. Was any design change from original earlier Northern Floodway proposal endorsed by GRFMA , if so please provide details of :- when did the design proposal change occur what was reasoning behind any design change and please provide before and after Northern Floodway design site map.”**

**CARRIED**

**17. QUESTIONS WITHOUT NOTICE**

Not recorded in Minutes in accordance with Regulation 9(5) of the *Local Government (Procedures at Meetings) Regulations 2013*.

**18. MOTIONS ON NOTICE**

**18.1 Port Prime Road**

Moved Councillor Jones

Seconded Councillor Lawrence

**2018/472**

**“that Council instructs the Chief Executive Officer to bring back a report on cost of providing constructed safe all weather load rated access for public and emergency services vehicles from Pt Wakefield Rd , Thompson Rd to Pt Prime Beach including raising that section beach road access in line with or above recommended AHD coastal floor level and including providing a suitable hard stand fenced beach parking area together where identified fenced off or other deemed measures with view to returning informal track areas within council controlled coastal zone of Pt Prime back to natural state in doing so no further works / costs be incurred in relation to Pt Prime Rd until such time a report is presented back to Council.”**

**CARRIED**

Councillor Lawrence left the meeting at 7:28pm.

**19. MOTIONS WITHOUT NOTICE**

19.1 Speed Limits – Lewiston

Moved Councillor McColl                      Seconded Councillor Lawrence                      **2018/473**

**“that the Chief Executive Officer bring back a report in regards to the disparity between speed limits in Lewiston.”**

**CARRIED**

**20. URGENT BUSINESS**

Councillor Panella asked a question to clarify Council’s *Caretaker Policy* in relation to Resolution 2018/462.

Councillor Lawrence returned to the meeting at 7:31pm.

**21. CONFIDENTIAL ITEMS**

21.1 Stony Point – Historical Asbestos Finding and Site Remediation

Moved Councillor Strudwicke                      Seconded Councillor Keen                      **2018/474**

**“that:-**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Communications, General Manager – Development and Community, General Manager – Finance and Economic Development, Acting General Manager – Infrastructure and Environment, Governance Officer/Minute Taker and Executive Assistant be excluded from attendance at the meeting of the Council for Agenda Item 21.1 – *Stony Point - Historical Asbestos Finding and Site Remediation*;**
- 2. Council is satisfied that, pursuant to section 90(3)(b)(i) of the *Local Government Act 1999*, Agenda Item 21.1 – *Stony Point - Historical Asbestos Finding and Site Remediation* concerns information the disclosure of which could reasonably be expected to prejudice the commercial position of Council, being information relating to a potential contractual dispute, and would, on balance, be contrary to the public interest; and**
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

**CARRIED**



**22. CLOSURE**

There being no further business, the Mayor declared the meeting closed at 7:54pm.

Confirmed as a true record.

Mayor: .....

Date: \_\_\_/\_\_\_/\_\_\_

# MINUTES

of

## Special Council Meeting



Pursuant to the provisions of Section 83 (2) of the  
*Local Government Act 1999*

HELD IN

**Council Chambers  
Redbanks Road,  
Mallala**

on

**Thursday 8 November 2018 at 6:00pm**

The Mayor formally declared the meeting open at 6:00pm.

**1. ATTENDANCE RECORD**

**1.1 Present:**

Mayor A J (Tony) Flaherty OAM JP

Councillor Melville Lawrence

Councillor P D (Joe) Daniele

Councillor Carmine Di Troia

Councillor Stephen Jones

Councillor Terry-Anne Keen

Councillor Karen McColl

**Also in Attendance:**

Chief Executive Officer

Mr James Miller

General Manager – Finance and Economic Development

Mr Rajith Udugampola

Governance Officer / Minute Taker

Ms Alyssa Denicola

**1.2 Apologies:**

Councillor Marcus (S M) Strudwicke

Councillor Margherita Panella

Councillor Eddie Stubing

**1.3 Not Present / Leave of Absence:**

Nil

**2. ADJOURNED BUSINESS**

Nil

**3. DECLARATION OF MEMBERS' INTEREST (material, actual, perceived)**

Nil

**4. ITEMS**

4.1 Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018

Moved Councillor Lawrence Seconded Councillor Jones **2018/479**

**“that Council receives and notes the minutes of the Audit Committee meeting held on 1 November 2018, as presented at Attachment 1 to this Report.”**

**CARRIED**

4.1 Moved Councillor Keen Seconded Councillor McColl **2018/480**

**“that Council, having considered Item 4.1 – Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018, dated 8 November 2018, receives and notes the report and in doing so, receives and notes the Draft Audited Annual Financial Statements and notes forming part of the Annual Financial Statements for the 2017/2018 Financial Year.”**

**CARRIED**

4.1 Moved Councillor Lawrence Seconded Councillor Di Troia **2018/481**

**“that Council, having considered Item 4.1 – Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018, dated 8 November 2018:-**

- 1. Endorses Audit Committee Resolution 2018/044 and in doing so formally adopts the 2017/2018 Financial Year Annual Financial Statements and notes forming part of the statements, and authorises the same to be certified on behalf of Council by the Mayor and Chief Executive Officer; and**
- 2. Notes that the Audit Committee has authorised the Audit Committee Chairman to sign the Certification of Auditor Independence.”**

**CARRIED**

4.1 Moved Councillor Lawrence Seconded Councillor Di Troia **2018/482**

**“that Council, having considered Update on Audit Committee Annual Work Program 2018-2019 endorses recommendation 2018/050 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for the Audit Committee during the 2018/2019 Financial Year.”**

**CARRIED**

4.2 2018/2018 First Budget Update

Moved Councillor Lawrence Seconded Councillor Di Troia 2018/483

**“that Council, having considered Item 4.2 – 2018/2019 – First Budget Update, dated 8 November 2018, receives and notes the report and in doing so:-**

- 1. Receives and notes the project progress reports contained in Attachment 1 and 2 to the report; and**
- 2. Pursuant to Regulation 9 (1)(a) of the *Local Government (Financial Management) Regulations 2011*, adopts the revised 2017/2018 Budgeted Financial Statements as contained within Attachment 3, that has been updated following the first budget review, with changes identified in Table 1, Table 2 and Table 3.”**

**CARRIED**

4.3 Community Land Management Plan 1 – Update

Moved Councillor Di Troia Seconded Councillor Lawrence 2018/484

**“that Council, having considered Item 4.3 – *Community Land Management Plan 1 - Update*, dated 8 November 2018, receives and notes the report and acknowledges that public consultation will be undertaken, in relation to the amended Community Land Management Plan 1, at Council’s cost, in accordance with Council Resolutions 2018/403 and 2018/404.”**

**CARRIED**

**5. CONFIDENTIAL ITEM**

5.1 Stony Point – Historical Asbestos Finding and Site Remediation

Moved Councillor Keen Seconded Councillor Daniele 2018/485

**“that:-**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except Chief Executive Officer, General Manager – Finance and Economic Development and Governance Officer/Minute Taker, be excluded from attendance at the meeting of the Council for Agenda Item 5.1 – *Stony Point - Historical Asbestos Finding and Site Remediation*;**
- 2. Council is satisfied that, pursuant to section 90(3)(b)(i) of the *Local Government Act 1999*, Agenda Item 5.1 – *Stony Point - Historical Asbestos Finding and Site Remediation* concerns information the disclosure of which could reasonably be expected to prejudice the commercial position of Council, being information relating to a potential contractual dispute, and would, on balance, be contrary to the public interest; and**
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

**CARRIED**

5.1 Moved Councillor McColl Seconded Councillor Keen 2018/487

**“that Council, having considered the matter of Agenda Item 5.1 – *Stony Point – Historical Asbestos Finding and Site Remediation* in confidence under sections 90(2) and 90(3)(b)(i) of the *Local Government Act 1999*, resolves that:-**

1. The agenda item, report, annexures and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of Council;
2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”

**CARRIED**

**6. CLOSURE**

There being no further business, the Mayor declared the meeting closed at 6:07pm.

Confirmed as a true record.

Mayor: .....

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

	<b>14.1</b>	<b>Gawler River Floodplain Management Authority – Meeting held on 18 October 2018</b>
	<b>Department:</b>	<b>Executive Office</b>
	<b>Report Author:</b>	<b>Chief Executive Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/50419</b>

### **OVERVIEW**

The purpose of this report is to receive and note the minutes and key outcomes of the Gawler River Floodplain Management Authority Meeting held on 18 October 2018.

### **RECOMMENDATION**

**“that Council receives and notes the minutes and key outcomes of the Gawler River Floodplain Management Authority Meeting held on 18 October 2018.”**

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### **Attachments**

1. Copy of Minutes of the Gawler River Floodplain Management Authority Meeting held on 18 October 2018.
2. Copy of Key Outcomes of the Gawler River Floodplain Management Authority Meeting held on 18 October 2018.

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**M E E T I N G   M I N U T E S**

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Committee            **Gawler River Floodplain Management Authority**

Held On                **Thursday 18 October 2018 at 9.45 am**

Location               **Adelaide Plains Council, Mallala.**

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**WELCOME**

*Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members, Observers and the Executive Officer and opened the 106<sup>th</sup> meeting of the Board.*

**PRESENT**

*Mr Ian Baldwin, Independent Board Member, Chair*  
*Mr Marc Salver, Adelaide Hills Council, Deputy Board Member*  
*Mayor Bob Sloane, The Barossa Council, Board Member*  
*Mr Gary Mavrinac, The Barossa Council, Board Member*  
*Mr Mal Hemmerling, City of Playford, Board Member*  
*Cr Denis Davey, City of Playford, Board Member*  
*Mr James Miller, Adelaide Plains Council, Board Member*  
*Cr Mel Lawrence, Adelaide Plains Council, Board Member*  
*Cr Adrian Shackley, Town of Gawler, Board Member*  
*Mr Ben De Gilio, Town of Gawler, Deputy Board Member*  
*Mr Andrew Philpott, Light Regional Council, Deputy Board Member*  
*Mr David Hitchcock, Executive Officer*

<b>GRB 18/67 Observers</b>
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**Moved: Mr. J Miller                      Seconded: Cr D Davey**

**That Cr Terry-Anne Keen, Adelaide Plains Council, be appointed as Observer.**

**CARRIED**

**APOLOGIES**

*Mr. Brian Carr, Light Regional Council, Board Member*  
*Cr William Close, Light Regional Council, Board Member*  
*Cr Malcolm Herrmann, Adelaide Hills Council, Board Member*  
*Mr Sam Dilena, Gawler Council, Board Member*

**GRB 18/68 Minutes of the 16/8/18 GRFMA meeting**

**Moved: Mr. G Mavrinac**

**Seconded: Mr. Miller**

**That the Minutes of the Gawler River Floodplain Management Authority Board meeting held 16/8/18 be confirmed as a true and accurate record of that meeting.**

**CARRIED**

*Mr. Greg Pattinson, City of Playford, Deputy Board Member arrived at 10.02am.*

**GRB 18/69 Questions on Notice – Adelaide Plains Council**

**Moved: Mr. A Philpott**

**Seconded: Mayor B Sloane**

**That the report on Questions on Notice be received**

**CARRIED**

The Adelaide Plains Council submitted the following Questions on Notice.  
Relevant answers are provided

Adelaide Plains Council gave notice of the intention to ask the following questions to be submitted to the 18 October 2018 meeting:	
Preamble	<p>Questions to be asked of the Gawler River Floodplain Management Authority to be answered entirely on the basis that questions posed relate to the Gawler River Reference Group.</p> <p><u>Note by GRFMA CEO</u></p> <p><i>Members would be aware that the same 9 questions were tabled and answered at the 16/8/18 GRFMA meeting. At the time of compiling answers for the 16/8/18 meeting it was recognised that the questions might have been more appropriately worded to reflect intent to seek information regarding the Gawler River Reference Group and for completeness information regarding the Reference Group was also included in the answers along with those provided for the Technical Assessment Panel. As such a material portion of information now provided remains the same as previously provided.</i></p>
Question 1:	Copy for Council of GRFMA terms of reference of the subcommittee that recommended that the board take the option of the (Northern Floodway)?
Answer 1	The terms of Reference for the Reference Group (which were confirmed at the first meeting of the Reference Group) were as follows: • Promote dialogue between landholders and the GRFMA's Technical Assessment Panel. • Contribute to the identification of flood mitigation options to be assessed for the lower Gawler River and presented to the GRFMA. • Provide feedback on the merit of the options assessed. • Identify a preferred option (or provide a short list of preferred options up to three) for presentation to the GRFMA. • Have its views and decisions noted and reported to the GRFMA by Australian Water Environments. In this regard Australian Water Environments role was to:

	<ul style="list-style-type: none"> <li>• Ensure that the views of the Reference Group are documented and summarised in its report to the GRFMA.</li> <li>• In the event that there is not a agreement within the Reference Group on a single preferred option then AWE will present up to three alternative options in their report to the GRFMA.</li> </ul> <p>The Reference Group was chaired by Mr Ian Baldwin (Presiding Member GRFMA)</p>
<p>Question 2:</p> <p>Answer 2</p>	<p>Names and addresses of the sub committee</p> <p><i>Technical Assessment Panel</i>  <i>Mr Ian Baldwin, Independent Chair</i>  <i>Mr Bill Lipp, Principal Stormwater Engineer, DPTI</i>  <i>Ms Chrissie Bloss, Flood Hazard Leader, DEWNR</i>  <i>Mr Dean Gollan, Executive Officer</i>  <i>Mr Alex Zimmermann, Northern Adelaide Plains Recovery Coordinator, Observer</i>  <i>Mr Geoff Fisher, Australian Water Environments, Observer</i>  <i>Mr Derek Moore, Principal Engineer, Dams, SA Water</i></p> <p><i>Reference Group</i>  <i>Adrian Marschall, <b>VRAG Chairperson</b></i>  <i>John Bergamin, Local resident</i>  <i>Dino Musolino, <b>Chairperson HortEx</b></i>  <i>Danny De Ieso, <b>AUSVEG SA</b></i>  <i>Peter Rentoulis, Proxy to chairperson of <b>HortEx</b></i>  <i>Michael Picard, Local resident</i>  <i>Barrie Ormsby, Landscape Architect</i>  <i>Phil Earl, Local resident</i></p>
<p>Question 3:</p> <p>Answer 4</p>	<p>How was membership application advertised?</p> <p>The GRFMA Technical Assessment Panel meeting of 16/11/16 identified the persons to be invited for membership of the Reference Group to assist with the work requested by GRFMA.</p> <p><i>Mr Alex Zimmermann, Northern Adelaide Plains Recovery Coordinator assisted with identification of the relevant persons based on his knowledge and interaction with the community as the Recovery Coordinator post the 2016 Flood event.</i></p>
<p>Question 4:</p> <p>Answer 4</p>	<p>Minutes of meetings to be made available to all GRFMA member Councils?</p> <p><i>Available Notes from meetings of the Lower Gawler River Reference Group are attached to the 18/10/18 Agenda information.</i></p>
<p>Question 5:</p> <p>Answer 5</p>	<p>When and where meetings were held?</p> <p><i>Meetings of the Lower Gawler River Reference Group were held 30/11/16, 8/12/16 and 14/12/16.</i></p> <p><i>Meetings were held at 198 Greenhill Road EASTWOOD</i></p>
<p>Question 6:</p>	<p>How were meetings called, what prior warning was given?</p>

	<i>Meetings of the Lower Gawler River Reference Group were held as agreed by members.</i>
Question 7:	<p>Why was the meeting still held when it was known that no balanced representation from the northern side of the river would be present and any vote would be therefore be biased?</p> <p><i>Refer to Q8 Answer which provides information on the qualitative and quantitative approach undertaken in considering report recommendations.</i></p>
Question 8:	<p>What was the reasons given for choosing this option? What and how were other options discounted?</p> <p><i>Refer to 2016 Gawler River Flood Review Report – Item 4 - Flood Mitigation Options (pages 11-15) and Item 5 - Discussion and Recommendations (Pages 20-21) Available on the GRFMA website <a href="https://www.gawler.sa.gov.au/grfma/grfma-board">https://www.gawler.sa.gov.au/grfma/grfma-board</a></i></p>
Question 9:	<p>Why was there not attempt to contact ratepayers or council north of the river once it was known that there was a disproportionate membership of the sub committee to decide this matter?</p> <p><i>Refer to 2016 Gawler River Flood Review Report – Item 4 - Flood Mitigation Options (pages 11-15) and Item 5 - Discussion and Recommendations (Pages 20-21) Available on the GRFMA website <a href="https://www.gawler.sa.gov.au/grfma/grfma-board">https://www.gawler.sa.gov.au/grfma/grfma-board</a></i></p>

**GRB 18/70 Northern Floodway Project Public Relations**

**Moved: Mr. M Hemmerling**

**Seconded: Mr. M Salver**

**That the GRFMA:**

- 1. Note the report; and**
- 2. Receive the correspondence from Adelaide Plains Council**

**CARRIED**

**GRB 18/71 GRFMA Charter Review**

**Moved: Mr. G Mavrinac.**

**Seconded: Mr. M Salver**

**That the GRFMA**

- 1. Note the report:**
- 2. Request the Charter Review Reference Group to consider draft document amendments in relation to:**
  - a. inclusion of a preamble/background;**
  - b. inclusion of objectives;**
  - c. use of wording to reflect flood management (rather than floodplain management) related to the Gawler River;**
  - d. inclusion of environmental stewardship principles.;**



**GRB 18/76 Correspondence**

Moved Mr. M Hemmerling

Seconded: Cr D Davey

That the GRFMA:

1. Receive the correspondence;
2. Authorise the Executive Officer to continue discussion with the Walker Corporation (and City of Playford) to engage the State Government, as the Major Project Authority for Buckland Park, regarding benefits of the Northern Floodway Project.

**CARRIED**

**GRB 18/77 In Confidence 11.30am**

Moved Mr. G Mavrinac

Seconded: Mr. A Philpott

Pursuant to Section 90(2) of the Local Government Act 1999, an Order is made that the public be excluded from attendance at the meeting, in order to consider in confidence agenda item 10.1 Consequence Assessment, under Section 90(3)(d) of the Local Government Act 1999 on the basis that:

(d) 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;

This matter is confidential because it includes quotations for provision of services and requires determination of a suitable and preferred supplier.

On the basis of this information, the principle that meetings of the GRFMA Board should be conducted in a place open to the public has been outweighed in this instance: the Board consider it necessary to consider this matter in confidence.

**CARRIED**

**GRB 18/78 Consequence Assessment - See separate confidential meeting minute**

**GRB 18/79 Out of Confidence 11.40 am**

Moved Mr. J Miller

Seconded: Mr. M Hemmerling

Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following aspects of item 10.1 Consequence Assessment be kept confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3) (d) of the Local Government Act 1999:

- Report for Item 10.1.
- Attachments for item 10.1.

**This order shall operate until reviewed and determined as part of the annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.**

**The Executive Officer is delegated authority to publicly release Information regarding GRFMA Board determination of the preferred supplier and the accepted quotation costing.**

**CARRIED**

The GRFMA considered quotations in relation to provision of services to undertake a Consequence Category Assessment for the Bruce Eastick Flood Mitigation Dam and resolved that Hydrology and Risk Consulting Pty Ltd (HARC) be determined as the preferred supplier at cost of \$33,560 excluding GST. Additional costs of \$4,800 excluding GST for mapping was also accepted.

**Urgent Business without notice.**

Mr. Ian Baldwin, GRFMA Chairperson, advised he had been approached by Media for further comments regarding the Northern Floodway Project and sought direction on approaches for further communication strategies. It was agreed that the Chairperson would liaise with the City of Playford Communications Team for assistance.

The Chairperson also noted pending Council elections and wished best outcomes to Elected Council Member GRFMA Board Members. Following further discussion, it was agreed that Councils will be in a position to advise the GRFMA Executive Officer of election results and relevant GRFMA Board Member appointments prior to the 13 December 2017 GRFMA meeting.

**Closure of meeting**

The Chairperson thanked the Adelaide Plains Council for hospitality as host and noted the next Ordinary Board Meeting will be held 9.45 am, Thursday 13 December 2018 at the City of Playford.

Meeting closed 11.45 am.

**Confirmed Chairperson .....**

## **KEY OUTCOMES SUMMARY**

### **GRFMA Board Meeting 18/10/18**

#### **Questions on Notice**

The Adelaide Plains Council submitted 9 Questions on Notice relating to the Northern Floodway Project and the the Gawler River Reference Group. Relevant answers were provided and recorded in the minutes.

#### **Northern Floodway Project Public Relations**

The Board received an update from the Chairperson and Executive Officer in actioning and progressing the Northern Floodway Project communication strategy. Correspondence from the Adelaide Plains Council regarding Public consultation, Dispute resolution and GRFMA consultation policy was received and noted.

#### **Charter Review**

The meeting received a report on progress achieved by the Charter Review Working Group and discussed a draft amended Charter document. Following discussion, the Board requested the Charter Review Reference Group to consider draft document amendments in relation to:

- a. inclusion of a preamble/background;
- b. inclusion of objectives;
- c. use of wording to reflect flood management (rather than floodplain management) related to the Gawler River;
- d. inclusion of environmental stewardship principles.

Following consideration of above by the Working Group and subsequent peer/legal review of any amended draft document the Board will be provided a copy of the draft GRFMA Charter (Review) at the 13 December 2018 GRFMA meeting.

#### **AUSVEG and salinity issues**

The Board noted correspondence from AUSVEG regarding salinity issues in the lower Gawler River area and resolved that the inquiry be referred to a more appropriate contact process with the City of Playford and City of Salisbury which are currently considering these issues in their Storm Water Management Plans.

#### **Financial Report**

The Board adopted the Budget Review Documents for 30 September 2018 for the 2018/2019 financial year; and received the financial report as at 30 September 2018 showing a balance of total funds available of \$ 173,565.07.

#### **Correspondence - Walker Corporation**

The meeting received the correspondence and authorised the Executive Officer to continue discussion with the Walker Corporation (and City of Playford) to engage the State Government, as the Major Project Authority for Buckland Park, regarding benefits of the Northern Floodway Project.

**Consequence Category Assessment**

The Board considered quotations in relation to provision of services to undertake a Consequence Category Assessment for the Bruce Eastick Flood Mitigation Dam and resolved that Hydrology and Risk Consulting Pty Ltd (HARC) be determined as the preferred quotation.

**GRFMA Board appointments**

The meeting noted pending Council elections (10 November 2018) and it was agreed that constituent councils will be in a position to advise the GRFMA Executive Officer of election results and relevant GRFMA Board Member appointments prior to the 13 December 2018 GRFMA meeting.

**Next GRFMA Ordinary Meeting**

The next GRFMA Ordinary Board Meeting will be held 9.45 am, Thursday 13 December 2018 at the City of Playford.

	<b>14.2</b>	<b>Gawler River Floodplain Management Authority – Special Meeting held on 12 November 2018</b>
	<b>Department:</b>	<b>Executive Office</b>
	<b>Report Author:</b>	<b>Chief Executive Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/54081</b>

### **OVERVIEW**

The purpose of this report is to receive and note the minutes and key outcomes of the Gawler River Floodplain Management Authority Special Meeting held on 12 November 2018.

### **RECOMMENDATION**

**“that Council receives and notes the minutes and key outcomes of the Gawler River Floodplain Management Authority Special Meeting held on 12 November 2018.”**

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### **Attachments**

1. Copy of Minutes of the Gawler River Floodplain Management Authority Special Meeting held on 12 November 2018.
2. Copy of Key Outcomes of the Gawler River Floodplain Management Authority Meeting held on 12 November 2018.

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**S P E C I A L M E E T I N G M I N U T E S**

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Committee            **Gawler River Floodplain Management Authority**

Held On              **Monday 12 November 2018 at 2pm**

Location             **Town of Gawler, 43 High Street, Gawler East**

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**WELCOME**

*Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members and Observers and opened the 107<sup>th</sup> meeting of the Board.*

**PRESENT**

*Mr Ian Baldwin, Independent Board Member, Chair*  
*Mr Marc Salver, Adelaide Hills Council, Deputy Board Member*  
*Mr Gary Mavrinc, The Barossa Council, Board Member*  
*Cr Denis Davey, City of Playford Council, Board Member*  
*Mr Greg Pattison, City of Playford Council*  
*Mr James Miller, Adelaide Plains Council, Board Member*  
*Cr Mel Lawrence, Adelaide Plains Council, Board Member*  
*Mr Andrew Philpott, Light Regional Council, Deputy Board Member*  
*Cr William Close, Light Regional Council, Board Member*  
*Mr David Hitchcock, GRFMA Executive Officer*

**APOLOGIES**

*Mr. Bob Sloane, The Barossa Council, Board Member*  
*Mr Mal Hemmerling, City of Playford Council*  
*Cr Paul Koch, Town of Gawler, Deputy Board Member*  
*Cr Malcolm Herrmann, Adelaide Hills Council, Board Member*  
*Mr. Brian Carr, CEO Light Regional Council*

<b>GRB 18/80 Observers</b>
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**Moved: Mr. J Miller    Seconded: Mr. A Philpott**

**That Cr Terry-Anne Keen (Deputy Board Member - Adelaide Plains Council) and Mr Sam Dilena, Town of Gawler Council, be appointed as Observers.**

**CARRIED**

The Chair advised that the intent of the meeting was to consider the merits or otherwise of the GRFMA submitting application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project.

### **Declarations of Interest**

The Chairperson noted the proposed item for discussion and sought any declarations of interest from members – Nil

### **Discussion**

The Chairperson provided a verbal update on recent progress in sourcing Federal and State Government funding for capital works associated with the Northern Floodway Project, estimated at a value of \$27 million.

Of particular note was that should the GRFMA make application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project: and be successful in obtaining the maximum grant, that the State Government would commit to contributing \$13.5M to the Project in support. The State contribution being subject to the Storm Water Management Authorities authorisation.

General discussion then ensued with Board Members and Observers on options for progressing the Northern Floodway Project.

Amongst matters of discussion the Board reaffirmed its view that capital costs of the Northern Floodway Project works should be funded on a 50/50 basis between the Federal and State Government.

<b>GRB 18/81 Northern Floodway Project – Funding Support (BBR Fund)</b>
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**Moved: Mr. J Miller                      Seconded: Mr. M Salver**

**That the GRFMA Board:**

- 1. Receives and notes the Board Report from the Executive Officer titled “. Northern Floodway Project” as supplemented by the verbal update at the meeting from the Chairperson and Executive Officer;**
- 2. Seeks approval from the State Government to utilise a portion of their \$13.5M funding commitment to the Northern Floodway Project to enable the submission of a Building Better Regions (BBR) Fund - Infrastructure Projects Stream, to the Australian Government in order to develop the preliminary design for the Project as detailed in item 3. below;**
- 3. Delegates to the Executive Officer to make an initial application on behalf of the Authority to fund the preliminary design associated with the Northern Floodway Project and to cost up the works as identified in table 7.1 of the Northern Floodway Prospectus titled ‘Indicative costs of major elements of works required to progress the project (items 1-5)’ and duly submit the application to the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, based on the costs of these works on a 50/50 basis between the Federal and State Government; and**
- 4. Provides formal notification to each constituent council by close of business on 14 November 2018 regarding the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, Grant application and the basis of the cost contributions.**

**Closure of meeting** The Chairperson thanked Board Members for their considered discussion and contributions and also thanked the Town of Gawler Council for hospitality as host and noted the next Ordinary Board Meeting will be held held 9.45 am, Thursday 13 December 2018 at the City of Playford.

Meeting closed 3.34 pm.

**Confirmed Chairperson .....**

## KEY OUTCOMES SUMMARY

### GRFMA Special Board Meeting 12/11/18

The intent of the meeting was to consider the merits or otherwise of the GRFMA submitting application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project.

The Chairperson provided a verbal update on recent progress in sourcing Federal and State Government funding for capital works associated with the Northern Floodway Project, estimated at a value of \$27 million.

Of particular note was that should the GRFMA make application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project: and be successful in obtaining the maximum grant, that the State Government would commit to contributing \$13.5M to the Project in support. The State contribution being subject to the Storm Water Management Authorities authorisation.

Amongst matters of discussion the Board reaffirmed its view that capital costs of the Northern Floodway Project works should be funded on a 50/50 basis between the Federal and State Government.

#### The meeting

- Resolved to seek approval from the State Government to utilise a portion of their \$13.5M funding commitment to the Northern Floodway Project to enable the submission of a Building Better Regions (BBR) Fund - Infrastructure Projects Stream, to the Australian Government in order to develop the preliminary design for the Project
- Delegated the Executive Officer to make an initial application on behalf of the Authority to fund the preliminary design associated with the Northern Floodway Project and to cost up the works as identified in table 7.1 of the Northern Floodway Prospectus titled 'Indicative costs of major elements of works required to progress the project (items 1-5)' and duly submit the application to the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, based on the costs of these works on a 50/50 basis between the Federal and State Government; and
- Requested the Executive Officer to provide formal notification to each constituent council by close of business on 14 November 2018 regarding the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, Grant application and the basis of the cost contributions.

	<b>15.1</b>	<b>Meeting Procedures – Code of Practice</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/51990</b>

### **EXECUTIVE SUMMARY**

- The purpose of this report is to provide Council with a copy of its current ‘*Meeting Procedures – Code of Practice*’ document for consideration.
- In accordance with Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), Council may adopt a code of practice that establishes its own meeting procedures for procedures that are expressed to be capable of being varied at the discretion of the Council. Any such code of practice must be adopted by two-thirds of the members of the Council.
- Council’s current ‘*Meeting Procedures – Code of Practice*’ (the current Code of Practice) includes the meeting procedures prescribed by the Regulations in addition to additional discretionary procedures, for example, the inclusion of ‘Public Open Forum’.
- It is recommended that Council continues to operate under the current Code of Practice until such time that Members are in a better position to review the procedures.

### **RECOMMENDATION 1**

**“that Council, having considered Item 15.1 – *Meeting Procedures – Code of Practice*, dated 21 November 2018, receives and notes the report.”**

### **RECOMMENDATION 2**

**“that Council, having been furnished with a copy of the current *Code of Practice – Meeting Procedures*, resolves to continue operating under the current Code of Practice until such time that Members are in a better position to review the procedures.”**

## **BUDGET IMPACT**

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not Applicable

## **RISK ASSESSMENT**

Nil

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### **Attachments**

1. *Code of Practice – Meeting Procedures*



Practice to be reviewed once in every financial year. It is anticipated that Council review its current Code of Practice after it has the opportunity to undertake the necessary training and induction relating to meeting procedures. Council must, however, review its current Code of Practice by November 2019.

## **Conclusion**

Council's current Code of Practice has worked reasonably effectively and it is recommended that it continue to operation until such time that Council is in a better position to review the meeting procedures. This will also provide Council with an opportunity to 'test' the continued operation of its current Code of Practice at its first few Council Meetings.

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## **References**

### Legislation

*Local Government Act 1999*

*Local Government (Procedures at Meetings) Regulations 2013*

### Council Policies/Plans

Strategic Plan 2017-2020

4.5 Accountable & Sustainable Governance

 <b>Adelaide Plains Council</b>	<b>Code of Practice – Meeting Procedures</b>	
	<b>Version Adoption by Council:</b>	August 2017
	<b>Resolution Number:</b>	2017/242
	<b>Current Version:</b>	V7.0
	<b>Administered by:</b> Chief Executive Officer	<b>Last Review Date:</b> 2017 <b>Next Review Date:</b> 2019
<b>TRIM REF:</b> CON12/573	<b>Strategic Outcome:</b> 4.5 Accountable & Sustainable Governance	

### Introduction

Adelaide Plains Council is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the *Act*) provides that, subject to the *Act*, the procedures to be observed at a meeting of Council or a Council Committee will be:-

- As prescribed by regulation; and
- Insofar as the procedure is not prescribed by regulation – as determined by the Council; and
- Insofar as the procedure is not prescribed by regulation or determined by the Council – as determined by the Council Committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* (the *Regulations*) specifies certain procedures to be followed during the operation of:-

- Meetings of Council;
- Meetings of a Council Committee performing regulatory activities; and
- Meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

The *Regulations* provide that Council may develop and adopt a Code of Practice for its own meetings of Council and its Committees that varies certain of these provisions.

This Code of Practice restates the minimum legislative requirements contained in the *Regulations*, and contains the procedures adopted by Council that are variations of the *Act* and *Regulations*, or concern matters on which the *Act* and *Regulations* are silent. These discretionary procedures have been inserted in ***italics and bold like this***, in this Code of Practice to enable them to be read in conjunction with the formal requirements of the *Act* and *Regulations*.

Further, the terms 'regulation' and 'sub regulation' appearing in the *Regulations* have been substituted with 'clause' and 'sub-clause' respectively for the purposes of this Code of Practice. These words may be used interchangeably for the purpose of referring to and interpreting this Code. The *Act* and *Regulations* will prevail in the event of any conflict or inconsistency with this Code.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of Adelaide Plains Council.

## **Part 1 – Preliminary**

### **1. Citation**

This Code may be cited as the Code of Practice - Meeting Procedures (the Code).

### **2. Purpose**

The Code sets out the agreed procedures for the conduct of Council and Committee Meetings, including the legislative obligations and the discretionary elements which Council has varied to enable the Council to operate with reference to the specific needs of this community. It is to be read in conjunction with the *Act* and *Regulations*.

### **3. Interpretation**

(1) In this Code, unless the contrary intention appears:

**Act** means the *Local Government Act 1999*;

**Clear days** see sub-clause (2) & (3);

**Deputation** means a person or group of persons who wish to appear personally before the Council or Council committee in order to address the council or committee (as the case may be) on a particular matter;

**Formal motion** means a motion:

- (i) that the meeting proceed to the next business; or
- (ii) that the question be put; or
- (iii) that the question lie on the table; or
- (iv) that the question be adjourned; or
- (v) that the meeting be adjourned<sup>1</sup>;

<sup>1</sup> See Clause 12 for specific provisions about formal motions.

**Guiding Principles** see Clause 3;

**Member** means a member of the Council or Council committee (as the case may be);

**Point of order** means a point raised to draw attention to an alleged breach of the Act or this Code of Practice in relation to the proceedings of a meeting;

**Presiding Member** means the person who is the Presiding Member of the Council or Council committee (as the case may be) and includes any person who is presiding at a particular meeting;

**Regulatory function** means an activity which involves the making or enforcement of by-laws, orders, standards or other controls under the Act; and

**Written notice** includes a notice given in a manner or form determined by the Council *which includes either legibly hand written or typed and either in paper or electronic form.*

- (2) In the calculation of **clear days** in relation to the giving of notice before a meeting:
  - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
  - (b) Saturdays, Sundays and public holidays will be taken into account.
- (3) For the purpose of the calculation of **clear days** under sub-clause (2), if a notice is given after 5.00pm on a day, the notice will be taken to have been given on the next day.
- (4) For the purpose of this Code, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this sub-clause prevents a division from being called in relation to the vote).

#### 4. Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the Council or a Council committee:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the Council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

## **Part 2 – Meetings of Councils and Key Committees**

### **Division 1 – Preliminary**

#### **5. Application of Part**

The provisions of this Part apply to, or in relation to:

- (a) the meetings of the Council;
- (b) the meetings of a Council committee performing regulatory activities; and
- (c) the meetings of any other Council committee if the Council has, by resolution, determined that this Part should apply to that committee.

***Where there is any doubt as to whether a committee performs regulatory activities, the Chief Executive Officer (CEO) will make a final determination on the matter.***

#### **6. Discretionary Procedures**

- (1) Subject to the requirements of the *Act*, if a provision of this Part is expressed to be capable of being varied at the discretion of the Council pursuant to this clause, then a Council may, by a resolution supported by at least two-thirds of the members of the Council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the Council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) Council should, at least once in every financial year, review the operation of this Code under this clause.
- (3) Council may at any time, by resolution supported by at least two-thirds of the members of the Council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) Council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the Code under this clause at the principal office of the Council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the Council, to a copy of the Code.
- (7) Clause 12(4) does not apply to a motion under sub-clause (3).
- (8) This clause does not limit or derogate from the operation of Clause 20.

## Division 2 – Prescribed Procedures

### 7. Commencement of Meetings and Quorums

- (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 CEO indicates that a quorum will not be present at a meeting, the CEO 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 CEO, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the CEO will record in the minutes 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 CEO must:
  - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting;
  - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council; and
  - (c) ***where such notice is to be given, notices will be placed on Council's website, its Principal Office and the Two Wells Service Centre.***
- (6) ***Council and committee meetings outlined in Part 2 Clause 6, will be adjourned if, where the items listed on the agenda are not considered by Council / Committee within three (3) hours, with the option of an additional 30 minute curfew.***

### 8. Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the Presiding Member will:
  - (a) initial each page of the minutes, which pages are to be consecutively numbered; and

- (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include:
- (a) the names of the members present at the meeting; and
  - (b) in relation to each member present:
    - (i) the time at which the person entered or left the meeting; and
    - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
  - (c) each motion or amendment, and the names of the mover and seconder; and
  - (d) any amendment 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.

## 9. Questions

- (1) A member may ask a question on notice by giving the CEO written notice of the question at least five (5) clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under sub-clause (1):
  - (a) the CEO must ensure that the question is placed on the agenda for the meeting at which the question is to be asked;
  - (b) the question and the reply must be entered in the minutes of the relevant meeting.

- (3) A member may ask a question without notice at a meeting.
- (4) The Presiding Member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
  - (a) ***A motion under Clause 9(5) must be made prior to the question without notice and reply being made.***
- (6) The Presiding Member may rule that a question with or without notice not be answered if the Presiding Member considers that the question is vague, irrelevant, insulting or improper.

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Public Open Forum***

- (1) ***To facilitate the holding of the Public Open Forum the Council will apply Clause 20 (Short Term Suspension of Proceedings) of these procedures for a period of up to 30 minutes (or less depending on public requests) at the conclusion of accepting Minutes and considering any Business Arising on each agenda of an Ordinary Council Meeting, to provide an opportunity for members of the public to raise issues for Council's consideration.***
- (2) ***A maximum of five (5) minutes per representative will apply. The Presiding Member may allow for an extension of time if appropriate.***
- (3) ***The Presiding Member will introduce the Public Open Forum by providing community members present an overview of the process to be followed during Public Open Forum.***
- (4) ***The following guidelines will apply in relation to the Public Open Forum:-***
  - ***The community member must provide their name and town/location details at the beginning of their address;***
  - ***Time allowed is five (5) minutes as per sub-clause (2);***
  - ***All questions need to be addressed to the Presiding Member and no discussion and/or debate will occur between the community member and individual Council Members;***
  - ***The representation must focus on the issue/topic of concern and must not be about individual Council Members or staff;***
  - ***Council Members are able to ask questions of the public through the Presiding Member; and***

- *The Presiding Member has complete discretion over the process and may refuse to allow discussions to continue if he/she considers that the process is not being adhered to.*
- (5) *Where the Presiding Member of the meeting considers it appropriate, a response or update on the issue raised may be requested from the CEO or delegate, to be provided as soon as practicable.*
- (6) *The person's name, town/location and topics discussed will be recorded in the Minutes of the meeting.*

## 10. Petitions

- (1) A petition to the council must:
- (a) be legibly written or typed or printed; and
  - (b) clearly set out the request or submission of the petitioners; and
  - (c) include the name and address of each person who signed or endorsed the petition; and
  - (d) be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under sub-clause (1), the CEO must ensure the petition or, if the Council has so determined as a policy of the Council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the Council, or is so provided by a policy of the Council, a committee of the Council, and ***that a copy of the full petition is provided to Council Members on request.***
- (3) Sub-clause (2) may be varied at the discretion of the council pursuant to Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

## 11. Deputations

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the Council) a written request to the council ***five (5) clear days before the date of the meeting at which the person(s) wishes to appear.***<sup>1</sup>

<sup>1</sup> This will enable staff to liaise with the Presiding Member, prior to distribution of the agenda for the meeting. A notation should appear on the agenda for the meeting in relation to the deputation.

- (a) If the matter relates to an item of business on the Agenda, the written request may be received at the principal office of the Council up until 5.00pm on the day of the meeting.**
- (2) The CEO must transmit a request received under sub-clause (1) to the Presiding Member.
  - (3) The Presiding Member may refuse to allow the deputation to appear at a meeting **or may offer those requesting a deputation the opportunity to appear at a relevant Committee (as per sub-clause (7)).**
  - (4) The CEO must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
  - (5) If the Presiding Member refuses to allow a deputation to appear at a meeting, the Presiding Member must report the decision to the next meeting of the Council or Council committee (as the case may be).
  - (6) The Council or Council committee may resolve to allow a deputation to appear despite a contrary ruling by the Presiding Member.
  - (7) A council may refer the hearing of a deputation to a council committee.
  - (8) A person or persons appearing as a deputation will be allowed to speak on an issue for a maximum of ten (10) minutes. The Presiding Member may allow for additional time or speakers.**

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Council Meetings – Call Over of Items of Business***

- (1) Each item on the meeting agenda will be considered separately with Council considering each recommendation made in such reports.**

## **12. Motions**

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the CEO at least five (5) clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion to 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 sub-clause (3) is lost, a motion to the same effect cannot be brought:
  - (a) until after the expiration of twelve (12) months; or

- (b) until after the next general election; whichever is the sooner.
- (5) Subject to the Act and this Code, 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 a motion will speak to the motion at the time of moving the motion.
  - (a) ***A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. 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.***
- (10) A member may only speak once to a motion except:
  - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
  - (b) with leave of the meeting; or
  - (c) as the mover in reply.
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion:
  - (a) ***A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause (9)(a), may not move or second an amendment to the motion,***
  - (b) ***Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.***
- (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 sub-clause (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;
  - (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;
  - (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);
  - (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 one (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 sub-clause (14)(c) lapses at the next general election.
- (20) The CEO must report on each question that lapses under sub-clause (19) to the Council at the first ordinary meeting of the Council after the general election.
- (21) Sub-clauses (9), (10) and (11) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Member who places Notice of Motion on Agenda Absent***

- (1) In circumstances where a Notice of Motion has been placed on the Council Agenda and the member who placed the Notice of Motion is not in attendance at the meeting, another Elected Member may move the motion in their stead or move a motion without notice in the same terms of the Notice of Motion.***

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Motions without Notice (refer Regulation/Clause (12)(6) and (7))***

- (1) Motions without Notice have not been advertised to the broader community and therefore it is considered not in the interest of best governance practice, and a denial of natural justice, to have items that do not fit into the following criteria below, considered at this part of the meeting.***
- (2) The agenda item 'Motions without Notice' is to be restricted to business that is:-***
  - 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 the matter; 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.***
- (3) Wherever practicable, members wishing to move a Motion without Notice (in relation to an item on the agenda) that differs from that recommended in the agenda for that item are encouraged to make available a written copy of their motion. This will assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.***

## **13. Amendments to Motions**

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.**
- (2) An amendment will lapse if it is not seconded at the appropriate time.**

- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (a) A member may only speak once to an amendment to the motion except:**
- (i) 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**
- (ii) with leave of the meeting.**
- (b) For the avoidance of doubt:**
- (i) 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; and**
- (ii) clause (13)(3)(a) does not prevent a member from speaking to any further amendment to the original motion.**
- (4) If an amendment is lost, only one (1) further amendment may be moved to the original motion.
- (5) If an amendment is carried, only one (1) further amendment may be moved to the original motion.
- (6) Sub-clauses (1), (3), (4) and (5) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

#### **14. Variations etc.**

- (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.

#### **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

##### ***Right of Reply***

- (1) The mover of a motion shall have an opportunity to respond following all debate on a motion (closing the item / right of reply).**
- (2) Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.**

## 15. Addresses by Members, etc.

- (1) A member must not speak for longer than five (5) minutes at any one (1) time without leave of the meeting.
- (2) A member, may, with the 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.
- (6) Sub-clauses (1) and (2) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.
- (7) ***A member is at all times during a meeting to address and refer to another member or an employee by their official title or designation, for example, "Councillor (Surname)".***
- (8) ***A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an employee.***
- (9) ***All members and employees must stand when addressing the Council meeting. This requirement does not apply to Committee meetings.***
- (10) ***The Presiding Member while chairing the meeting is not required to stand unless they are contributing to the debate.***
- (11) ***If the Presiding Member is to enter the debate, they must only do so between the first and last speaker.***
- (12) ***A member may seek leave of the meeting to remain seated while addressing the meeting.***
- (13) ***Where practicable, a copy of the personal explanation is provided to the Presiding Member before the meeting.***

## 16. Voting

- (1) The Presiding Member, or any other member, may ask the CEO 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) Sub-clause (3):-
- (a) may be varied at the discretion of the council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*; and
  - (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.

## **17. Divisions**

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the Presiding Member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
  - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
  - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
  - (c) the Presiding Member will count the number of votes and then declare the outcome.
- (4) The CEO will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Sub-clause (3) may be varied at the discretion of the council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

## **18. Tabling of Information**

- (1) A member may require the CEO to table any documents of the Council relating to a motion that is before a meeting (and the CEO must then table the documents within a reasonable time, or at a time determined by the Presiding Member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

- (2) The CEO 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.

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Urgent Business Items***

- (1) A member may raise an item for discussion, not already on the agenda, if the item cannot wait until the next meeting of Council.***
- (2) Members are encouraged to notify the Presiding Member prior to the meeting if they intend to raise a matter as an Urgent Business item.***
- (3) Where possible, and to facilitate good and informed decision-making, Members are encouraged to raise such Urgent Business Items by way of a motion seeking a report to be submitted.***

## **19. Adjourned Business**

- (1) If a formal motion for a substantive motion to be adjourned is carried:
  - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
  - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is 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 interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this clause may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

## **20. Short-Term Suspension of Proceedings**

- (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 sub-clause (1).
- (3) If a suspension occurs under sub-clause (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<sup>2</sup>; 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.

**21. Chief Executive Officer (CEO) may submit report recommending revocation or amendment of council decision**

- (1) The CEO may submit a report to the Council recommending the revocation or amendment of a resolution passed since the last general election of the Council.
- (2) The CEO must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this clause may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

<sup>2</sup> See particularly Part 4 of Chapter 5 and Chapter 6 of the Act

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Termination of Meetings in the Event of an Emergency***

- (1) In the event of an emergency requiring evacuation of the building the meeting will be deemed to have been suspended in accordance with the requirements of Clause 20(1).***
- (2) The CEO or delegate will direct all staff and any visitors to the designated emergency assembly points.***

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Confidential Items***

***The conduct of all Council and committee meetings will be in accordance with Council's Code of Practice - Access to Council Meetings and Documents, which explains the use of confidential provisions under the Local Government Act 1999 at Council and committee meetings.***

## **Part 3 – Meetings of Other Committees**

### **22. Application of Part**

The provisions of this Part apply to or in relation to the meetings of any Council committee that is not subject to the operation of Part 2.

### **23. Notice of Meetings for Members**

- (1) Pursuant to Section 87(15) of the Act, Section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:-**
  - (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;**
  - (b) that notice need not be given for each meeting separately;**
  - (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;**
  - (d) that it is not necessary for the CEO to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.**

## 24. Public Notice of Committee Meetings

- (1) Pursuant to Section 88(7) of the *Act*, Section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:
  - (a) that public notice need not be given for each meeting separately; and
  - (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the CEO after taking into account the nature and purpose of the committee.

## 25. Minutes

- (1) The minutes of the proceedings of a meeting must include:-
  - (a) the names of the members present at the meeting; and
  - (b) each motion carried at the meeting; and
  - (c) any disclosure of interest made by a member; and
  - (d) details of the making of an order under subsection (2) of Section 90 of the *Act* (see subsection (7) of that section); and
  - (e) 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.
- (2) 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.

## Part 4 – Miscellaneous

### 26. Quorum for Committees

- (1) The prescribed number of members of a Council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this clause, the **prescribed number** of members of a Council committee is:
  - (a) unless paragraph (b) applies, a number ascertained by dividing the total number of members of the committee by two (2), ignoring any fraction resulting from the division, and adding one (1); or
  - (b) a number determined by the Council.

\*See also Section 41(6) of the *Act*

## **27. Voting at Committee Meetings**

- (1) Subject to the *Act* and this Code, a question arising for decision at a meeting of a Council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of the Council who is a member of a Council committee and who is present at a meeting of the committee must, subject to a provision of the *Act* to the contrary, vote on a question arising for decision at that meeting.
- (3) The Presiding Member of a Council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

## **28. Points of Order**

- (1) The Presiding Member may call to order a member who is in breach of the *Act* or this Code.
- (2) A member may draw to the attention of the Presiding Member a breach of the *Act* or this Code, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The Presiding Member will rule on a point of order.
- (5) If an objection is taken to the ruling of the Presiding Member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The Presiding Member is entitled to make a statement in support of the ruling before a motion under sub-clause (5) is put.
- (7) A resolution under sub-clause (5) binds the meeting and, if a ruling is not agreed with:-
  - (a) the ruling has no effect; and
  - (b) the point of order is annulled.
- (8) ***All Points of Order, and any subsequent ruling and motions of a Point of Order, will be recorded in the minutes of the meeting.***

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Conduct of Members***

***The Mandatory Code of Conduct for Council Members will be adhered to for all meetings.***

## **29. Interruption of Meetings by Members**

- (1) A member of a Council or Council committee must not, while at a meeting:
  - (a) behave in an improper or disorderly manner; or
  - (b) cause an interruption or interrupt another member who is speaking; or
  - (c) use offensive language.**
- (2) Sub-clause (1)(b) does not apply to a member who is:
  - (a) objecting to words used by a member who is speaking; or
  - (b) calling attention to a point of order; or
  - (c) calling attention to want of a quorum.
- (3) If the Presiding Member considers that a member may have acted in contravention of sub-clause (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with sub-clause (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of sub-clause (1) has occurred, those members may, by resolution:
  - (a) censure the member; or
  - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who:
  - (a) refuses to leave a meeting in contravention of sub-clause (4); or
  - (b) enters a meeting in contravention of a suspension under sub-clause (5), is guilty of an offence.

Maximum penalty: \$1,250.

## **30. Interruption of Meetings by Others**

- (1) A member of the public who is present at a meeting of a Council or Council committee must not:
  - (a) behave in a disorderly manner; or
  - (b) cause an interruption.

Maximum penalty: \$500.

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURES**

### ***Public Holidays on Scheduled Meeting Days***

- (1) Council meetings will be held one (1) day later in the event of any public holiday falling on any scheduled meeting day.***
- (2) Committee meetings not undertaking a regulatory function will meet on an alternate day as agreed by the committee members.***

### ***Annual Appointment of Committee Chairman, Deputy Chairman and Members***

***The appointment of Committee Chairman, Deputy Chairman and Members will be in line with the Council endorsed Terms of Reference for the relevant Committee.***

### ***Use of Electronic Media***

***The Chairperson may deem appropriate for one (1) or more members to participate in committee meetings, covered by Clause 5 'Application of Part', via telephone or electronic means. In doing so the method must ensure that all members and any public member present are able to clearly hear the discussions.***

## **Related Documents**

Code of Practice – Access to Council Meetings and Documents

Code of Conduct for Council Members

Deputation Request Form

## **Records Management**

All documents relating to this Code of Practice will be registered in Council's Record Management System and remain confidential where identified.

## **Document Review**

This Code of Practice will be reviewed periodically (at least within 12 months of a general election) to ensure legislative compliance and that it continues to meet the requirements of Council, its activities and programs. The Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter, substitute or revoke this Code of Practice.

## **References**

*Local Government Act 1999*

*Local Government (Procedures at Meetings) Regulations 2013*

## **Further Information**

Members of the public may inspect this Code of Practice free of charge on Council's website at [www.apc.sa.gov.au](http://www.apc.sa.gov.au) or at Council's Principal Office at:

2a Wasleys Rd, Mallala SA 5502

On payment of a fee, a copy of this policy may be obtained. Any queries in relation to this Code of Practice must be in writing and addressed to the General Manager – Governance and Communications.

 <b>Adelaide Plains Council</b>	<b>15.2</b>	<b>Appointment of Deputy Mayor</b>
	<b>Department:</b> <b>Report Author:</b>	<b>Executive Office</b> <b>Chief Executive Officer</b>
<b>Date: 21 November 2018</b>	<b>Document No:</b>	<b>D18/49913</b>

### **EXECUTIVE SUMMARY**

- The purpose of this report is for Council to decide whether it wishes to appoint a Deputy Mayor, and if so, to make that appointment.
- The *Local Government Act 1999* (the Local Government Act), provides that Council may resolve to appoint a Deputy Mayor from amongst its members. If a Deputy Mayor is appointed, Council will determine the term of office of its Deputy Mayor, and the term must not exceed four (4) years.
- Council may choose to appoint a Deputy Mayor by either a resolution or by an election process
- It is for Council to determine (a) whether it wishes to have a Deputy Mayor and (b) if it does, who the Deputy Mayor will be.

### **RECOMMENDATION 1**

“that Council, having considered Item 15.2 – *Appointment of Deputy Mayor*, dated 21 November 2018, receives and notes the report and in doing so resolves that:-

1. The term of office for the position of Deputy Mayor for the Adelaide Plains Council be for a period of **twelve (12) months OR two (2) years OR the four (4) year term of Council;**
2. The method of choosing a Deputy Mayor be **by resolution OR indicative vote OR election;** and
3. Upon completion of the vote Council will, by subsequent resolution, appoint the successful Council Member as its Deputy Mayor.”

### **RECOMMENDATION 2**

“that Council, having considered Item 15.2 – *Appointment of Deputy Mayor*, dated 21 November 2018, appoints Councillor **\_\_\_\_\_** as Deputy Mayor for the Adelaide Plains Council from 20 November 2018 until **\_\_\_\_\_**.”

## **BUDGET IMPACT**

Estimated Cost:	A Deputy Mayor is entitled to one and a quarter (1.25) times the allowance for councillors in a council. In this instance, the Deputy Mayor will be entitled to an annual allowance of \$12,375 (compared to the annual allowance of \$9,900 to a councillor who is not the Mayor or Deputy Mayor)
Future ongoing operating costs:	N/A
Is this Budgeted?	Yes

## **RISK ASSESSMENT**

The appointment of a Deputy Mayor will ensure the continued operation of Council in the event the Mayor is absent/not available. It is important for Council to have an appointed representative to preside over meetings, attend civic functions and ceremonies and provide a voice for Council and the community. The appointment of a Deputy Mayor ensures that these roles and responsibilities are undertaken in the absence of the Mayor.

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## **Attachments**

Nil

## **DETAILED REPORT**

### **Purpose**

The purpose of this report is for Council to decide whether or not it wishes to appoint a Deputy Mayor, and if so, to make that appointment.

### **Background/History**

The most recent appointment of Council's Deputy Mayor concluded at the conclusion of the Council term, coinciding with the election results being officially received. As the elections have now concluded, it is recommended that Council consider the appointment of a Deputy Mayor.

Section 58 of the *Local Government Act 1999* (the Act) outlines the specific role of the principal member (Mayor).

#### ***58 – Specific roles of principal member***

- (1) *The role of the principal member (Mayor) of a council is:-*
- a) to preside at meetings of the council;*
  - b) if requested, to provide advice to the chief executive officer between council meetings on the implementation of a decision of the council;*
  - c) to act as the principal spokesperson of the council;*
  - d) to exercise other functions of the council as the council determines;*
  - e) to carry out the civic and ceremonial duties of the office of principal member*
- (2) *Subsection (1)(c) does not apply in circumstances where a council has appointed another member to act as its principal spokesperson.*

Section 51 of the Act provides that that if Council has a Mayor, there may also be a Deputy Mayor, if the Council so resolves. Council may determine the term, with that term not exceeding four (4) years.

#### ***51 – Principal member of council***

- (1) *A council may be constituted-*
- a) on the basis that the principal member is to be appointed<sup>1</sup> or elected as a representative of the area as a whole (in which case the principal member is to be called a mayor);*
  - b) on the basis that the principal member is to be chosen by the members of the council from amongst their own number (in which case the principal member may be called chairperson (the title used in this Act), or have another title, as the council decides).*
- (2) *The term of office of a chairperson must not exceed 4 years.*

- (3) *If a council has a mayor, there may also be, if the council so resolves, a deputy mayor and if a council has a chairperson, there may also be, if the council so resolves, a deputy chairperson.*
- (4) *If there is to be a deputy mayor or deputy chairperson, he or she will be chosen by the members of the council from amongst their own number and will hold office for a term determined by the council.*
- The term must not exceed 4 years.*
- (5) *On the expiration of a term of office, a chairperson, deputy mayor or deputy chairperson is eligible to be chosen for a further term.*
- (6) *In the absence of the mayor or chairperson, a deputy mayor or deputy chairperson may act in the office of mayor or chairperson.*
- (7) *If the mayor or chairperson is absent from official duties and there is no deputy mayor or deputy chairperson, or the deputy mayor or deputy chairperson is not available to act in the office of mayor or chairperson, a member chosen by the council may act in the office of mayor or chairperson during the relevant period.*
- (8) *If a person is to be chosen by the members of the council to fill an office under this section and the votes for two or more candidates for the office are equal, lots must be drawn to determine which candidate or candidates will be excluded.*
- (9) *The mayor of the City of Adelaide is entitled to the rank and title of Lord Mayor.*
- (10) *In the event of a casual vacancy in the office of mayor, subsections (6) and (7) operate subject to any appointment made by the council under section 54(8).*

**Note—**

- 1 An appointment may occur under section 10 of this Act or section 8 of the *Local Government (Elections) Act 1999*.

## Discussion

In accordance with Section 51 of the Act the Deputy Mayor is to be chosen by the Members of the Council from among their own number and will hold office for a term determined by Council.

The Council may choose not to appoint a Deputy Mayor, in which case a Member must be chosen from among the Council Members each time there is a requirement to replace the Mayor in his official duties, when the Mayor is absent.

A Deputy Mayor provides crucial support to the Mayor through strengthening the leadership and stability of the Council and ensuring the continued operation of Council in the event that Mayor is absent/not available. Operational duties include the role of Chair at meetings, attending civic functions and ceremonies and providing a voice for Council and the community. A Deputy Mayor who has a broad understanding of the role local government plays in its community and possesses a sound knowledge of the Act, particularly insofar as meeting procedures are concerned, is advantageous.

It is for Council to decide the term of office that the Deputy Mayor will be in the role. Historically Council has appointed the role for a period of twelve (12) months. Council may consider appointing the Deputy Mayor for a twelve (12) month term, two (2) year term or the same four (4) year term as the Mayor and Council. In the event that Council resolves the term of office to be a twelve (12)

month or two (2) year term, on the expiration of the term of office, a councillor appointed as deputy mayor is eligible to be chosen for a further term.

A member of council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with Section 76(8) of the Act.

On 30 August 2018, the Remuneration Tribunal determined the allowance payable to elected members of Local Government Councils constituted under the Act. A Deputy Mayor is entitled to an allowance which is 1.25 times that of the annual allowance for Councillors who are not the Mayor or Deputy Mayor. In this instance, the annual allowance payable to a Deputy Mayor would be \$12,375.

#### Method of Appointment

The Act does not stipulate the method for appointing a Deputy Mayor. It is recommended that Council appoint a Deputy Mayor using one of the following methods:-

1. By resolution;
2. By indicative vote and subsequent resolution; or
3. An election process determined by the Council.

Whichever method is used, the term of office should be determined first.

The method determined by Council may depend on the number of candidates/nominations received. It is recommended that the simple resolution process (option 1) be used if there is only one candidate, the indicative ballot and subsequent resolution (option 2) if there is between 1-2 candidates, and an election process and subsequent resolution (option 3) if there are more than two candidates.

Below is a summary of the different methods for Council's information.

#### 1. By resolution

An appointment by resolution can be complicated if there is more than one candidate. It is necessary for each motion nominating a member to be considered individually and voted upon before any further motion is considered. The Mayor would have to ascertain those voting for, those against and declare the result.

If the first candidate is successful then no further nominations can be considered (except through the process of revoking, in which case Council's meeting procedures would need to be complied with and a motion on notice would need to be submitted). This also means that no other candidate could be considered if the first motion is successful.

#### 2. By indicative vote followed by a resolution

A variation of the option of resolution only, is that of the Mayor taking a vote of Members present at the meeting to determine the preferred person and then the Council, by resolution, appointing that person as the Deputy Mayor. Council would need to agree on this method by resolution as it is not within the ambit of the Mayor alone to decide the process.

### 3. By an election process (and resolution) determined by Council

This method enables multiple nominations to be considered at the same time.

Nominations will be invited by the Mayor from amongst the members. They do not have to be in writing nor do they have to be seconded. Nominations will be achieved simply by indicating “*I nominate Council Member \_\_\_\_\_*”.

The Mayor will then enquire as to whether the person nominated is prepared to accept the nomination. While that person may agree to accept the nomination, she/he has the right to withdraw at any time before the matter is put to a vote. If a member is absent from the meeting this would not preclude them from being nominated. They would need to have advised the Mayor prior to the meeting as to whether or not they are prepared to accept the nomination.

If only one person is nominated, that person will be declared elected. If more than one person is nominated, the matter will proceed to a vote. All Members present are required to vote in the election. In this case, it is not a conflict of interest to vote for yourself if you have been nominated.

Council must determine the method of voting, which can be by a show of hands or by secret ballot.

Should only two nominations be received, the successful candidate will be the one with the greater number of votes.

If more than two nominations are received, Council must determine the method of voting, e.g. first past the post, preferential system (eliminating candidate with lowest vote and distribute remaining votes by preference).

#### Conflict of Interest Issues

The identification of a preferred member for the position of Deputy Mayor through taking an indicative vote or an election process does not attract the application of the conflict of interest provisions. In other words, all persons nominated for such a position are able to participate in the indicative ballot or election process.

However, an appointment by motion and resolution or the confirmation of the outcome of an indicative ballot by motion and resolution (part two of the recommendation above) will result in the nominated person receiving payment of an allowance greater than that set for Council Members. This means that the Council Member whom it is proposed to appoint will receive a direct financial benefit by way of an increased allowance payment. In these circumstances, the conflict of interest provisions operate to require the Council Member who is to be nominated by the motion to declare a ‘material conflict of interest’ and to remove themselves from the decision making process as required by Section 74(1) of the Act.

## **Conclusion**

The Local Government Act provides that Council may resolve to appoint a Deputy Mayor from amongst its members.

The appointment of a Deputy Mayor will assist with strengthening the leadership and stability of the Council, and it will ensure that the necessary mechanisms are put in place to support the Mayor in carrying out civic duties. Through appointment, Council will not be required to revisit the appointment of a replacement to fulfil the Mayor's official duties, each time that the Mayor is absent.

It is for Council to determine (a) whether it wishes to have a Deputy Mayor and (b) if it does, who the Deputy Mayor will be. If a Deputy Mayor is appointed, Council will determine the term of office of its Deputy Mayor, and the term must not exceed four (4) years.

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## **References**

### Legislation

*Local Government Act 1999*

*Local Government (Members Allowances and Benefits) Regulations 2010*

### Council Policies

Nil

 <b>Adelaide Plains Council</b>	<b>15.3</b>	<b>Ordinary Council Meeting Schedule – 2019</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/48212</b>

### **EXECUTIVE SUMMARY**

- Section 81 of the *Local Government Act 1999* (the Act) provides that “ordinary meetings of a council will be held at times and places appointed by a resolution of the council”.
- The Act further stipulates that there must be at least one ordinary meeting in each month.
- It is common practice for councils to set an ordinary meeting schedule at the end of each year for the ensuing calendar year. During the previous Council term, Adelaide Plains Council held its ordinary meetings on the third Monday of each month, commencing at 6:30pm.
- When considering a meeting day and time, many factors need to be taken into account. For example, agenda length, preparation time/work, availability of Council members and staff (resourcing) and the timing of other councils’ meetings and external meetings/commitments (such as Australian Local Government Association).
- In light of the above-mentioned factors, it is proposed that Ordinary Council meetings from January 2019 to November 2019 be held at 5:30pm on the fourth (4<sup>th</sup>) Tuesday of every month.
- To allow for the Christmas closure/holiday period, it is further recommended that the Ordinary Meetings for December 2018 and December 2019 be held at 5:30pm on the third (3<sup>rd</sup>) Tuesday of those months.
- All Ordinary Council Meetings will be held in the Mallala Council Chamber, Redbanks Road, Mallala.

### **RECOMMENDATION**

**“that Council, having considered Item 15.3 – *Ordinary Council Meeting Schedule – 2019*, dated 21 November 2018, receives and notes the report and in doing so resolves that:-**

- 1. Ordinary Council Meetings for January 2019 to November 2019 (inclusive) be held at 5:30pm on the fourth Tuesday of the month in the Mallala Council Chamber; and**
- 2. Due to Christmas closures/holiday period, Ordinary Council Meetings for December 2018 and December 2019 be held at 5:30pm on the third Tuesday of the month in the Mallala Council Chamber.”**

## **BUDGET IMPACT**

Estimated Cost:	Not Applicable
Future ongoing operating costs:	Not Applicable
Is this Budgeted?	Not Applicable

## **RISK ASSESSMENT**

Council must, by resolution, set the times and places of its Ordinary Council Meetings. At least one Ordinary Meeting must be held per month. If the time and place of a meeting has not been appointed by Council for a particular month, the Chief Executive Officer will make the appointment for that month in accordance with the *Local Government Act 1999*.

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## **Attachments**

Nil

## **DETAILED REPORT**

### **Purpose**

The purpose of this report is for Council to determine its Ordinary Council Meeting Schedule for the period December 2018 – December 2019, in accordance with the requirements of the *Local Government Act 1999* (the Act).

### **Background/History**

It is common practice for councils to set an ordinary meeting schedule at the end of each year for the ensuing calendar year. Previously, Adelaide Plains Council has held its ordinary meetings on the third (3<sup>rd</sup>) Monday of each month, commencing at 6:30pm.

Section 81 of the Act provides as follows:-

#### ***81—Frequency and timing of ordinary meetings***

- (1) Subject to this section, ordinary meetings of a council will be held at times and places appointed by a resolution of the council.*
- (2) There must be at least one ordinary meeting in each month.*
- (3) If a time and place has not been appointed for the holding of an ordinary meeting during a month, the chief executive officer must appoint the time and place at which the ordinary meeting for the month is to be held.*
- (4) The chief executive officer must also appoint the time and place at which the first ordinary meeting of a council will be held—
  - (a) after the council is constituted under Chapter 3; or*
  - (b) after a general election of the council.**
- (5) Ordinary meetings of a council may not be held on Sundays, or on public holidays.*
- (6) In the case of a municipal council, ordinary meetings of the council may not be held before 5 p.m. unless the council resolves otherwise by a resolution supported unanimously by all members of the council.*
- (7) A resolution under subsection (6) does not operate in relation to a meeting held after the conclusion of the general election next held following the making of the resolution.*

In recent years, Council agendas have often been lengthy and with the inclusion of ‘Public Open Forum’ and other Deputations/Briefings at the beginning of the agenda, core business (i.e. formal decision-making) is often not considered by Council until around 8:00pm. This has resulted in Council having to invoke its curfew and on occasions, being required to adjourn meetings until a later stage (usually the following night).

## Discussion

### Meeting Commencement Time

In the past, Council meetings have commenced at 6:30pm. As per Council's current *Code of Practice – Meeting Procedures* (Code of Practice) Council agendas include 'Public Open Forum', which involves the suspension of procedures for a period of up to 30 minutes at the beginning of meetings to provide an opportunity to members of the public to raise issues for Council's consideration. Council will also regularly receive Deputations and Briefings from members of the public or invited guests.

In light of the above, core Council business (i.e. consideration of staff reports/recommendations and motions from Council Members) has often not been considered until around 8:00pm, which has resulted in Council invoking its time curfew and adjourning meetings to a later stage.

It is therefore recommended that Ordinary Council Meetings commence at **5:30pm**. This would allow a greater opportunity and more time for agenda items to be adequately considered, without the need to 'rush' through items due to time constraints. An earlier start time also reduces the working day for Council staff and will likely mean a reduction in overtime paid to certain officers in attendance.

If Council decides to hold its meetings at 5:30pm, it may then wish to consider a review of its curfew time of three (3) hours, plus the option of an additional 30 minutes (Clause 7(6) of the Code of Practice). With an earlier start time, extending the curfew to four (4) hours would be recommended.

### Meeting Day

Naturally, the availability of Council Members (and attending staff) should be the primary consideration when determining which day to hold Ordinary Meetings.

Secondary factors will also need to be considered, including: agenda length and preparation required, timing of other meetings (both other councils and external bodies such as the Australian Local Government Association) and timing of public holidays/planned leave.

Meetings in the past have been held on Monday nights. The holding of Council Meetings on a Monday night has, on occasions, meant a change to the Tuesday due to public holidays. From a practical perspective, meetings on a Monday require the notice of meeting and agenda to be sent out by 5:00pm on the Thursday prior (3 clear days). Past experience has indicated that due to the weekend and after allowing time for agendas to be properly read, there has essentially been only one (1) business day (Monday) for Council Members to contact staff with any queries/questions prior to the meeting occurring on the same night.

Although the legislative requirement does not change, the recommended meeting day of Tuesday would allow more time (following the weekend and ample opportunity to read agendas) for Members who may have queries or questions regarding the agenda content (or any other business prior) to contact staff prior to the Council Meeting. A Tuesday night meeting time also aligns more with the local government sector, with many other councils meeting on the same day. With timing aligned, staff may be able to access greater support/assistance from peers at other councils who are working towards the same deadlines.

In light of the above, it is recommended that Ordinary Council Meetings be held on a **Tuesday** (third/fourth of the month as per recommendation).

## Summary of Proposed Dates

In accordance with the above recommendation, the schedule of Ordinary Council Meeting dates for the December 2018 – December 2019 period would be as follows:-

- 18 December 2018
- 22 January 2019
- 26 February 2019
- 26 March 2019
- 23 April 2019
- 28 May 2019
- 25 June 2019
- 23 July 2019
- 27 August 2019
- 24 September 2019
- 22 October 2019
- 26 November 2019
- 17 December 2019

## **Conclusion**

As per the Act, Council must hold at least one (1) Ordinary Council Meeting each month and must set the time and place for its Ordinary Meetings.

For reasons outlined above, it is recommended that:-

1. Ordinary Council Meetings for January 2019 to November 2019 (inclusive) be held on the fourth Tuesday of the month in the Mallala Council Chamber, commencing at 5:30pm; and
2. Due to Christmas closures/holiday period, Ordinary Council Meetings for December 2018 and December 2019 be held on the third Tuesday of the month in the Mallala Council Chamber, commencing at 5:30pm.

Council needs to consider the setting of its Ordinary Council Meetings (time and place) for the December 2018 to December 2019 period. Depending on Council's decision, it may be prudent for Council to undertake a review of its discretionary meeting procedures via its *Code of Practice – Meeting Procedures*.

---

## **References**

### Legislation

*Local Government Act 1999 (SA) – Section 81*

### Council Policies/Plans

*Code of Practice – Meeting Procedures*

 <b>Adelaide Plains Council</b>	<b>15.4</b>	<b>Ordinary Council Meeting Agenda Template</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/53560</b>

### **EXECUTIVE SUMMARY**

- The purpose of this report is to provide Council with a recommended Agenda Template to utilise for Ordinary Council Meetings.
- The current agenda template was reviewed in early 2017 in conjunction with updated report templates. These templates were workshopped with Council Members in February 2017.
- Section 83 of the Local Government Act 1999 stipulates that the procedure for a council to conduct its meetings is prescribed by regulation that is the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). Where the procedure is not determined by regulation, then Council must determine the procedure via its *Code of Practice – Meeting Procedures* (Code of Practice).
- Currently, Council’s Code of Practice does not include provisions surrounding the agenda order of business and reporting format.
- It is recommended that the Ordinary Council Meeting Agenda Template as it has appeared since the 2017 review remain in place, subject to a minor administrative change to the order that items 4-7 are dealt with during an ordinary meeting, until such time that the Council has an opportunity to review its Code of Practice.
- Following endorsement, Council may wish to consider incorporating the Ordinary Meeting Agenda Template into its Code of Practice at the time of the next review.

### **RECOMMENDATION 1**

**“that Council, having considered Item 15.4 – *Ordinary Council Meeting Agenda Template*, dated 21 November 2018, receives and notes the report and, pursuant to Section 86 of the *Local Government Act 1999*, adopts for use the agenda order of business for its Ordinary Council Meetings as provided for in Attachment 1 to this report and outlined below:-**

- 1. Attendance Record**
- 2. Minutes**
- 3. Business Arising**
- 4. Public Open Forum**

5. Declaration of Members' Interest
6. Adjourned Business
7. Mayor's Report
8. Requested Documents/Correspondence to be Tabled
9. Deputations
10. Presentations/Briefings
11. Petitions
12. Committee Meetings
13. Subsidiary Meetings
14. Reports for Decision
15. Reports for Information
16. Questions on Notice
17. Questions Without Notice
18. Motions on Notice
19. Motions Without Notice
20. Urgent Business
21. Confidential Items
22. Closure."

## **RECOMMENDATION 2**

"that Council, having considered Item 15.4 – *Ordinary Council Meeting Agenda Template*, dated 21 November 2018, acknowledges that any further review(s) of the agenda order or report template shall be considered and incorporated with the review of Council's *Code of Practice – Meetings Procedures*, in order to ensure consistent, good governance practices."

## **BUDGET IMPACT**

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not Applicable

## **RISK ASSESSMENT**

Nil

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## **Attachments**

1. Ordinary Council Meeting Agenda Template.

## **DETAILED REPORT**

### **Purpose**

The purpose of this report is to provide Council with a recommended Agenda Template to utilise for Ordinary Council Meetings.

### **Background/History**

While there was no formal resolution from Council, the current agenda template was reviewed in early 2017 in conjunction with updated report templates. All templates were workshopped with Council Members in February 2017. Both the agenda template and current report templates (information and decision reports) have worked effectively since the review. The Ordinary Council Meeting Agenda Template is attached to this report for members' information, noting a minor administrative change to the order that business is dealt with at Items 4 to 7 (**Attachment 1**).

### **Discussion**

Section 83 of the *Local Government Act 1999* stipulates that the procedure for a council to conduct its meetings is prescribed by regulation that is the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). Where the procedure is not determined by regulation, then Council must determine the procedure via its *Code of Practice – Meeting Procedures* (Code of Practice). The current Code of Practice (**Attachment 2**) outlines the meeting procedures prescribed by the Regulations as well as Adelaide Plains Council's additional/discretionary procedures.

Members will note that Council's current Code of Practice does not include provisions surrounding the agenda order of business and reporting format. However, as mentioned above, these documents were reviewed by Council's General Manager – Governance and Communications in early 2017 and were presented at a workshop with Council Members.

The Council may, by resolution, amend the order of business as set out in the agenda. The Mayor (at their own initiative or at the request of a Member of Council) may bring forward items for debate and resolution where, for example, a large gallery is present for the item, or contactors or consultations are present to make presentations. The adoption of this practice should, however, be kept to a minimum to ensure minimal disruption to the meeting and to members of the public.

Following endorsement, Council may wish to consider incorporating the Ordinary Meeting Agenda Template into its Code of Practice at the time of the next review.

## **Conclusion**

It is recommended that Council adopts for use the agenda order of business for its Ordinary Council Meetings as provided for in Attachment 1 to this report, until at least such time that the Council has an opportunity to review/amend its Code of Practice. This review will need to occur within 12 months of the November 2018 Council election.

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## **References**

### Legislation

*Local Government Act 1999*

*Local Government (Procedures at Meetings) Regulations 2013*

### Council Policies/Plans

*Code of Practice – Meeting Procedures*

# NOTICE OF COUNCIL MEETING

Pursuant to the provisions of section 84 (1) of the  
*Local Government Act 1999*

**The Ordinary Meeting of the**



will be held in

**Council Chambers  
Redbanks Road  
Mallala**

on

**Day, Date in full, time**

.....  
James Miller

**CHIEF EXECUTIVE OFFICER**

# **AGENDA**

Page  
Number

- 1      **ATTENDANCE RECORD**
- 2      **MINUTES**
- 3      **BUSINESS ARISING**
- 4      **PUBLIC OPEN FORUM**
- 5      **DECLARATION OF MEMBERS' INTEREST (material, actual, perceived)**
- 6      **ADJOURNED BUSINESS**
  
- COMMUNICATIONS**
- 7      **MAYOR'S REPORT**
  
- 8      **REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED**
  
- DEPUTATIONS AND PRESENTATIONS**
- 9      **DEPUTATIONS**
  
- 10     **PRESENTATIONS/BRIEFINGS**
  
- 11     **PETITIONS**
  
- 12     **COMMITTEE MEETINGS**
  
- 13     **ASSOCIATED ORGANISATIONS**
  
- 14     **REPORTS FOR DECISION**
  
- 15     **REPORTS FOR INFORMATION**

**MATTERS RAISED BY MEMBERS**

**16 QUESTIONS ON NOTICE**

**17 QUESTIONS WITHOUT NOTICE**

**18 MOTIONS ON NOTICE**

**19 MOTIONS WITHOUT NOTICE**

**20 URGENT BUSINESS**

**21 CONFIDENTIAL ITEMS**

**22 CLOSURE**

 <b>Adelaide Plains Council</b>	<b>15.5</b>	<b>Overview of Council Committees</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/53840</b>

## OVERVIEW

- The purpose of this report is to provide Council Members with a summary of Council’s committee structure.
- Council currently has in place a total of seven (7) committees.
- Four (4) of Council’s committees are mandatory, prescribed under relevant legislation:-
  - Building Fire Safety Committee (*Development Act 1993*);
  - Council Assessment Panel (*Planning, Development and Infrastructure Act 2016*)
  - Strategic Planning and Economic Development Committee (*Development Act 1993*); and
  - Audit Committee (*Local Government Act 1999*).
- In addition to the mandatory committees outlined above, Council may establish additional committees under section 41 of the *Local Government Act 1999* to assist Council in the performance of its functions. Currently, Council has the following three (3) section 41 committees:-
  - Adelaide Plains Council Historical Committee;
  - Governance Advisory Panel; and
  - Infrastructure and Environment Committee.
- It is recommended that, at this inaugural meeting of the new Council, the Council takes the opportunity to make appointments to its mandatory committees **only**. These committees will be dealt with by separate reports to this meeting.
- Council’s management proposes that all remaining section 41 committee reviews and appointments be deferred until the Council has had the opportunity to undertake training and induction workshops regarding the current arrangements in regard to non-mandatory appointments and committee activities.

## RECOMMENDATION

**“that Council, having considered Item 15.5 – *Overview of Council Committees*, dated 21 November 2018, receives and notes the report.”**

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## **Attachments**

Nil

## **References**

### Legislation

*Development Act 1993*

*Local Government Act 1999*

*Planning, Development and Infrastructure Act 2016*

### Council Policies/Plans

Nil

 <b>Adelaide Plains Council</b>	<b>15.6</b>	<b>Building Fire Safety Committee – Terms of Reference and Appointment of Members</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document No:</b>	<b>D18/53639</b>

### **EXECUTIVE SUMMARY**

- The purpose of this report is to provide Council Members with an overview of Council’s Building Fire Safety Committee and for Council to review the Terms of Reference.
- It is recommended that Council acknowledge the existence of its Building Fire Safety Committee and in doing so, consider the adoption of the Terms of Reference.
- The current members of the Committee are appointed to 21 November 2019 and no changes to the membership are proposed.

### **RECOMMENDATION**

**“that Council, having considered Item 15.6 – *Building Fire Safety Committee – Terms of Reference and Appointment of Members*, dated 21 November 2018, receives and notes the report and in doing so:-**

- 1. Acknowledges that Council must establish a Building Fire Safety Committee pursuant to section 71(19) of the *Development Act 1993*;**
- 2. Adopts the Terms of Reference presented at Attachment 1 to this Report; and**
- 3. Acknowledges the existing appointment of members to the Committee to 21 November 2019:-**
  - **Brendon Schulz (Presiding Member and Council Development Services Coordinator)**
  - **Peter Harmer – a person who holds prescribed qualifications in building surveying**
  - **Julian Aggiss (and Colin Paton as a deputy) – persons nominated by the Chief Officer of the SA Country Fire Service**
  - **Michael Essex (Council Building Officer) – a person with expertise in the area of fire safety.”**

## **BUDGET IMPACT**

Nil outside of approved operational budget

## **RISK ASSESSMENT**

In order to fulfil legislative requirements, Council is required to establish a Building Fire Safety Committee to ensure the safety of building occupants by performing inspections to ensure building owners are maintaining appropriate fire safety standards within their buildings. The maintenance of a Council BFSC allows Council to take appropriate action to address building fire safety issues brought to its attention, therefore reducing its risk exposure.

---

## **Attachments**

1. Terms of Reference - Building Fire Safety Committee.

## **DETAILED REPORT**

### **Purpose**

The purpose of this report is to provide Council Members with an overview of Council's Building Fire Safety Committee, including current membership, and for Council to review the Committee's Terms of Reference.

### **Background/History**

Section 71 of the *Development Act 1993* requires Council to have an "appropriate authority" for the purpose of ensuring the safety of building occupants by performing inspections to ensure building owners are maintaining appropriate fire safety standards within their buildings. Adelaide Plains therefore has established a Building Fire Safety Committee (BFSC) to undertake this role. The Committee's Terms of Reference were last reviewed in November 2016, at which time members were appointed to the Committee for a three year term.

### **Discussion**

An overview of Council's Building Fire Safety Committee is provided below.

Purpose: the purpose of the Building Fire Safety Committee is to ensure the safety of building occupants by performing inspections to ensure building owners are maintaining appropriate fire safety standards within their buildings. Meetings and associated building inspections are held on a six monthly basis and more frequently if deemed necessary by the Committee.

Membership: membership of the Building Fire Safety Committee shall consist of four (4) members appointed by the Council taking into account the following requirements under Section 71(19) of the Development Act, for a term of office not exceeding three years:-

- A person who holds prescribed qualifications in building surveying;
- A person nominated by the Chief Officer of the South Australian Country Fire Service;
- A person with expertise in the area of fire safety; and
- If so determined by the Council – a person selected by the Council.

The legislation also provides for the appointment of deputy members.

Current members appointed by Council to the Committee to 21 November 2019 are as follows:

- Peter Harmer – Council's consultant building surveyor/structural engineer and a person who holds prescribed qualifications in building surveying;
- Julian Aggiss (and Colin Paton as a deputy) – persons nominated by the Chief Officer of the South Australian Country Fire Service;
- Michael Essex – Council Building Officer and a person with expertise in the area of fire safety;
- Brendon Schulz – Council Development Services Coordinator and a person selected by the Council to be Presiding Member of the Committee.

No Council Members are required by legislation to sit on the BFSC, and as the current membership of the Committee is for a term of office ending 21 November 2019, no changes to membership are recommended.

Delegation: In accordance with the delegations conferred by the Council, the Committee is charged with responsibility for all matters arising under Part 6, Division 6 of the Development Act and relevant provisions of the *Development Regulations 2008*.

Department: Development and Community

Other Comments: Terms of Reference presented at **Attachment 1** to this Report.

## **Conclusion**

It is recommended that Council adopt the Terms of Reference as attached to this report, and in doing so acknowledge the current membership of the Building Fire Safety Committee.

Council may, of course, review the Terms of Reference (including functions, membership etc.) of its committees at any time. At this early stage in the Council term, it is however recommended that a report be brought back for Council's consideration if it wishes to make any changes to the above recommendations.

---

## **References**

### Legislation

*Local Government Act 1999*

*Development Act 1993*

### Council Policies

*Terms of Reference – Building Fire Safety Committee*

	<b>Building Fire Safety Committee</b> <b>Terms of Reference</b>	
	<b>Adoption by Council:</b> 21 November 2016	
	<b>Resolution Number:</b> 2016/367	
	<b>Administered by:</b>  General Manager Development and Community	<b>Last Review Date:</b> November 2016  <b>Next Review Date:</b> November 2019
<b>TRIM CON:</b> CON12/219	<b>Strategic Outcome</b>  5.3.1 Provide and promote professional corporate and administrative services supporting Council operations and the needs of the community.	

## 1. Establishment

Pursuant to Section 71(19) of the *Development Act 1993* the Council establishes an appropriate authority to be known as the Adelaide Plains Council Building Fire Safety Committee (“the Committee”).

## 2. Purpose

The purpose of the Committee is to ensure the safety of building occupants by performing inspections to ensure building owners are maintaining appropriate fire safety standards within their buildings.

## 3. Specific Functions

3.1 The functions of the Committee are to act as an appropriate authority appointed by the Council in accordance with the requirements of the Act:

- scrutinise the fire safety of buildings that have been identified as having inadequate fire safety provisions;
- issuing Notices of Fire Safety Defects to building owners;
- forward advice on Section 71 fire safety notices to the Council administration for inclusion in Section 7 enquiries;
- negotiate cost effective performance solutions with a building owner to reduce fire safety risk to an acceptable level;

- issue a Notice of Building Work Required, which details prescribed work that must be carried out in order to bring the building up to an acceptable level of fire safety;
- initiate enforcement proceedings or other action to ensure a building owner complies with a Notice of Building Work Required;
- revoke or vary fire safety notices when appropriate;
- undertake other actions which the Committee elects to do as prescribed under Section 71 of the Act.

3.2 To develop a Building Fire Safety Inspections Policy.

#### **4. Membership**

4.1 Membership of the Committee shall consist of four (4) members appointed by the Council taking into account the requirements of the Act, under Section 71(19), comprising:

- a person who holds prescribed qualifications in building surveying; and
- a person nominated by the Chief Officer of the South Australian Country Fire Service; and
- a person with expertise in the area of fire safety; and
- if so determined by the Council - a person selected by the Council.

4.2 The Council shall appoint the Presiding Member of the Committee.

4.3 The Committee shall appoint a Deputy Presiding Member.

4.4 Appointment to the Committee shall be for a term not exceeding three (3) years or as determined by Council.

#### **5. Vacancy of Office**

5.1 The office of a member of the Committee will become vacant if the member:

- 5.1.1 dies, or
- 5.1.2 completes a term of office and is not reappointed; or
- 5.1.3 resigns by written notice addressed to the Council; or
- 5.1.4 is removed from office by the Council for any reasonable cause.

5.2 Should a vacancy occur at any time then the Council shall fill the vacancy at the earliest opportunity.

5.3 The vacancy of office of a single member will not invalidate the decision making of the remaining members of the Committee.

D16/19410

**6. Chairperson**

- 6.1 When the Presiding Member and the Deputy Presiding Member are absent from a meeting the Committee members may appoint a person from those present to act as Chairperson for the duration of the meeting.

**7. Quorum**

- 7.1 A quorum for the meeting of the Committee shall be two (2) and one (1) of those members shall be the person nominated by the Chief Officer of the SA Country Fire Service.

**8. Voting**

- 8.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.
- 8.2 A member of the Committee who has a personal interest or a direct or indirect pecuniary interest in any matter before the Committee present at a meeting must not, subject to that person having an interest in the matter, vote on a question arising for a decision at that meeting.
- 8.3 Each member of the Committee present at each meeting must, subject to that person having an interest in the matter, vote on a question arising for a decision at that meeting. Proxy votes are not permitted.
- 8.4 Individuals such as the Chief Executive Officer and other staff with relevant responsibilities may attend any meeting as observers.

**9. Meetings**

- 9.1 The Committee shall meet every six (6) months, with a minimum of one (1) ordinary meeting each calendar year. Additional meetings may be convened if deemed necessary by the Committee.
- 9.2 The Committee shall meet on a day and at a time nominated by the Presiding Member.
- 9.3 Meetings of the Committee shall be held at the offices of the Adelaide Plains Council or at such other places as the Committee may from time to time decide.

**10. Reporting to Council**

D16/19410

- 10.1 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed.

## **11. Delegations**

- 11.1 In accordance with the delegations conferred by the Council, the Committee is charged with responsibility for all matters arising under Part 6, Division 6 of the Act and relevant provisions of the *Development Regulations 2008*.

## **12. Meeting Procedures**

- 12.1 The Presiding Member of the Committee must keep, or arrange to be kept, agendas, minutes and associated records of every meeting of the Committee.
- 12.2 All meetings of the Committee will be held in accordance with the *Local Government Act 1999*, the *Adelaide Plains Council Code of Practice – Meeting Procedures* and the *Adelaide Plains Council Code of Practice - Access to Council Meetings and Documents*.

## **13. Administrative Support**

- 13.1 To support the administration of the Committee and provide general guidance, Council will provide a relevant resource through the General Manager Development and Community or their delegate.

## **14. Review**

- 14.1 These terms of reference will be subject to review by the Council on a three (3) year basis, or as determined by Council.

 <b>Adelaide Plains Council</b>	<b>15.7</b>	<b>Council Assessment Panel – Terms of Reference and Appointment of Members</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Development and Community</b>  <b>Development Services Coordinator</b>
<b>Date: 21 November 2018</b>	<b>Document No:</b>	<b>D18/53911</b>

### **EXECUTIVE SUMMARY**

- The purpose of this report is to provide Council Members with an overview of Council’s Council Assessment Panel and for Council to review the Terms of Reference and make the necessary membership appointments to the Panel.
- It is recommended that Council acknowledge the existence of its Council Assessment Panel and in doing so, consider the adoption of the Terms of Reference.
- The current members of the Committee are appointed to 30 June 2019 and no substantive changes to the membership are proposed.
- Arising from the conclusion of the current Council elections, a new Council Member is required to be appointed to the Panel.
- A new Deputy Member may also need to be appointed depending on the outcome of the Council Member appointment.

### **RECOMMENDATION**

**“that Council, having considered Item 15.7 – *Council Assessment Panel – Terms of Reference and Appointment of Members*, dated 21 November 2018, receives and notes the report and in doing so:-**

- 1. Acknowledges that Council must establish a Council Assessment Panel pursuant to section 83 of the *Planning, Development and Infrastructure Act 2016*;**
- 2. Adopts the Terms of Reference presented at Attachment 1 to this Report;**
- 3. Appoints Councillor..... as a Council Member of the Council Assessment Panel pursuant to Section 83(1)(b) of the *Planning, Development and Infrastructure Act 2016* for the term commencing 21 November 2018 and ending 30 June 2019;**
- 4. [IF REQUIRED] Appoints Councillor..... as a Deputy Member of the Council Assessment Panel pursuant to Section 83(1)(b)(v) of the *Planning, Development and Infrastructure Act 2016* for the term commencing 21 November 2018 and ending 30 June 2019;**
- 5. Acknowledges the existing appointment of the following members to the Panel to 30 June 2019**
  - **Presiding Member - Nathan Cunningham**
  - **Independent Member - Ian O’Loan**

- Independent Member - Chris Carrey
- Independent Member - Cherry Getsom
- Deputy Independent Member - Paul Mickan
- Deputy Council Member - Terry-Anne Keen [DELETE IF ELECTED TO MEMBER POSITION];

1. Determines in accordance with Section 83(1)(b) of the *Planning, Development and Infrastructure Act 2016* that the appointment of Council [and Deputy Members] to the Council Assessment Panel is subject to their compliance with and acceptance of the Terms of Reference for the Council Assessment Panel endorsed by Council on 21 November 2018.”

### **BUDGET IMPACT**

Estimated Cost:	\$ Nil
Future ongoing operating costs:	\$300 sitting fee – Independent Members \$350 sitting fee – Presiding Member
Is this Budgeted?	Yes

## **RISK ASSESSMENT**

In order to fulfil legislative requirements, Council is required to establish a Council Assessment Panel to carry out relevant Development Assessment functions of Council in accordance with its Delegations Policy.

By adopting the recommendation Council will not be exposed to any risk. If the recommendation is not adopted and Council Assessment Panel membership is not maintained then the Minister has the power to establish a Local Assessment Panel at the recommendation of, and following an inquiry by the State Planning Commission.

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## **Attachments**

1. Council Assessment Panel – Terms of Reference.

## DETAILED REPORT

### **Purpose**

The purpose of this report is to provide Council Members with an overview of the Council Assessment Panel 'Panel' and for Council to review the Terms of Reference and make the necessary membership appointments.

### **Background/History**

On 19 June 2017 Council established and appointed membership of the Panel as required by the new *Planning, Development and Infrastructure Act 2016* (PDI Act). The new Panel replaced the former Council Development Assessment Panel (CDAP) although it is responsible for carrying out similar development assessment functions.

The Panel's Terms of Reference were last reviewed in June 2018.

### **Discussion**

An overview of the Council Assessment Panel is provided below.

Purpose: The purpose of the Council Assessment Panel is to determine, using Council's Development Plan, whether or not to grant Development Plan Consent to various kinds of development. Meetings are held as required at 5.30pm on the first Wednesday of each month, in the Mallala Chambers.

Membership: Members appointed to the Panel as at 16 November 2018 were as follows:

- Presiding Member - Nathan Cunningham
- Independent Member - Ian O'Loan
- Independent Member - Chris Carrey
- Independent Member - Cherry Getsom
- Council Member – former Councillor Melville Lawrence
- Deputy Member - Paul Mickan
- Deputy Member - Councillor Terry-Anne Keen

In accordance with the Terms of Reference (**Attachment 1**), following confirmation of the Council Election results, the position of Council Member on the Panel is now vacant. The Terms of Reference (**Attachment 1**) require Council to appoint a Council Member to the Panel. It is recommended that a Council Member be appointed for a term ending 30 June 2019, to correspond with the current term for Independent and Deputy Members.

Under Section 83(2) of the PDI Act, the Council must be satisfied that the Council Member appointed by Council is appropriately qualified to act as a member of the assessment panel on account of their experience in local government. A Council Member seeking a position on the Panel would also benefit from knowledge of the *Development Act 1993* and/or interpreting Council's Development Plan

Councillor Keen is currently a Deputy Member for the Panel. Councillor Keen may seek appointment to the position of Council Member of the Panel. If so appointed her position as Deputy Member

would become vacant in accordance with Clause 3.2 of the Terms of Reference. If that were to occur, a new Deputy Member would also need to be appointed. To ensure Council Member representation on the Panel at all times the Deputy Member is called upon in instances where the Council Member is unable to attend a particular meeting.

Delegation: The Panel is charged with carrying out development assessment functions in accordance with Council's *Delegations Policy* and requirements of both the *Development Act 1993* and *Planning, Development and Infrastructure Act 2016*.

Department: Development and Community

Other Comments: Terms of Reference presented at **Attachment 1** to this Report.

## **Conclusion**

It is recommended that Council adopt the Terms of Reference as attached to this report, and in doing so make the necessary Council membership appointment(s).

Council may, of course, review the Terms of Reference (including functions, membership etc.) of the Panel at any time. At this early stage in the Council term, it is however recommended that a report be brought back for Council's consideration if it wishes to make any changes to the above recommendations.

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## **References**

### Legislation

*Local Government Act 1999*

*Development Act 1993*

*Planning, Development and Infrastructure Act 2016*

### Council Policies

*Council Assessment Panel - Terms of Reference*

*Delegations Policy*

<b>Council Assessment Panel Terms of Reference</b>	
<b>Adoption by Council:</b>	18 June 2018
<b>Resolution Number:</b>	2018/270
<b>Administered by:</b>	General Manager Development and Community
<b>Last Review Date:</b>	June 2018
<b>Next Review Date:</b>	June 2020
<b>TRIM CON:</b> CON18/759 <b>TRIM DOC:</b> D18/25187	<b>Strategic Outcome:</b> 4.5 Accountable and Sustainable Governance

## 1. BACKGROUND

- 1.1 The Adelaide Plains Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the Adelaide Plains Council (**the Council**) on 19 June 2017.
- 1.2 The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.

## 2. MEMBERSHIP OF CAP

### Appointment of Members

- 2.1 The CAP will be constituted of five (5) Members (**CAP Members**), to be appointed by the Council, comprising:
  - 2.1.1 one (1) Member of the Council (**Council Member**); and
  - 2.1.2 four (4) Independent Members (**Independent Members**), not being Members of the Council or State Parliament.
- 2.2 The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.
- 2.3 When appointing CAP Members, the Council may have regard to the following:
  - 2.3.1 the candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the *Development Act*;

- 2.3.2 in relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
- 2.3.3 in relation to the Council Member, the candidate's experience in local government;
- 2.3.4 that a balance of qualifications and experience among CAP Members is desirable;
- 2.3.5 that gender diversity among CAP Members is desirable; and
- 2.3.6 such other matters as the Council considers relevant.

### **Appointment of Deputy Members**

- 2.4 The Council must appoint at least one Deputy Member to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5 Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.6 In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.7 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

### **Expression of Interest**

- 2.8 The Council will, unless it otherwise determines, call for expressions of interest for appointment of Independent Members and Deputy Members.

### **Presiding Member and Acting Presiding Member**

- 2.9 The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.10 The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.11 In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.

- 2.12 A Presiding Member is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.13 In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Member for such term and on such conditions as determined by the Council.

### **Term of Appointment**

- 2.14 Subject to clause 5, Independent Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.15 Subject to clause 5, the Council Member will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.16 Deputy Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.17 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.18 A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six (6) months from the expiry of the Member's term of office, whichever occurs first.

### **3. VACANCY IN MEMBERSHIP**

- 3.1 In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2 The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3 In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.6 as the case requires.
- 3.4 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

#### **4. CONDITIONS OF APPOINTMENT**

- 4.1 At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2 CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3 Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.
- 4.4 Upon the commencement of Section 83(1)(c) of the Act:
  - 4.4.1 CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and
  - 4.4.2 CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

#### **5. REMOVAL FROM OFFICE**

- 5.1 A CAP Member will automatically lose office where:
  - 5.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
  - 5.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment; and
  - 5.1.3 in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2 Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where:
  - 5.2.1 in the opinion of the Council, the behaviour of the CAP Member amounts to:
    - (a) a breach of a condition of his or her appointment as a CAP Member;
    - (b) misconduct;
    - (c) a breach of any legislative obligation or duty of a CAP Member;
    - (d) neglect of duty in attending to role and responsibilities as a CAP Member;
    - (e) a failure to carry out satisfactorily the duties of his or her office;

- (f) a breach of fiduciary duty that arises by virtue of his or her office;
  - (g) inability to carry out satisfactorily the duties of his or her office;
  - (h) except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or
  - (i) in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or
- 5.2.2 the State Planning Commission has, subject to a Code of Conduct complaint, recommended or directed that the Member be removed from office; or
- 5.2.3 for any other reason the Council considers appropriate.
- 5.3 The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within seven (7) days of being passed.
- 5.4 Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
- 5.4.1 give written notice to the CAP Member of:
    - (a) its intention to remove the CAP Member from office pursuant to clause 5.2; and
    - (b) the alleged behaviour of the CAP Member falling within clause 5.2 or other reason the Council considers it appropriate to remove the CAP Member;
- not less than seven (7) days before the meeting of the Council at which the matter is to be considered;
- 5.4.2 give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and
  - 5.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

## **6. REVIEW**

- 6.1 These terms of reference are subject to review by the Council on a two (2) year basis, or as determined by Council.

 <b>Adelaide Plains Council</b>	<b>15.8</b>	<b>Strategic Planning and Economic Development Committee – Terms of Reference and Appointment of Members</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Development and Community</b>  <b>General Manager – Development and Community</b>
<b>Date: 21 November 2018</b>	<b>Document No:</b>	<b>D18/53822</b>

### **EXECUTIVE SUMMARY**

- The purpose of this report is to provide Council Members with an overview of Council’s Strategic Planning and Economic Development Committee and for Council to review the Terms of Reference and make the necessary membership appointments to the committee.
- It is recommended that Council acknowledge the existence of its Strategic Planning and Economic Development Committee and in doing so, consider the adoption of the Terms of Reference and make the necessary membership appointments.

### **RECOMMENDATION**

**“that Council, having considered Item 15.8 – *Strategic Planning and Economic Development Committee – Terms of Reference and Appointment of Members*, dated 21 November 2018, receives and notes the report and in doing so:-**

- 1. Acknowledges that Council must establish a Strategic Planning and Economic Development Committee pursuant to Section 101A of the *Development Act 1993*;**
- 2. Adopts the Terms of Reference presented at Attachment 1 to this Report; and**
- 3. Appoints all members of Council to be members of the Committee.”**

## **BUDGET IMPACT**

N/A

## **RISK ASSESSMENT**

In order to fulfil legislative requirements, Council is required to establish a Strategic Planning and Economic Development Committee to undertake the responsibilities detailed in Section 101A of the *Development Act 1993*.

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## **Attachments**

1. Terms of Reference - Strategic Planning and Economic Development Committee.

## **DETAILED REPORT**

### **Purpose**

The purpose of this report is to provide Council Members with an overview of Council's Strategic Planning and Economic Development Committee and for Council to review the Terms of Reference and make the necessary membership appointments to the committee.

### **Background/History**

Section 101A of the *Development Act 1993* requires Council to establish a "strategic planning and development policy committee".

*"The functions of the Committee are:*

- a) to provide advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with the Planning Strategy; and,*
- b) to assist the Council in undertaking strategic planning and monitoring directed at achieving:-*
  - (i) orderly and efficient development within the area of the Council;*
  - (ii) high levels of integration of transport and land-use planning;*
  - (iii) relevant targets set out in the Planning Strategy within the area of the Council;*
  - (iv) the implementation of affordable housing policies set out in the Planning Strategy within the area of the Council;*
  - (v) other outcomes of a prescribed kind (if any); and,*
- c) to provide advice to the Council (or to act as its delegate) in relation to strategic planning and development policy issues when the Council is preparing:-*
  - (i) a Strategic Directions Report; or*
  - (ii) a Development Plan Amendment proposal; and,*
- d) other functions (other than functions relating to development assessment or compliance) assigned to the Committee by the Council."*

Adelaide Plains has therefore established the Strategic Planning and Economic Development (SPED) Committee to undertake this role. The Committee's Terms of Reference were last reviewed in May 2018.

### **Discussion**

An overview of Council's SPED Committee is provided below.

Purpose: The purpose of the SPED Committee is to undertake the responsibilities detailed in Section 101A of the *Development Act 1993*.

Membership: Under the current Terms of Reference, all members of the Council are determined to be members of the SPED Committee. The Presiding Member of the SPED Committee will be the

Mayor. The Committee shall appoint the Deputy Presiding Member of the SPED Committee for a twelve (12) month term.

Delegation: Nil. The SPED Committee shall make whatever recommendations to Council it deems appropriate on any area within its Terms of Reference.

Department: Development and Community

Other Comments: The SPED Committee is a standing committee. Terms of Reference presented at **Attachment 1** to this Report.

## **Conclusion**

It is recommended that Council adopt the Terms of Reference as attached to this report, and in doing so make the necessary membership appointments.

Council may, of course, review the Terms of Reference (including functions, membership etc.) of its committees at any time. At this early stage in the Council term, it is however recommended that a report be brought back for Council's consideration if it wishes to make any changes to the above recommendations.

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## **References**

### Legislation

*Local Government Act 1999*

*Development Act 1993*

### Council Policies

*Terms of Reference – Strategic Planning and Economic Development Committee*

 <b>Adelaide Plains Council</b>	<b>Strategic Planning and Economic Development Committee Terms of Reference</b>	
	<b>Adoption by Council:</b>	21 May 2018
	<b>Resolution Number:</b>	2018/186
	<b>Administered by:</b>	Chief Executive Officer
	<b>Last Review Date:</b>	19 October 2015
	<b>Next Review Date:</b>	2020
<b>TRIM CON:</b> CON18/347 <b>TRIM DOC:</b> D18/17141	<b>Strategic Outcome:</b> <b>4.5.1</b> Meet all legislative compliance requirements.	

## 1. Establishment

- 1.1 Pursuant to *Section 101A* of the *Development Act 1993* (“the Act”) the Council establishes a Committee to be known as the Strategic Planning and Economic Development Committee (Committee) for the purpose of enquiring into and reporting to Council in respect of those matters conferred upon it and as set out in these Terms of Reference.
- 1.2 *Section 101A(3)* of the *Development Act 1993* states that the *Local Government Act 1999* will apply in relation to a committee established under this section as if it were a committee established under that Act.

## 2. Purpose

- 2.1 The purpose of the Committee is to undertake responsibilities detailed in *Section 101A* of the *Development Act 1993*.

## 3. Functions

- 3.1 The function of the Committee will be to:
- a) to provide advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with the Planning Strategy; and,
  - b) to assist the Council in undertaking strategic planning and monitoring directed at achieving:-
    - (i) orderly and efficient development within the area of the Council;
    - (ii) high levels of integration of transport and land-use planning;
    - (iii) relevant targets set out in the Planning Strategy within the area of the Council;
    - (iv) the implementation of affordable housing policies set out in the Planning Strategy within the area of the Council;

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- (v) other outcomes of a prescribed kind (if any); and,
- c) to provide advice to the Council (or to act as its delegate) in relation to strategic planning and development policy issues when the Council is preparing:-
  - (i) a Strategic Directions Report; or
  - (ii) a Development Plan Amendment proposal; and,
- d) other functions (other than functions relating to development assessment or compliance) assigned to the Committee by the Council.

#### 4. Membership

- 4.1 All members of the Council are deemed to be members of the Committee.
- 4.2 The Presiding Member of the Committee will be the Mayor.
- 4.3 The Committee shall appoint the Deputy Presiding Member of the Committee for a twelve (12) month term.

#### 5. Chairperson

- 5.1 When the Presiding Member and the Deputy Presiding Member are absent from a meeting the Committee Members may appoint a person from those present to act as Chairperson for the duration of the meeting.

#### 6. Quorum

- 6.1 The quorum necessary for the transaction of business shall be 50% plus one (1) of members of the Committee. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

#### 7. Voting

- 7.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.
- 7.2 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.

## 8. Meeting Frequency

- 8.1 The Committee will meet on an as-needs basis, unless amended by Council.
- 8.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the *Act*.
- 8.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than three (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.
- 8.4 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the *Local Government (Procedure at Meetings) Regulations 2013*.
- 8.5 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and to all members of the Council and will (as appropriate) be available to the public.

## 9. Reporting to Council

- 9.1 The Committee is a standing committee of Council and makes recommendations to the Full Council pursuant to *Section 41 of the Local Government Act 1999*.
- 9.2 The Committee shall make whatever recommendations to Council it deems appropriate on any area within its Terms of Reference.

## 10. Delegations

- 10.1 Nil.

## 11. Meeting Procedures

- 11.1 Procedures at meetings will be in accordance with Council's Code of Practice – Meeting Procedures and the requirements of the *Local Government (Procedures at Meetings) Regulations 2013 – Part 2* of the regulations will apply.

## 12. Administrative Resources

- 12.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

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 <b>Adelaide Plains Council</b>	<b>15.9</b>	<b>Section 43 Subsidiaries – Gawler River Floodplain Management Authority and Legatus Group</b>
	<b>Department:</b>	<b>Governance and Communications</b>
	<b>Report Author:</b>	<b>Governance Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/51675</b>

### **EXECUTIVE SUMMARY**

- Council is currently a constituent council of two (2) section 43 subsidiaries – the Gawler River Floodplain Management Authority (the GRFMA) and the Legatus Group (formerly the Central Local Government Region of South Australia)
- The purpose of this report is to provide Council with an overview of the purpose, role and responsibilities associated with the GRFMA and the Legatus Group, and for Council to consider the necessary appointments to the respective Boards of each subsidiary.

### **RECOMMENDATION 1**

**“that Council, having considered Item 15.9 – *Section 43 Subsidiaries – Gawler River Floodplain Management Authority and Legatus Group*, dated 21 November 2018, receives and notes the report and in doing so, and in keeping with the Charter of the Gawler River Floodplain Management Authority:-**

- 1. Endorses the Chief Executive Officer Mr James Miller as an appointee of the GRFMA Board;**
- 2. Endorses the appointment of Mr Robert Veitch for the position of Proxy Member to attend meetings in the place of the Chief Executive Officer;**
- 3. Appoints [REDACTED] as the GRFMA Board Member representing an elected member of Adelaide Plains Council; and**
- 4. Appoints [REDACTED] as Deputy Board Member, who may attend GRFMA Board Meetings in the place of the GRFMA Board Member who is absent (OPTIONAL APPOINTMENT).”**

### **RECOMMENDATION 2**

**“that Council, having considered Item 15.9 – *Section 43 Subsidiaries – Gawler River Floodplain Management Authority and Legatus Group*, dated 21 November 2018, receives and notes the report and in doing so acknowledges that, in keeping with the Charter of the Legatus Group, Mayor Mark Wasley being the principal member of Adelaide Plains Council will take on the role of Legatus Group Board Member.”**

## **BUDGET IMPACT**

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not Applicable

## **RISK ASSESSMENT**

It is timely, and necessary, for Council to consider the purpose, role and responsibilities associated with the Section 43 Subsidiaries of which it is a constituent Council, and to consider the required appointments to the respective Boards of each subsidiary.

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## **Attachments**

1. Charter of the Gawler River Floodplain Management Authority.
2. Charter of the Legatus Group (formerly the Central Local Government Region of South Australia).

## DETAILED REPORT

### **Purpose**

The purpose of this report is to provide Council with an overview of the purpose, role and responsibilities associated with the Gawler River Floodplain Management Authority (the GRFMA) and the Legatus Group (formerly the Central Local Government Region of South Australia), and for Council to consider the necessary appointments to the respective Boards of each subsidiary.

### **Background/History**

Council is currently a constituent council of two (2) section 43 subsidiaries – the GRFMA and the Legatus Group. Below is a summary of each subsidiary.

### **Discussion**

#### **1. Gawler River Floodplain Management Authority**

##### *Establishment*

The GRFMA is established by the City of Playford, District Council of Mallala (now Adelaide Plains Council), Town of Gawler, The Barossa Council, Light Regional Council and the Adelaide Hills Council (the Constituent Councils) pursuant to section 43 and Schedule 2 of the *Local Government Act 1999* (the Act).

The affairs of the GRFMA are governed by a Charter (the GRFMA Charter), which is presented as **Attachment 1** to this report. For members' information, the GRFMA Charter is currently under review by the GRFMA Board.

##### *Purpose*

Part 3 of the GRFMA Charter provides as follows:-

#### **3. PURPOSE**

*3.1 The Authority has been established for the following purposes:*

*3.1.1 to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. This purpose is the core business of the Authority;*

*3.1.2 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;*

*3.1.3 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River;*

*3.1.4 upon application of one or more Constituent Councils pursuant to clause 12.4:*

*3.1.4.1 to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and*

*3.1.4.2 to enter into agreements with one or more of the Constituent Councils for the purpose of managing and developing the Gawler River.*

### *Board Membership*

The GRFMA is governed by a Board (the GRFMA Board).

Part 4 of the GRFMA Charter provides that each of the Constituent Councils will appoint two (2) persons to the GRFMA Board, and that the Constituent Councils' appointees shall be the Chief Executive Officer of the Constituent Council, or his or her nominee, plus one elected member of the Constituent Council.

Each Constituent Council *may* appoint either an Elected Member or a Council Officer as Deputy GRFMA Board Member. The Deputy GRFMA Board Member may attend GRFMA Board Meetings in the place of a GRFMA Board Member who is absent.

To date, Adelaide Plains Council representatives on the GRFMA Board comprised as follows:-

- Chief Executive Officer, Mr James Miller – Board Member
- Former Councillor Melville Lawrence – Board Member
- Councillor Terry-Anne Keen – Deputy Board Member

In keeping with the GRFMA Charter, the Chief Executive Officer will carry on in his capacity as a GRFMA Board Member.

It is for Council to determine which Elected Member it wishes to appoint as GRFMA Board Member. Council may also wish to appoint an Elected Member or Council Officer as Deputy GRFMA Board Member.

## **2. Legatus Group**

### *Establishment*

The Legatus Group is established under section 43 of the Act.

The Constituent Councils are The Barossa Council, District Council of Barunga West, Clare and Gilbert Valley Council, Copper Coast Council, The Flinders Ranges Council; Regional Council of Goyder, Light Regional Council, Adelaide Plains Council, District Council of Mount Remarkable, Northern Areas Council, District Council of Orroroo/Carrieton, District Council of Peterborough, Port Pirie Regional Council, Wakefield Regional Council and Yorke Peninsula Council.

The Legatus Group must conduct its affairs in accordance with the Act, except as modified by the Charter (the Legatus Charter) as permitted by the Act. The Legatus Charter is presented as **Attachment 2** to this report.

## *Purpose*

Part 1.6 of the Charter provides as follows:-

### *1.6 Objects and Purpose for which the Legatus Group is Established*

*The Legatus Group is established to:*

*1.6.1 undertake co-ordinating, advocacy and representational roles on behalf of the Constituent Councils at a regional level;*

*1.6.2 facilitate and co-ordinate activities of local government at a regional level related to community and economic development with the object of achieving improvement for the benefit of the communities of the Constituent Councils;*

*1.6.3 develop, encourage, promote, foster and maintain consultation and co-operation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;*

*1.6.4 develop further co-operation between the Constituent Councils for the benefit of the communities of the Region;*

*1.6.5 develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the Region;*

*1.6.6 undertake projects and activities that benefit the Region and its communities;*

*1.6.7 associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;*

*1.6.8 provide strong advocacy speaking with one voice on what matters most to the communities of the Constituent Councils;*

*1.6.9 work together to make the best use of available resources*

*1.6.10 collaborate to deliver effective services;*

*1.6.11 build partnerships with those who can contribute to stronger and more sustainable communities;*

*1.6.12 develop and implement a robust Business Plan consistent with the Region Plan.*

## *Membership*

The Legatus Group is governed by a board (the Legatus Board). The Legatus Board is responsible for the administration of the affairs of the Legatus Group, ensuring that the Legatus Group acts in accordance with the Legatus Charter and all relevant legislation.

Part 3.2 of the Legatus Charter provides that the Legatus Board shall consist of all of the principal members of the Constituent Councils. Each Legatus Board member shall be entitled to exercise one (1) vote on any matter arising for decision.

In keeping with the Legatus Charter, Mayor Mark Wasley will represent Adelaide Plains Council as a Legatus Board Member.

## **Conclusion**

Council is currently a constituent council of two (2) section 43 subsidiaries – the GRFMA and the Legatus Group. In accordance with the Legatus Group Charter, Mayor Mark Wasley will be appointed to represent Adelaide Plains Council as a Legatus Board Member.

In keeping with the GRFMA Charter it is for Council to determine which Council Member it wishes to appoint as Board Member, and if it so desires, whether a Deputy Board Member will be appointed.

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## **References**

### Legislation

*Local Government Act 1999 (SA)*

### Council Policies/Plans

Strategic Plan 2017-2020

4.5 Accountable & Sustainable Governance

## LOCAL GOVERNMENT ACT 1999

### GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

#### *Notice of Alteration to the Charter*

PURSUANT to Clause 17 of the Charter, and Clause 19, Part 2, Schedule 2 of the Local Government Act 1999, the Charter published in the *Gazette* on 25 October 2012 at pages 4730 to 4735 was amended by a resolution passed in the same terms of the City of Playford on 28 April 2015, District Council of Mallala on 10 March 2015, Town of Gawler on 24 March 2015, The Barossa Council on 17 March 2015, Light Regional Council on 24 March 2015 and the Adelaide Hills Council on 24 March 2015.

The Charter, as amended, of the Gawler River Floodplain Management Authority is set out below.

#### 1. ESTABLISHMENT

The Gawler River Floodplain Management Authority ('the Authority') is established by the Constituent Councils as a regional subsidiary pursuant to section 43 and Schedule 2 ('the Schedule') of the Local Government Act 1999 ('the Act').

This Charter governs the affairs of the Authority.

#### 2. CONSTITUENT COUNCILS

The Authority is established by the City of Playford, District Council of Mallala, Town of Gawler, The Barossa Council, Light Regional Council and the Adelaide Hills Council ('the Constituent Councils').

The Authority is subject to the joint direction of the Constituent Councils.

#### 3. PURPOSE

3.1 The Authority has been established for the following purposes:

- 3.1.1 to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. This purpose is the core business of the Authority;
- 3.1.2 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;
- 3.1.3 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River;
- 3.1.4 upon application of one or more Constituent Councils pursuant to clause 12.4:
  - 3.1.4.1 to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and
  - 3.1.4.2 to enter into agreements with one or more of the Constituent Councils for the purpose of managing and developing the Gawler River.

3.2 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.

#### 4. THE BOARD—ROLE AND MEMBERSHIP

4.1 The Authority will be governed by a Board.

4.2 The Board is responsible for the administration of the affairs of the Authority. The Board must ensure insofar as it is practicable, that the Authority observes the objectives set out in this Charter, that information provided to the Constituent Councils is accurate and that Constituent Councils are kept informed of the solvency of the Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority:

4.3 The Board will comprise:

- 4.3.1 One independent person who is not an officer, employee or elected member of a Constituent Council appointed by absolute majority of the Constituent Councils as the Chairperson for a term of two years and who has expertise in one or more of the following areas:
  - (a) environmental management;
  - (b) corporate financial management;

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- (c) general management;
  - (d) public sector governance.

4.3.2 The Chairperson is, at the expiry of his or her term of office, eligible for reappointment.

4.3.3 Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils' appointees shall be the Chief Executive Officer of the Constituent Council or his or her nominee plus one elected member of the Constituent Council.

4.3.4 Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent.

4.3.5 The Board may appoint observers to the Board. Such appointees will not be entitled to vote at meetings.

4.3.6 Board members (with the exception of the Chairperson), shall not be entitled to receive a sitting fee.

4.3.7 The Board may pay a sitting fee to the Chairperson in such amount as determined by the Board.

4.4 A certificate signed by the Chief Executive Officer of the appointing Constituent Council will be sufficient evidence of appointment.

4.5 In the absence of the Chairperson, the Board will elect a temporary acting Chairperson from amongst their members.

## 5. **TERM OF OFFICE—THE BOARD**

5.1 Subject only to the following subclauses, the term of office of each member of the Board, (with the exception of the Chairperson), will be as determined by the Constituent Council responsible for the appointment of the member and the Constituent Councils express a preference that members of the Board are appointed following each election of the Constituent Council for the term of the Council.

5.2 The Board may by a two-thirds majority vote of the members present (excluding the member subject to this clause) make a recommendation to the Constituent Council responsible for the appointment of the relevant member, that the Constituent Council terminate the appointment of the member in the event of:

5.2.1 any behaviour of the member which in the opinion of the Board amounts to impropriety;

5.2.2 serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;

5.2.3 breach of fiduciary duty to the Board;

5.2.4 breach of the duty of confidentiality to the Board or the Constituent Councils;

5.2.5 breach of the conflict of interest rules of the Board; or

5.2.6 any other behaviour which may discredit the Board.

5.3 The Board may by a two-thirds majority vote of the members present (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:

5.3.1 any behaviour of the Chairperson which in the opinion of the Board amounts to impropriety;

5.3.2 serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;

5.3.3 breach of fiduciary duty to the Board;

5.3.4 breach of the duty of confidentiality to the Board or the Constituent Councils;

5.3.5 breach of the conflict of interest rules of the Board; or

5.3.6 any other behaviour which may discredit the Board.

5.4 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.

## 6. **PROCEEDINGS OF THE BOARD**

6.1 Subject only to the extent that they are modified by this clause, the proceedings of the Board will be the same as those for committees of Council as defined in Part 2 of Chapter 6 of the Act and in accordance with the Regulations for 'Other Committees' comprised in Part 2 of the Local Government (Proceedings at Meetings) Regulations 2000.

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References in Part 2 of Chapter 6 of the Act to ‘the Chief Executive Officer’ shall be read as if they were references to the Executive Officer of the Authority and references to ‘the Council’ or ‘the committee’ shall be read as if they were references to the Authority.

To the extent that this Charter and the Act and its associated Regulations are silent, the Board may determine its own meeting procedures.

- 6.2 Subject only to the special provisions of this clause, no meeting of the Board will commence until a quorum of members is present and no meeting may continue unless there is a quorum of members present. A quorum of members will comprise half the members plus one. A time limit of 30 minutes shall apply from the advertised time of the meeting in which to reach a quorum. Failure to reach a quorum within this time limit shall result in a failed meeting.
  - 6.3 For the purpose of this clause, the contemporaneous linking together by an audio-visual or other interactive means, but excluding telephones (‘telecommunication meeting’) of a number of members of the Board provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board members taking part in the telecommunications meeting, must be able to hear and be heard by each of the other Board members present. At the commencement of the meeting, each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunication meeting by disconnecting his/her, audio visual or other communication equipment, unless that Board member has previously notified the Chairperson of the meeting.
  - 6.4 In the event that there is not a quorum present at two consecutive meetings of the Board, then an extraordinary meeting of the Board may be convened in the same manner as for a special meeting (see Clause 6.1), at which the business which was on the agendas for the two previous but failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is that there be at least one member representing each of the Constituent Councils in attendance. Decisions made at such a meeting will be binding on the subsidiary and all members of the Board and the Constituent Councils.
  - 6.5 Subject only to any specific requirement of this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the members present and entitled to vote on the matter. Both members from each Constituent Council present are entitled to vote on a matter. Voting members are entitled only to a deliberative vote. Board members may not vote by proxy.
  - 6.6 In the event of equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed and may at some later time be reconsidered.
  - 6.7 Meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one meeting in every two calendar months.
  - 6.8 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of six members of the Board representing all of the Constituent Councils.
  - 6.9 Notice of all meetings will be given in accordance with the provisions applicable to a committee meeting under Part 2 of Chapter 6 of the Act and the associated Regulations.
  - 6.10 Meetings of the Board will be open to the public unless the Board so resolves to exclude the public pursuant to section 90 of the Act.
  - 6.11 All members must keep confidential all documents and any information provided to them in confidence for their consideration prior to a meeting of the Board.
  - 6.12 The Board must ensure that accurate written minutes of its proceedings are kept and are produced for verification at the subsequent meeting of the Board.
- 7. PROPRIETY OF MEMBERS OF THE BOARD**
- 7.1 The principles regarding conflict of interest prescribed in the Act will apply to all members of the Board as if they were elected members of a Council.
  - 7.2 The members of the Board will not be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
  - 7.3 The members of the Board will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2.
- 8. POWERS**
- 8.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.
  - 8.2 The Authority has:
    - 8.2.1 the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;

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- 8.2.2 the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation
  - 8.2.3 the power to sue and be sued in its corporate name;
  - 8.2.4 the power to enter into any kind of contract or arrangement;
  - 8.2.5 the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;
  - 8.2.6 the power to set aside surplus revenue for future capital expenditure;
  - 8.2.7 the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;
  - 8.2.8 the power to establish committees;
  - 8.2.9 the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Rule 8.2.2 and except for any of the powers set out in section 44 of the Local Government Act 1999, (where such powers are applicable to a Subsidiary); and
  - 8.2.10 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.
- 8.3 The Authority shall not act outside of the areas of the Constituent Councils without their prior approval that approval shall only be granted upon the basis that the Councils consider it necessary or expedient for the performance of their or the Authority's functions.<sup>1</sup>
  - 8.4 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairman of the Board and one other Board member.
  - 8.5 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date.
  - 8.6 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.

## 9. ADMINISTRATIVE MATTERS

- 9.1 There will be an Executive Officer of the Authority appointed by the Board on terms and conditions to be determined by the Board.
- 9.2 The Executive Officer will be responsible to the Board:
  - 9.2.1 to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;
  - 9.2.2 for the efficient and effective management of the operations and affairs of the Authority;
  - 9.2.3 to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and
  - 9.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.
- 9.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.
- 9.4 The Board may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.
- 9.5 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

## 10. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY

- 10.1 The contributions of the Constituent Councils shall be based on the following percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority.

Constituent Council	Capital Works Percentage Share %	Maintenance of Assets Percentage Share %	Operational Costs Percentage Share %
Adelaide Hills Council	1.73	1.73	16.66
The Barossa Council	8.67	8.67	16.66
Town of Gawler	17.34	17.34	16.66
Light Regional Council	8.67	8.67	16.66
District Council of Mallala	28.91	28.91	16.66
City of Playford	34.68	34.68	16.66
Total	100%	100%	100%

- 10.2 The Board will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required in the following financial year. This will be achieved via the business plan and the annual budget.
- 10.3 The Board will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Board, in the annual budget and approved by the Council, and any additional funds that are required for the continuing function of the Authority and approved by the Council, in accordance with Clause 11. The Board must provide full details regarding the need for additional funds to the Constituent Councils.
- 10.4 The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.
- 10.5 Additional contributions (if any) will be paid by each Constituent Council in the manner and at the time determined by the Board.
- 10.6 The Board is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.
- 10.7 The Board on behalf of the Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.
- 10.8 Where a Council or Councils enter into an agreement with the Authority under Clause 12.4 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.

## 11. BUDGET

- 11.1 The Authority must prepare a budget for the forthcoming financial year.
- 11.2 The budget must:
- 11.2.1 deal with each principal activity of the Authority on a separate basis;
  - 11.2.2 be consistent with and account for activities and circumstances referred to in the Authority's business plan;
  - 11.2.3 be submitted in draft form to each Constituent Council before 31 March for approval of its contribution for the year;
  - 11.2.4 not be adopted by the Authority until after 31 May but before 30 September;
  - 11.2.5 the adoption of the budget requires a two-thirds majority of the Board members present; and
  - 11.2.6 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.
- 11.3 The Authority must provide a copy of its budget to each Constituent Council within five business days after adoption.
- 11.4 The Authority must reconsider its budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.
- 11.5 The Authority must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional contribution by the Constituent Councils.
- 11.6 Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 20.2 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.

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## 12. BUSINESS PLAN

- 12.1 The Authority shall have a rolling Business Plan in respect of the ensuing three years.
- 12.2 The Business Plan must:
  - 12.2.1 state the services to be provided by the Authority;
  - 12.2.2 identify how the Authority intends to manage service delivery;
  - 12.2.3 identify the performance targets which the Authority is to pursue;
  - 12.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and
  - 12.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.
- 12.3 Prior to setting the draft budget each year the Authority must review the Business Plan in conjunction with the Constituent Councils. The Business Plan must be updated to ensure it presents a plan for the ensuing three years.
- 12.4 One or more of the Constituent Councils may request the Authority to undertake a function provided for in Clause 3.1.4 of this Charter, which function is additional to those undertaken by the Authority for all of the Constituent Councils. Where one or more Constituent Councils make a request under this Clause, the Constituent Council or Councils must enter into a written agreement with the Authority which commits the Council or Councils to annual subscription amounts and/or an equal percentages of classes of subscription to meet the costs of the Authority in undertaking the additional function and which deals, amongst other things, with the ownership and maintenance of any resultant infrastructure.

## 13. ACCOUNTING

The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards. See Regulations 11 and 12, Local Government (Financial Management) Regulations 2011, in relation to particular accounting practices.

## 14. AUDIT

- 14.1 The Authority must appoint an auditor.
- 14.2 The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September. See Part 6, Local Government (Financial Management) Regulations 2011, in relation to the Authority's audit responsibilities.

## 15. FINANCE

- 15.1 The Board must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 15.2 All cheques to be authorised must be signed by two members of the Board or one member of the Board and the Executive Officer.
- 15.3 The Executive Officer must act prudently in the handling of all financial transactions for the Board and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.
- 15.4 The Board will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Board must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.
- 15.5 The 'Schedule of Constituent Councils' Interests in Net Assets' will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance to the Authority having regard to the proportionate contribution to subscriptions for each function undertaken by the Authority. The Schedule when updated by the Board at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the commencement of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council's interests in the net assets as at 30 June in that year.
- 15.6 Where there is any dispute as to the Schedule, Clause 20 shall apply.

## 16. REPORTS AND INFORMATION

- 16.1 The Authority must submit its annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.

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- 16.2 Within two weeks following each ordinary meeting of the Board, the Constituent Councils shall be provided with a Key Outcomes Summary of the meeting that shall include the Achievements Against the Business Plan Report for those meetings that it is received by the Board.
- 16.3 The Board shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.
- 17. ALTERATION TO THE CHARTER**
- 17.1 This Charter may be amended by unanimous resolution of the Constituent Councils.
- 17.2 The Executive Officer of the Authority must ensure that the amended Charter is published in the *Gazette*.
- 17.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.
- 18. WITHDRAWAL OF A CONSTITUENT COUNCIL**
- 18.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.
- 18.2 In any event a withdrawal cannot become effective until 30 June following the expiry of the six months in the preceding subclause. Until withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its members on the Board, the responsibility of ensuring the continued proper conduct of the affairs of the Authority.
- 18.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.
- 19. ADDITION OF NEW MEMBER**
- 19.1 The Board may consider the addition of a new member to the Authority.
- 19.2 The Constituent Councils must resolve unanimously to approve the addition of a new member to the Authority and must obtain Ministerial approval.
- 19.3 The Charter shall be amended in accordance with the provisions of this Charter to address any new addition.
- 20. DISPUTES**
- 20.1 In the event of any dispute or difference between the Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council serving a notice of dispute on all other Constituent Councils with a contemporaneous copy being served on the Authority. The Constituent Councils:
- 20.1.1 will attempt to settle the dispute or difference by negotiating in good faith;
- 20.1.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;
- 20.1.3 if the dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister to dissolve the Authority; and
- 20.1.4 notwithstanding the existence of a dispute or difference, the Constituent Councils will continue to meet their obligations to the Authority.
- 20.2 In the event of any dispute or difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council, or the Authority, serving a notice of dispute on the Constituent Council or the Authority, as the case may be, with a contemporaneous copy being served on all other Constituent Councils:
- 20.2.1 will attempt to settle the dispute or difference by negotiating in good faith;
- 20.2.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then, the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to examine the issues and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Council and the Authority. The costs of the expert will be apportioned and payable in accordance with the expert's determination; and

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20.2.3 notwithstanding the existence of a dispute or difference, the Constituent Councils and the Authority will continue to meet their obligations to each other.

For the purposes of Clause 20.2 'dispute' includes where a Constituent Council has failed or refuses to approve the draft budget advised by the Authority under Clauses 11.2.3 or 11.5.

#### **20A LIMIT OF LIABILITY**

20A.1 Except insofar as clause 12.4 applies the liability of a Constituent Council to the Authority is limited to those functions undertaken by the Authority and to which the Constituent Council has made a financial contribution. The liability of a Constituent Council is proportional to the interest of that Council in the net assets of the Authority as determined under Clause 15 of this Charter.

20A.2 The liability of a Constituent Council to the Authority for any function undertaken by the Authority under clause 12.4 is limited to the requesting Constituent Council or Constituent Councils and as reflected in the agreement entered into with the Authority for those purposes.

#### **21. DISSOLUTION OF THE AUTHORITY**

21.1 The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2.

21.2 In the event of there being net assets upon dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 15.

21.3 In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 15.

DEAN GOLLAN, Executive Officer

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**CENTRAL LOCAL GOVERNMENT REGION OF SOUTH AUSTRALIA  
(REFERRED TO AS LEGATUS GROUP)**

LOCAL GOVERNMENT ACT 1999

**CHARTER**

**1. INTRODUCTION**

**1.1 Name**

The name of the subsidiary is the Central Local Government Region of South Australia (referred to as 'Legatus Group' in this Charter).

**1.2 Definitions**

'**the Act**' means the Local Government Act 1999 and includes all regulations made thereunder;

'**Annual General Meeting**' means the annual general meeting of the Legatus Group held in accordance with Clause 3.7;

'**the Board**' means the Board of Management of the Legatus Group set out at Clause 3;

'**Board Member**' means a member of the Board;

'**Budget**' means the annual budget adopted by the Legatus Group pursuant to Clause 5.1;

'**Annual Business Plan**' means the business plan adopted by the Legatus Group pursuant to Clause 6.2;

'**Chairperson**' means the member of the Board appointed pursuant to Clause 3.5;

'**Chief Executive Officer**' means the person appointed pursuant to Clause 4 as the Chief Executive Officer of the Legatus Group;

'**Constituent Councils**' means those councils identified at Clause 1.4;

'**Council**' means a council constituted under the Act;

'**Financial Statements**' has the same meaning as in the Act;

'**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 prepared by the Legatus Group and approved by the Constituent Councils pursuant to Clause 5.3;

'**Region**' means the collective geographical areas of the Constituent Councils;

**'Regional Management Group'** means the group established pursuant to Clause 7.11;

**'Strategic Plan'** means the strategic plan adopted by the Legatus Group pursuant to Clause 6.1.

### 1.3 Interpretation

In this Charter, unless the context otherwise requires:

- 1.3.1 headings do not affect interpretation;
- 1.3.2 singular includes plural and plural includes singular;
- 1.3.3 words of one gender include any gender;
- 1.3.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 1.3.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.3.6 an unenforceable provision or part of a provision of this Charter may be severed, and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;
- 1.3.7 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
- 1.3.8 a reference to a 'Clause' means a clause of this Charter.

### 1.4 Establishment

Legatus Group is established under the Act.

The Constituent Councils are:

- 1.4.1 The Barossa Council;
- 1.4.2 District Council of Barunga West;
- 1.4.3 Clare and Gilbert Valleys Council;
- 1.4.4 Copper Coast Council;
- 1.4.5 The Flinders Ranges Council;
- 1.4.6 Regional Council of Goyder;
- 1.4.7 Light Regional Council;
- 1.4.8 Adelaide Plains Council;
- 1.4.9 District Council of Mount Remarkable;
- 1.4.10 Northern Areas Council;

- 1.4.11 District Council of Orroroo/Carrieton;
- 1.4.12 District Council of Peterborough;
- 1.4.13 Port Pirie Regional Council;
- 1.4.14 Wakefield Regional Council; and
- 1.4.15 Yorke Peninsula Council

## 1.5 **Local Government Act 1999**

This Charter must be read in conjunction with the Act. The Legatus Group must conduct its affairs in accordance with the Act except as modified by this Charter as permitted by the Act.

## 1.6 **Objects and Purpose for which the Legatus Group is Established**

The Legatus Group is established to:

- 1.6.1 undertake co-ordinating, advocacy and representational roles on behalf of the Constituent Councils at a regional level;
- 1.6.2 facilitate and co-ordinate activities of local government at a regional level related to community and economic development with the object of achieving improvement for the benefit of the communities of the Constituent Councils;
- 1.6.3 develop, encourage, promote, foster and maintain consultation and co-operation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;
- 1.6.4 develop further co-operation between the Constituent Councils for the benefit of the communities of the Region;
- 1.6.5 develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the Region;
- 1.6.6 undertake projects and activities that benefit the Region and its communities;
- 1.6.7 associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;
- 1.6.8 provide strong advocacy speaking with one voice on what matters most to the communities of the Constituent Councils;
- 1.6.9 work together to make the best use of available resources
- 1.6.10 collaborate to deliver effective services;
- 1.6.11 build partnerships with those who can contribute to stronger and more sustainable communities;

- 1.6.12 develop and implement a robust Business Plan consistent with the Region Plan.

## 2. **POWERS AND FUNCTIONS OF THE LEGATUS GROUP**

The powers, functions and duties of the Legatus Group are to be exercised in the performance of the Legatus Group's objects and purposes, comprise:

### 2.1 **Functions and Powers**

In addition to those specified in the Act, the functions and powers of the Legatus Group are:

- 2.1.1 subject to Clause 2.4 becoming a member of or co-operating or contracting with any other association or organisation;
- 2.1.2 subject to Clause 2.4 entering into contracts or arrangements with any Government agency or authority;
- 2.1.3 subject to Clause 2.4 appointing, employing, remunerating, removing or suspending the Chief Executive Officer;
- 2.1.4 subject to Clause 2.4 entering into contracts with any person for the acquisition and/or supply of goods and services;
- 2.1.5 raising revenue through subscriptions and levies from Constituent Councils, by arrangements with sponsor organisations, by arrangement or contract with any other person and by any other means not inconsistent with the objects and purposes of the Legatus Group;
- 2.1.6 printing and publishing any newspapers, periodicals, books, leaflets, or other like writing;
- 2.1.7 appointing persons or committees to oversee the management of the Legatus Group, to steer projects or to pursue geographic or functional interests of Constituent Councils or specific groups of Constituent Councils;
- 2.1.8 with the prior approval of the Board undertake its functions and exercise its power outside the areas of the Constituent Councils, including by providing services ancillary to the purposes of the Legatus Group;
  - 2.1.8.1 To the extent considered necessary or expedient to the performance of its functions by the Board; or
  - 2.1.8.2 To provide services to an unincorporated area of the state;
- 2.1.9 subject to Clause 2.4 employing, engaging or retaining professional advisors to the Legatus Group;
- 2.1.10 subject to Clause 2.4 instituting, initiating and carrying on legal proceedings;

- 2.1.11 making submissions for and accepting grants, subsidies and contributions to further its objects and purposes;
- 2.1.12 subject to Clause 2.4 acquiring, holding, dealing with and disposing of any personal property;
- 2.1.13 with the prior approval of the Constituent Councils purchasing, selling or otherwise acquiring, disposing of or encumbering any real property or interests therein;
- 2.1.14 opening and operating bank accounts;
- 2.1.15 accumulating surplus funds for investment purposes;
- 2.1.16 investing any of the funds of the Legatus Group in any investment provided that:
  - 2.1.16.1 in exercising this power of investment the Legatus Group must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
  - 2.1.16.2 the Legatus Group must avoid investments that are speculative or hazardous in nature;
- 2.1.17 borrowing money and incurring expenditure in accordance with Clause 2.4;
- 2.1.18 giving security for the discharge of liabilities; and
- 2.1.19 doing all other things that are incidental or conducive to the attainment of the objects and purposes of the Legatus Group.

## 2.2 **Duties**

The Legatus Group has the following duties:

- 2.2.1 to exercise the functions and powers of the Legatus Group only in the performance and furtherance of the Legatus Group's objects and purposes;
- 2.2.2 to comply with this Charter, the Act, all other applicable law and any lawful direction of the Constituent Councils.

## 2.3 **Other Powers, Functions and Duties**

Legatus Group may exercise such other functions, powers and duties as are delegated to the Legatus Group or authorised by the Constituent Councils from time to time.

## 2.4 **Borrowings and Expenditure**

- 2.4.1 The Legatus Group has the power to incur expenditure as follows:

- 2.4.1.1 in accordance with a budget adopted by the Legatus Group and approved by the Constituent Councils as required by the Act or this Charter; or
  - 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 adopted by the Legatus Group for a purpose of genuine emergency or hardship.
- 2.4.2 Subject to Clause 2.2 the Legatus Group has the power to borrow money as follows:
- 2.4.2.1 in accordance with a budget adopted by the Legatus Group 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 of \$100,000;
  - 2.4.2.3 with the prior approval of the Constituent Councils.
- 2.5 Property**
- 2.5.1 All property held by the Legatus Group is held by it on behalf of the Constituent Councils.
  - 2.5.2 No person may sell, encumber or otherwise deal with any property of the Legatus Group without the prior approval of the Constituent Councils and the approval of the Legatus Group by resolution of the Board.
- 2.6 Delegation by the Legatus Group**
- 2.6.1 The Legatus Group may in accordance with this Charter and the Act by resolution delegate to a committee of the Legatus Group, an employee of the Legatus Group, a Constituent Council or to a person for the time being occupying a particular office or position of the Legatus Group any of its powers and functions under this Charter or the Act but may not delegate:
    - 2.6.1.1 the power to impose charges;
    - 2.6.1.2 the power to borrow money or obtain any other form of financial accommodation not contained in a Budget adopted by the Legatus Group;
    - 2.6.1.3 the power to approve expenditure of money on the works, services or operations of the Legatus Group not contained in a Budget adopted by the Legatus Group and approved by the Constituent Councils;
    - 2.6.1.4 the power to approve the reimbursement of expenses or payment of allowances to Board Members;

- 2.6.1.5 the power to adopt or revise a Budget, Business Plan, Strategic Plan or Long Term Financial Plan of the Legatus Group;
- 2.6.1.6 the power to adopt or revise financial estimates and reports.
- 2.6.2 A delegation is revocable at will and does not prevent the Legatus Group from acting in a matter.
- 2.6.3 Where a power or function is delegated to an employee, or a person occupying a particular office or position, that employee or person is responsible to the Chief Executive Officer for the efficient and effective exercise or performance of that power or function.

### 3. BOARD OF MANAGEMENT

#### 3.1 Structure

- 3.1.1 The Legatus Group is a body corporate and is governed by the Act and this Charter.
- 3.1.2 The Board is the Legatus Group's governing body and has the responsibility for the administration of the affairs of the Legatus Group ensuring that the Legatus Group acts in accordance with this Charter and all relevant legislation including the Act.

#### 3.2 Membership of the Board

- 3.2.1 The Board shall consist of all of the principal members of the Constituent Councils.
- 3.2.2 Each Board Member shall be entitled to exercise one vote on any matter arising for decision.

#### 3.3 Functions of the Board

- 3.3.1 In addition to the functions of the Board set out in the Act, the functions of the Board include:
  - 3.3.1.1 the formulation of strategic plans and strategies aimed at achieving the objects and purposes of the Legatus Group;
  - 3.3.1.2 providing effective governance and developing such policies and procedures as give effect to good governance and administrative practices;
  - 3.3.1.3 to providing input and policy direction to the Legatus Group;
  - 3.3.1.4 monitoring, overseeing and evaluating the performance of the Chief Executive Officer of the Legatus Group;
  - 3.3.1.5 ensuring that ethical behaviour and integrity is established and maintained by the Legatus Group, the Board and Board Members in all activities undertaken by the Legatus Group;

- 3.3.1.6 ensuring that the activities of the Legatus Group are undertaken in an open and transparent manner;
- 3.3.1.7 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

### 3.4 **Propriety of Members of the Board**

- 3.4.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a council.
- 3.4.2 The Board Members are required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 3.4.3 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 Part 2 of Schedule 2 to the Act.

### 3.5 **Chair of the Board**

- 3.5.1 A Chair and two Deputy Chairs shall be elected at the Annual General Meeting by and from the Board Members.
- 3.5.2 The Chair and Deputy Chairs shall hold office from the Annual General Meeting at which they are elected until the next Annual General Meeting.
- 3.5.3 Nominations from Constituent Councils for the positions of Chair and Deputy Chairs must be in writing and must reach the Chief Executive Officer no later than one week prior to the date of the Annual General Meeting.
- 3.5.4 If the Chair resigns as Chair, is removed from office as Chair, refuses or is unable to act as Chairperson or is no longer a Board Member, either one of the Deputy Chairs may act as Chair until the election of a new Chair at the next Annual General Meeting.
- 3.5.5 The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, one of the Deputy Chairs chosen by those Board Members present shall preside and in the event of the Chair and both Deputy Chairs being absent from a meeting, the Board Members present shall appoint a Board Member from amongst them, who shall preside for that meeting or until the Chair or a Deputy Chair is present.

### 3.6 **Proceedings of the Board**

#### Board Meetings

- 3.6.1 Ordinary meeting of the Board must take place at such times and places as may be fixed by the Legatus Group Board
- 3.6.2 An ordinary meeting of the Board will constitute an ordinary meeting of the Legatus Group. The Board shall administer the business of the Legatus Group at the ordinary meeting.
- 3.6.3 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 3.6.4 Meetings of the Board will be open to the public and Chapter 6 Part 3 of the Act extends to the Legatus Group as if the Legatus Group were a council and the Board Members were members of the council.

#### Notice of Meetings

- 3.6.5 Notice of an ordinary meeting of the Board and an Annual General Meeting must be given by the Chief Executive Officer to each Board Member and Chief Executive Officer of the Constituent Councils at least five (5) clear days prior to the holding of the meeting.
- 3.6.6 The Chief Executive Officer must, in relation to a notice of a meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the Legatus Group, provide the notice to all Board Members and the Chief Executive Officers of the Constituent Councils at least four (4) months before the date of the meeting.
- 3.6.7 Notice of a meeting of the Board must:
- 3.6.7.1 be in writing; and
  - 3.6.7.2 set out the date, time and place of the meeting; and
  - 3.6.7.3 be signed by the Chief Executive Officer; and
  - 3.6.7.4 contain, or be accompanied by, the agenda for the meeting.
- 3.6.8 Any Constituent Council, the Chair or three (3) Board Members may by delivering a written request to the Chief Executive Officer require a special meeting of the Board to be held. The request to the Chief Executive Officer requiring a special meeting to be held must be accompanied by the agenda for the meeting and any written reports

intended to be considered at the meeting and if an agenda is not provided the request is of no effect.

- 3.6.9 On receipt of the request pursuant to Clause 3.6.8 the Chief Executive Officer must send a notice of the special meeting to all Board Members and Chief Executive Officers of the Constituent Councils at least twenty four (24) hours prior to the commencement of the special meeting.
- 3.6.10 The Chief Executive Officer must, insofar as is reasonably practicable:
- 3.6.10.1 ensure that items on an agenda given to Board Members are described with reasonable particularity and accuracy; and
  - 3.6.10.2 supply to each Board Member at the time that notice of a meeting is given a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- 3.6.11 Notice of a meeting of the Board may be given to a Board Member:
- 3.6.11.1 personally; or
  - 3.6.11.2 by delivering the notice (whether by post, electronically or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or
  - 3.6.11.3 by leaving the notice for the Board Member at an appropriate place at the principal office of the Constituent Council for which the Board Member is the principal member; or
  - 3.6.11.4 by a means authorised in writing by the Board Member as being an available means of giving notice.
- 3.6.12 A notice that is not given in accordance with Clause 3.6.11 is taken to have been validly given if the Chief Executive Officer considers it impracticable to give the notice in accordance with that Clause and takes action the Chief Executive Officer considers reasonable practicable in the circumstances to bring the notice to the attention of the Board Member.
- 3.6.13 The Chief Executive Officer must give notice to the public of the times and places of meetings of the Board at least five (5) clear days prior to the holding of the meeting by causing a copy of the notice and agenda for the meeting to be placed on the website of the Constituent Councils and the Legatus Group.
- 3.6.14 Subject to Clause 3.6.16, the Chief Executive Officer must also ensure that a reasonable number of copies of any document or report supplied to Board Members for consideration at a meeting of the Board are available for inspection by members of the public:

- 3.6.14.1 on the Legatus Group website as soon as practicable after the time when the document or report is supplied to Board Members; or
- 3.6.14.2 in the case of a document or report supplied to Board Members at the Board Meeting, at the meeting as soon as practicable after the time when the document or report is supplied to Board Members.
- 3.6.15 The Chief Executive Officer may indicate on a document or report provided to Board Members under Clause 3.6.14.2 any information or matter contained in or arising from a document or report that may, if the Board determines, be considered in confidence in accordance with Clause 3.6.4 provided that the Chief Executive Officer at the same time specifies the basis on which an order could be made pursuant to the provisions of Chapter 6 Part 3 of the Act.
- 3.6.16 Clause 3.6.14 does not apply to a document or report:
- 3.6.16.1 that is subject to the operation of Clause 3.6.15; or
- 3.6.16.2 that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 3.6.4 and Chapter 6 Part 3 of the Act.
- 3.6.17 The Chief Executive Officer must maintain a record of all notices of Board meetings given under Clause 3.16 to Board Members.

#### Quorum

- 3.6.18 A meeting of the Board must not commence until a quorum is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.

#### Voting

- 3.6.19 Unless otherwise required at law or this Charter, all matters for decision of a meeting of the Board shall be decided by a simple majority of the Board Members present and entitled to vote. All Board Members, including the Chair present and entitled to vote are required to vote. All Board Members including the Chair are entitled to a deliberative vote and if the votes are equal the Chair or other Board Member presiding does not have a second or casting vote.

#### Confidentiality

- 3.6.20 All Board Members must keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board that is subject to the operation of Clause 3.6.15 or that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 3.6.4 and Chapter 6, Part 3 of the Act.

### Minutes

- 3.6.21 The Chief Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented at the next ordinary meeting of the Board where the Chief Executive Officer is absent or excluded from attendance at a meeting of the Board pursuant to Clause 3.6 the person presiding at the meeting shall cause the minutes to be kept..
- 3.6.22 Subject to Clause 3.6.24 a copy of the minutes of a meeting of the Board must be placed on public display at the principal offices of the Constituent Councils and the Legatus Group within five (5) days after the meeting and kept on public display for a period of one (1) month.
- 3.6.23 Subject to Clause 3.6.24, a person is entitled, on payment of a fee fixed by the Board, to obtain a copy of any documents placed on public display.
- 3.6.24 Clauses 3.6.22 and 3.6.23 do not apply in relation to a document or part of a document dealt with by the Board on a confidential basis in accordance with Clause 3.6 and Chapter 6, Part 3 of the Act.
- 3.6.25 Subject to this Charter and to any direction of the Constituent Councils the Board may determine its own procedures to apply to proceedings at and conduct of meetings of which must be fair and contribute to free and open decision making where the Board has not determined a procedure and the procedure is not specified in this Charter, the procedures specified in Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 will apply.

### **3.7 Annual General Meeting**

- 3.7.1 The Annual General Meeting will:
- 3.7.1.1 be held not later than 30 September in each calendar year;
  - 3.7.1.2 receive the Legatus Group's Annual Report which may incorporate reports from committees and any representatives reports from other organisations;
  - 3.7.1.3 receive the audited financial statement for the preceding financial year;
  - 3.7.1.4 acknowledge the appointment of Board Members;
  - 3.7.1.5 elect the Chair and two Deputy Chairs;
  - 3.7.1.6 appoint representatives to other organisations;
  - 3.7.1.7 consider any other business requiring consideration by the Board Members in general meeting.

#### 4. CHIEF EXECUTIVE OFFICER

- 4.1 The Board shall appoint a Chief Executive Officer of the Legatus Group to manage the affairs of the Legatus Group on terms agreed between the Chief Executive Officer and the Board.
- 4.2 The Chief Executive Officer is responsible to the Legatus Group for the implementation of the decisions of the Legatus Group and will work collaboratively with the Regional Management Group.
- 4.3 The terms and conditions of the engagement and remuneration of the Chief Executive Officer shall be reviewed annually according to any employment agreement that may be in place with the Chief Executive Officer.
- 4.4 The Chief Executive Officer shall cause records to be kept of all activities and financial affairs of the Legatus Group in accordance with this Charter.
- 4.5 The Board shall delegate responsibility for the day to day management of the Legatus Group to the Chief Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Legatus Group.
- 4.6 The functions of the Chief Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:
  - 4.6.1 attending at all meetings of the Board unless excluded by resolution of the Board;
  - 4.6.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
  - 4.6.3 providing information to assist the Board to assess the Legatus Group's performance against its Strategic and Business Plans;
  - 4.6.4 appointing, managing, suspending and dismissing employees of the Legatus Group;
  - 4.6.5 determining the conditions of employment of employees of the Legatus Group, within budgetary constraints set by the Board;
  - 4.6.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
  - 4.6.7 ensuring that the Legatus Group is at all times complying with Schedule 2 of the Local Government Act 1999;
  - 4.6.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Legatus Group;
  - 4.6.9 ensuring that the assets and resources of the Legatus Group are properly managed and maintained;
  - 4.6.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;

- 4.6.11 ensuring that the Legatus Group's annual report is distributed to the Constituent Councils in time to be incorporated in their annual reports;
  - 4.6.12 exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board; and
  - 4.6.13 achieving financial outcomes in accordance with adopted plans and budgets of the Legatus Group.
- 4.7 The Chief Executive Officer may delegate or sub-delegate to:
- 4.7.1 a committee;
  - 4.7.2 an employee of the Legatus Group;
  - 4.7.3 an employee of a Constituent Council; or
  - 4.7.4 a person for the time being occupying a particular office or position,
- any power or function vested in the Chief Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Chief Executive Officer is revocable at will and does not prevent the Chief Executive Officer from acting in relation to a matter.
- 4.8 A written record of all delegations and sub-delegations must be kept by the Chief Executive Officer at all times.

## 5. FINANCIALS

### 5.1 Budget

- 5.1.1 The Legatus Group must before 30 April of each year prepare and submit a draft Budget to the Constituent Councils for the ensuing Financial Year (or, if appropriate, part Financial Year) in accordance with the Act for endorsement by the Constituent Councils.
- 5.1.2 The Legatus Group must adopt after 31 May and within six (6) weeks of endorsement of the draft Budget by all of the Constituent Councils in each year, a Budget in accordance with the Act for the ensuing Financial Year consistent with the approval given by the Constituent Councils pursuant to Clause 5.1.1.
- 5.1.3 The Legatus Group 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.
- 5.1.4 The Legatus Group must each Financial Year provide a copy of its adopted Budget to the Constituent Councils within five (5) business days after the adoption of the Budget by the Legatus Group.
- 5.1.5 Quarterly reports summarising the financial position and performance of the Legatus Group against the Budget must be prepared and

presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.

5.1.6 The Legatus Group 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 year ends.

5.1.7 The contents of the Budget must be in accordance with the Act.

## 5.2 **Financial Standards and Reporting**

5.2.1 The Legatus Group must ensure that the Financial Statements of the Legatus Group for each Financial Year are audited by the Legatus Group's auditor.

5.2.2 The Financial Statements must be finalised and audited in sufficient time to be included in the Annual Report to be provided to the Constituent Councils pursuant to Clause 6.3.3.

## 5.3 **Long Term Financial Plan**

5.3.1 The Legatus Group must prepare and submit to the Constituent Councils for their approval a Long Term Financial Plan covering a period of at least ten (10) years in a form and including such matters which, as relevant, is consistent with Section 122 of the Act and the Local Government (Financial Management) Regulations 2011 as if the Legatus Group were a council.

5.3.2 The Legatus Group may at any time review the Long Term Financial Plan but must undertake a review of the Long Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.

5.3.3 In any event, the Legatus Group must undertake a comprehensive review of its Long Term Financial Plan every four (4) years.

5.3.4 The Long Term Financial Plan will be taken to form part of the Legatus Group's Strategic Plan.

## 5.4 **Financial Management**

5.4.1 The Legatus Group shall keep proper books of accounts in accordance with the requirements of the Act and Local Government (Financial Management) Regulations 1999.

5.4.2 The Legatus Group must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.

5.4.3 The Legatus Group will develop and maintain appropriate policies and procedures for all financial transactions including in relation to signing cheques and electronic funds transfer.

5.4.4 The Chief Executive Officer must act prudently in the handling of all financial transactions for the Legatus Group.

## 5.5 Levies

- 5.5.1 The Legatus Group may levy Constituent Councils or any of them for a specified purpose or purposes.
- 5.5.2 A levy must be imposed by a meeting of the Board.
- 5.5.3 The Chief Executive Officer must give notice of the levy to all affected Constituent Councils.
- 5.5.4 A levy will not be binding on Constituent Councils until the expiration of one calendar month from the date of the notice.
- 5.5.5 A Constituent Council which objects in writing to the imposition of the levy within one month of the date of the notice shall be exempt from payment of the levy until its objection is considered at a meeting of the Board.
- 5.5.6 The Legatus Group must, after consideration of the objection of one or more Constituent Councils to a levy, confirm or vary the levy on that Council or exempt that Council from payment of the levy.
- 5.5.7 The Chair may convene an urgent meeting to consider an objection to a levy.

## 6. MANAGEMENT FRAMEWORK

### 6.1 Strategic Plan

Consistent with the Long Term Financial Plan set out above, the Legatus Group must:

- 6.1.1 prepare and adopt a Strategic Plan with a minimum operational period of ten (10) years which sets out the goals, objectives, strategies and priorities of the Legatus Group over the period of the Strategic Plan;
- 6.1.2 prepare an Asset Management Plan, with detailed financials for the first ten years;
- 6.1.3 submit the Strategic Plan to the Constituent Councils for their approval.

### 6.2 Annual Business Plan

The Legatus Group shall:

- 6.2.1 prepare an Annual Business Plan linking the core activities of the Legatus Group to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;
- 6.2.2 consult with the Constituent Councils prior to adopting or amending the Annual Business Plan; and
- 6.2.3 ensure contents of the Business Plan is in accordance with the Act.

### 6.3 Annual Report

- 6.3.1 The Legatus Group must each year, produce an Annual Report summarising the activities, achievements and financial performance of the Legatus Group for the preceding Financial Year.
- 6.3.2 The Annual Report must incorporate the audited financial statements of the Legatus Group for the relevant Financial Year.
- 6.3.3 The Annual Report must be provided to the Constituent Councils by 30 September each year.

### 6.4 Audit

- 6.4.1 The Legatus Group must cause adequate and proper books of account to be kept in relation to all the affairs of the Legatus Group and must establish and maintain effective auditing of its operations.
- 6.4.2 The Legatus Group must appoint an Auditor in accordance with the Act on such terms and conditions as determined by the Legatus Group.
- 6.4.3 The audited Financial Statements of the Legatus Group, 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.

### 6.5 Audit Committee

- 6.5.1 The Legatus Group must establish an Audit and Risk Management Committee to be comprised of five (5) persons nominated by the Legatus Group and approved by the Constituent Councils.
- 6.5.2 The members of the Audit and Risk Management Committee:
  - 6.5.2.1 must include two (2) professionally qualified officers, one of each from the staff of the Constituent Councils;
  - 6.5.2.2 must include at least 1 person who is not a member of the Board and who is determined by the Constituent Councils to have financial experience relevant to the functions of the Audit and Risk Management Committee;
  - 6.5.2.3 may include elected members of the Constituent Councils;
  - 6.5.2.4 must have regard to the Act in performing their duties.
- 6.5.3 The term of appointment of a member of the Audit and Risk Management Committee shall be for a term not exceeding two (2) years at the expiry of which such member will be eligible for reappointment.

## 7. MISCELLANEOUS

### 7.1 New Members

- 7.1.1 Subject to the provisions of the Act, a council may become a Constituent Council by the unanimous agreement of the Constituent Councils and this Charter may be amended to provide for the admission of a new constituent council or councils, with or without conditions of membership.

### 7.2 Subscription

- 7.2.1 Every Constituent Council shall be liable to contribute monies to the Legatus Group each financial year.
- 7.2.2 The amount of each Constituent Council's subscription will be decided at the Annual General Meeting and will be due and payable within one month of a written request from the Chief Executive Officer for payment.

### 7.3 Disqualification

- 7.3.1 Subject to any legislative requirements, a Council which fails to pay its subscription or any other monies due to the Legatus Group within six months from the date upon which the subscription or other monies become due and payable shall cease to be a Constituent Council or, as the case may be, an Affiliate.
- 7.3.2 The Chief Executive Officer will give notice in writing to the Council that its status as a Constituent Council or, as the case may be, an Affiliate, has been terminated.

### 7.4 Withdrawal

- 7.4.1 Subject to the Act and this Charter, a Constituent Council may cease to be a Constituent Council by giving not less than thirty six (36) months' notice in writing of such withdrawal to the Chief Executive Officer provided that its subscription of the current year and other monies outstanding prior to the date of its giving notice of withdrawal have been paid to the Legatus Group.
- 7.4.2 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Legatus Group at any time before or after such withdrawal in respect of any act or omission by the Legatus Group prior to such withdrawal.

### 7.5 Insurance and Superannuation Requirements

- 7.5.1 The Legatus Group shall register with the Local Government Mutual Liability Scheme and Local Government Workers Compensation Scheme and comply with the rules of those Schemes.
- 7.5.2 The Legatus Group shall advise the Local Government Risk Management Services of its insurance requirements relating to Local

Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Legatus Group.

## **7.6 Legatus Group Winding Up**

- 7.6.1 The Legatus Group may be wound up in accordance with the Act by unanimous resolution of the Constituent Councils.
- 7.6.2 In the event of a winding up, any surplus assets after payment of all expenses shall be returned to each Constituent Councils in proportion to the subscription paid by each Constituent Council in the financial year prior to the passing of the resolution wind up.
- 7.6.3 If there are insufficient funds to pay all expenses due by the Legatus Group on winding up, a levy shall be imposed on all Constituent Councils in proportion to the subscription paid by each Constituent Council in the financial year prior to the passing of the resolution to wind up.

## **7.7 Non-derogation and Direction by Constituent Councils**

- 7.7.1 The establishment of the Legatus Group does not derogate from the power of any of the Constituent Councils to act independently or jointly in relation to a matter within the jurisdiction of the Legatus Group.
- 7.7.2 Provided that the Constituent Councils have first agreed by unanimous resolution of each Constituent Council as to the action to be taken, the Constituent Councils may jointly direct and control the Legatus Group.
- 7.7.3 Where the Legatus Group is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils that approval must only be granted and must be evidenced by a resolution passed by either or all of the Constituent Councils granting such approval.
- 7.7.4 Unless otherwise stated in this Charter where the Legatus Group is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of all of the Constituent Councils expressed in the same or similar terms.
- 7.7.5 For the purpose of Clause 7.7.1, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Chief Executive Officer of the Legatus Group together with a copy of the relevant resolutions of the Constituent Councils.

## **7.8 Alteration and Review of Charter**

- 7.8.1 This Charter will be reviewed by the Constituent Councils at least once in every four (4) years.
- 7.8.2 This Charter may be amended by a resolution passed by a simple majority of the Constituent Councils.

- 7.8.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.

## 7.9 Disputes

### 7.9.1 General

- 7.9.1.1 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.

### 7.9.2 Mediation

- 7.9.2.1 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 7.9.2.
- 7.9.2.2 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 Law Society of South Australia Incorporated, within seven (7) days of a written request by any party to the other party that the Dispute be referred for mediation, to:
- (a) a mediator agreed by the parties; or
  - (b) 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 then President of the Law Society or the President's successor.
- 7.9.2.3 In the event the parties fail to refer the matter for mediation in accordance with Clause 7.9.2.2, one or more of the parties may refer the matter for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated to a mediator nominated by the then President of the Law Society or the President's successor.
- 7.9.2.4 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.
- 7.9.2.5 If mediation does not resolve the Dispute within 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 7.9.3.

### 7.9.3 Arbitration

- 7.9.3.1 An arbitrator may be appointed by agreement between the parties.
- 7.9.3.2 Failing agreement as to an arbitrator the then Chairperson of the South Australian Chapter of the Institute of Arbitrators or his successor shall nominate an Arbitrator pursuant to these conditions.
- 7.9.3.3 A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the Commercial Arbitration Act 1985 (South Australia).
- 7.9.3.4 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.
- 7.9.3.5 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.
- 7.9.3.6 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.

## 7.10 Committees

- 7.10.1 The Board may establish a committee of Board Members and/or other persons for the purpose of:
  - 7.10.1.1 enquiring into and reporting to the Board on any matter within the Legatus Group's functions and powers and as detailed in the terms of reference given by the Board to the Committee; or
  - 7.10.1.2 exercising, performing or discharging delegated powers, functions or duties.
- 7.10.2 A member of a committee established under this Clause holds office at the pleasure of the Board.
- 7.10.3 The Board may establish advisory committees consisting of or including persons who are not Board Members for enquiring into and reporting to the Board on any matter within the Legatus Group's functions and powers and as detailed in the terms of reference determined by the Board.
- 7.10.4 A member of an advisory committee established under this clause holds office at the pleasure of the Board.
- 7.10.5 The Chair of the Board is ex-officio a member of any committee or advisory committee established by the Board.

### **7.11 Regional Management Group**

- 7.11.1 The Regional Management Group shall comprise the Chief Executive Officers of the Constituent Councils and they will include the Chief Executive Officer for attendance at their meetings who will in turn provide the secretariat services on behalf of the Regional Management Group.
- 7.11.2 The Regional Management Group will support and work collaboratively with the Chief Executive Officer to implement and deliver the strategic objectives of the Legatus Group.
- 7.11.3 The Regional Management Group will meet at such times and at places determined by the Regional Management Group except that there must be at least one meeting every three (3) months.
- 7.11.4 The members of the Regional Management Group may attend Board meetings and provide such advice and support to the Board as required from time to time.
- 7.11.5 The proceedings of meetings of the Regional Management Group will be determined by the Regional Management Group.

### **7.12 Legatus Group Common Seal**

- 7.12.1 The Legatus Group shall have a common seal upon which its corporate name shall appear in legible characters.
- 7.12.2 The common seal shall not be used without the express authorisation of a resolution of the Legatus Group Board and every use of the common seal shall be recorded in the minute book of the Legatus Group.
- 7.12.3 The affixing of the common seal shall be witnessed by the Chair or a Deputy Chair and the Chief Executive Officer or such other person as the Legatus Group may appoint for the purpose.
- 7.12.4 The common seal shall be kept in the custody of the Chief Executive Officer or such other person as the Legatus Group may from time to time decide.

### **7.13 Circumstances Not Provided For**

- 7.13.1 If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chair may decide the action to be taken to ensure achievement of the objects of the Legatus Group and its effective administrator.
- 7.13.2 The Chair shall report any such decision at the next general meeting.

	<b>15.10</b>	<b>Policy Introduction – Council Members Induction Policy and Program</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>Governance Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/51566</b>

### **EXECUTIVE SUMMARY**

- The purpose of this report is for Council to consider the proposed *Council Members Induction Policy (the Draft Policy)* and *Council Members Induction Program (the Draft Program)*.
- Currently, Council does not have an Induction Policy, Program or equivalent. With the recent election of a new Council, it is prudent that a policy and program are implemented and endorsed.
- The Draft Policy (**Attachment 1**) and the Draft Program (**Attachment 2**) are presented for Council’s consideration.
- It is recommended that Council adopts the Draft Policy and the Draft Program.

### **RECOMMENDATION**

**“that Council, having considered Item 15.10 – *Policy Introduction – Council Members Induction Policy and Program*, dated 21 November 2018, receives and notes the report and in doing so:-**

- 1. Adopts the *Council Members Induction Policy* as presented as Attachment 1 to this Report; and**
- 2. Adopts the *Council Members Induction Program* as presented as Attachment 2 to this Report.”**

### **BUDGET IMPACT**

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not Applicable

## **RISK ASSESSMENT**

A strong Council Members Induction Policy and associated program provides an opportunity to set a positive tone, establish clear roles and responsibilities and build professional working relationships between relevant parties from the outset of a Council term.

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### **Attachments**

1. Draft *Council Members Induction Policy*.
2. Draft *Council Members Induction Program*.
3. Copy of Agenda Item 8.2 – *Council Members Induction Policy*, dated 29 August 2018, as presented to the Governance Advisory Panel.

## DETAILED REPORT

### **Purpose**

The purpose of this report is for Council to consider the proposed *Council Members Induction Policy (the Draft Policy)* and *Council Members Induction Program (the Draft Program)*.

### **Background/History**

The Local Government Association updated its Induction for New Councils Model Policy (**the Model Policy**) in preparation for the November 2018 General Election.

Currently, Council does not have an Induction Policy or equivalent. With an upcoming election and the potential for new Council Members to be elected, it is prudent that a policy is prepared and ready for endorsement at the first council meeting of the new Council.

The Draft Policy was presented to Council's Governance Advisory Panel at its meeting on 29 August 2018. A copy of the report considered by the Governance Advisory Panel is presented as **Attachment 3** to this Report. The Panel resolved as follows:-

#### 8.2 *Council Members Induction Policy*

##### *Committee Resolution*

*Moved Deputy Mayor Lawrence                      Seconded Mr Lachlan Miller                      2018/019*

*"that the Panel, having considered Item 8.2 – Council Members Induction Policy, dated 29 August 2018, receives and notes the report and in doing so recommends to Council that Council adopt the Council Members Induction Policy as presented as Attachment 1 to this Report to the Panel subject to minor amendments being made as suggested by the Panel."*

*CARRIED*

The minor changes referred to in the above resolution have been incorporated into the Draft Policy that is now presented to Council.

### **Discussion**

The Draft Policy is largely based on the Model Policy.

In addition to the minimum recommended clauses outlined in the Model Policy, the Draft Policy also sets out principles of good induction, and the roles and responsibilities of Council Members, the Chief Executive Officer, General Managers and the Governance Officer in relation to Induction.

The Draft Policy is complemented by the Draft Program. The Draft Program, at a minimum ensures that that Council Members undertake the mandatory training modules required in order to carry out their function with Council.

Together, the existence of an Induction Policy and Program provide an opportunity to set a positive tone, establish clear roles and responsibilities and build professional working relationships between Council Members, the Chief Executive Officer and the Executive Management Team, from the outset.

## **Conclusion**

It is recommended that the Draft Policy and the Draft Program be adopted, subject to any amendments that Council wishes to make.

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## **References**

### Legislation

*Local Government Act 1999 (SA)*

### Council Policies/Plans

*Caretaker Policy*

*Code of Conduct for Council Members*

*Code of Practice – Access to Council Meetings and Documents*

*Code of Practice – Meeting Procedures*

*Complaints Handling Procedure Under Council Members Code of Conduct*

*Council Members Allowance and Benefits Policy*

*Council Members Communication Policy*

*Council Members Induction Program*

*Council Members Records Management Policy*

*Council Member Training and Review Policy*

*Gifts and Benefits Policy*

*Register of Interests Policy*

*Strategic Plan 2017-2020*

*4.5 Accountable & Sustainable Governance*

	<b>Council Members Induction Policy</b>	
	<b>Adoption by Council:</b>	TBC
	<b>Resolution Number:</b>	TBC
	<b>Current Version:</b>	V1.0
	<b>Administered by:</b> Chief Executive Officer	<b>Last Review Date:</b> 2018 <b>Next Review Date:</b> 2022
<b>DOCUMENT NO:</b> D18/38811	<b>Strategic Outcome:</b> 4.5 Accountable & Sustainable Governance	

### 1. Objective

All positions on an elected Council become vacant at the end of each term of office. The vacant positions are filled at a periodic election and the newly elected Council Members form a new Council.

The process of establishing the new Council, ensuring that Council members are able to fulfil their roles appropriately and build a positive team relationship with executive staff can be substantially enhanced through a structured induction Program.

The purpose of this Policy is to confirm the commitment of Adelaide Plains Council to a formalised process for inducting the newly elected Council following each election.

### 2. Scope

This Policy complements Council's *Council Member Training and Development Policy* which deals with Council's overall commitment to the training and professional development of Council Members. By comparison, this Induction Policy focuses on the critical first few months following the elections.

This Policy applies to all Council Members, the Chief Executive Officer, General Managers and Governance Officer.

### 3. Principles Underlying the Policy

Council endorses the following principles as reflecting good induction:

- 3.1 Each Council Member has a personal responsibility to actively seek development opportunities in order to appropriately fulfil his/her role and better represent constituents and the community of Adelaide Plains Council;
- 3.2 All Council Members are expected to actively participate in the Induction Program of the Council; and

3.3 Information provided in Induction sessions will be supported by written materials provided to Council Members electronically.

#### 4. Definitions

**Chief Executive Officer (CEO)** means the appointed Chief Executive Officer of Adelaide Plains Council, the Acting CEO or their delegate.

**Council** means Adelaide Plains Council.

**Council Member** refers to a Council Member, elected to Adelaide Plains Council in accordance with the *Local Government Act 1999 (SA)*.

**Executive Management Team** means the CEO and the General Managers of Council.

#### 5. Roles and Responsibilities

5.1 Council Members:

- To consider and approve the Induction Policy
- To participate in the various aspects of the Induction Program

5.2 Chief Executive Officer:

- To ensure there is an appropriate Induction Program
- To participate in the Induction Program

5.3 General Managers:

- To ensure that each area of Council business is reflected in the Induction Program
- To participate in the Induction Program

5.4 Governance Officer:

- To consult with Council Members and facilitators in relation to the Induction Program

#### 6. Principles of Good Induction

Council endorses the following principles as reflecting good induction:

6.1 Each Council Member has a personal responsibility to actively seek development opportunities in order to appropriately fulfil his/her role and better represent Council's constituents and community;

6.2 All Council Members are expected to actively participate in the Induction Program of the Council; and

6.3 Information provided in Induction sessions will be supported by written materials provided to Council Members electronically.

## 7. Content of the Induction Program

The Chief Executive Officer will facilitate the design of an appropriate Induction Program for an incoming Council.

As outlined in Council's *Council Member Training and Development Policy*, Council Members must undertake mandatory training within the first year of election to office, which complies with the Local Government Association (LGA) Training Standards as defined in Regulation 8AA of the *Local Government (General) Regulations 2013*.

In addition to the mandatory minimum training requirements, the induction program will include the following elements:

### 7.1 Relationship Building

Although they have different roles, Council Members and the Executive Management Team, lead by the CEO, have shared responsibility for the strategy, priorities, efficient resource use and overall performance of services delivered to the community. The development of a strong working relationship is therefore critical. The induction program will focus on building professional working relationships.

### 7.2 Roles and Responsibilities

Understanding the separate but complementary roles of the Council as a whole, individual Council Members and the CEO is fundamental to achieving outcomes for Council's community. The induction program will set a positive tone and establish clear roles and responsibilities between the parties from the outset.

### 7.3 Conduct of Council Members and Procedure at Meetings

Equally important to decision making is the smooth functioning of the elected Council and the cooperation of Council Members. The induction program will provide for information and discussion of the law and procedure of meetings and sufficient opportunities for team building amongst Council Members.

### 7.4 Values and Behaviours

It is desirable that the new Council endorses a set of values and behaviours which will allow it to function in a collaborative and constructive manner. The induction program will provide the opportunity for all Council Members to contribute to the construction of a values statement and to familiarise themselves with the Council Member Code of Conduct.

### 7.5 Strategic Directions

As an early priority the new Council needs to review the strategic directions and major projects agreed by the previous Council and determine whether they will continue to be endorsed. The induction program will include briefings with sufficient detail to ensure that all Council Members have a common understanding of key policy areas, including training, and ongoing projects.

## 7.6 Orientation

It is desirable that all Council Members, including first time Council Members, are equipped to participate effectively in the business of the Council from the first meeting after a periodic election. In addition to the above elements, induction will include an orientation program for first time Council Members.

Consideration may also be given to the timing and content of the first and second meetings in order to accommodate time for appropriate levels of training.

## 8. Related Documents

Caretaker Policy

Code of Conduct for Council Members

Code of Practice – Access to Council Meetings and Documents

Code of Practice – Meeting Procedures

Complaints Handling Procedure under Council Members Code of Conduct

Council Members Allowances and Benefits Policy

Council Members Communication Policy

Council Members Induction Program

Council Members Records Management Policy

Council Member Training and Review Policy

Gifts and Benefits Policy

Register of Interests Policy

## 9. Records Management

All documents relating to this Policy will be registered in Council's Electronic Document and Record Management System, and remain confidential where identified.

## 10. Document Review

This Policy will be reviewed by 30 June 2022, ahead of the Local Government Elections of November 2022.

## 11. References

*Local Government Act 1999 (SA)*

*Local Government (General) Regulations 2013 (SA)*

*Local Government (Members Allowances and Benefits) Regulations 2010 (SA)*

## 12. Further Information

Members of the public may inspect this Policy free of charge on Council's website at [www.apc.sa.gov.au](http://www.apc.sa.gov.au) or at Council's Principal Office at:

2a Wasleys Rd, Mallala SA 5502

On payment of a fee, a copy of this Policy may be obtained.

Any queries in relation to this Policy must be in writing and directed to the General Manager - Governance and Communications.

DRAFT

	<b>Council Members Induction Program</b>	
	<b>Adoption by Council:</b>	TBC
	<b>Resolution Number:</b>	TBC
	<b>Current Version:</b>	V1.0
<b>Administered by:</b>	<b>Last Review Date:</b>	2018
Chief Executive Officer	<b>Next Review Date:</b>	2022
<b>DOCUMENT REF:</b> D18/48447	<b>Strategic Outcome:</b>	
	4.5 Accountable & Sustainable Governance	

### Introduction

Council Members must undertake mandatory training within the first year of election to office, which complies with the Local Government Association (**LGA**) Training Standards as defined in Regulation 8AA of the *Local Government (General) Regulations 2013*.

The process of establishing a new Council, ensuring that Council members are able to fulfil their roles appropriately and building a positive team relationship with executive staff can be substantially enhanced through a structured induction program.

The Council Members Induction Program (**the Induction Program**) provides an opportunity to set a positive tone, establish clear roles and responsibilities and build professional working relationships between the parties from the outset of a new term of office.

The timing of sessions outlined within the Induction Program (**the Induction Sessions**) will be determined by the Chief Executive Officer to ensure that Council Members are provided relevant information to undertake their roles and responsibilities in a timely manner.

The Induction Program, which includes training sessions for the first 2-3 months following the election, will be provided to the Council Members shortly after the election results have been received, and will be presented to the new Council for endorsement at its first Ordinary Meeting.



**COUNCIL MEMBER INDUCTION**  
**SESSION 1 – WELCOME TO LOCAL GOVERNMENT ON THE ADELAIDE PLAINS**  
**Tuesday, 20 November 2018 (5pm – 9pm)**  
**Venue: Mallala Council Chamber**

Activity	Notes	Approx time
<b>Photographs</b>	<ul style="list-style-type: none"> <li>• Professional photographs for Council Members and Chief Executive Officer</li> </ul>	5:00pm – 5:45pm
<b>Light Catered Dinner</b>	<ul style="list-style-type: none"> <li>• Short break for light dinner/refreshments</li> </ul>	5:45pm – 6:00pm
<b>Welcome and Induction</b>	<ul style="list-style-type: none"> <li>• Chief Executive Officer to open/facilitate session and welcome Mayor and Members</li> <li>• Provision of Induction Kits</li> </ul>	6:00pm – 6:05pm
<b>Introductions – Council Members</b>	<ul style="list-style-type: none"> <li>• Mayor and Council Members to briefly introduce themselves</li> </ul>	6:05pm – 6:10pm
<b>Introductions – Executive Management Team</b>	<ul style="list-style-type: none"> <li>• Executive Management Team to briefly introduce themselves</li> </ul>	6:10pm – 6:15pm
<b>CEO Address</b>	<ul style="list-style-type: none"> <li>• Local Government overview, functions and powers</li> <li>• Council’s role and governance framework</li> <li>• Education, training and awareness program (mandatory and non-mandatory)</li> <li>• Adelaide Plains Council – profile</li> <li>• Adelaide Plains Council – past, present and future</li> <li>• Virtual Operations Tour               <ul style="list-style-type: none"> <li>○ Departmental overviews</li> </ul> </li> </ul>	6:15pm – 8:00pm
<b>Information Technology Device Induction and Training</b>	<ul style="list-style-type: none"> <li>• Overview from Council’s Information Technology and Communications Officer</li> <li>• Basic IT training</li> </ul>	8:00pm – 8:30pm
<b>Questions and Close</b>	Take questions on notice if necessary CEO to summarise session – where to from here?	8:30pm – 9:00pm

# COUNCIL MEMBER INDUCTION

## SESSION 2 – MANDATORY TRAINING MODULES

Wednesday, 28 November 2018 (8:30am – 4:30pm)

Venue: Hewett Centre, Kingsford Drive, Hewett

(Delivered by Norman Waterhouse Lawyers

Shared with Light Regional Council)

Activity	Notes	Approx time
<b>Module 1 – Introduction to Local Government</b>	The Australian System of Government <ul style="list-style-type: none"> <li>• Three spheres of government and their functions</li> <li>• Roles and functions of Local Government</li> </ul> Role, functions and objectives of Local Government <ul style="list-style-type: none"> <li>• Composition and structure of Councils</li> <li>• Community engagement and consultation</li> <li>• Strategic Planning</li> <li>• Role of Council Members and staff</li> </ul> Services provided by councils <ul style="list-style-type: none"> <li>• Mandatory &amp; discretionary</li> </ul>	1.5 hrs
<b>Module 2 – Legal Responsibilities</b>	<ul style="list-style-type: none"> <li>• Role of a Council Member</li> <li>• Delegations and general duties</li> <li>• Code of Conduct for Council Members</li> <li>• Register of Interests and Conflict of Interest</li> <li>• Responsibilities concerning the provision of support and resources</li> <li>• Legal Protections for Council Members</li> <li>• External oversight</li> <li>• Ombudsman SA</li> <li>• ICAC</li> <li>• Minister for Local Government</li> <li>• District Court</li> </ul>	2 hrs
<b>Module 3 – Council and Committee Meetings</b>	<ul style="list-style-type: none"> <li>• Public Access to Council and Committee Meetings</li> <li>• Informal Gatherings</li> <li>• Agendas and Minutes</li> <li>• Motions and Voting</li> <li>• Public Access to documents</li> <li>• Chairing meetings</li> </ul>	1.5 hrs
<b>Module 4 – Financial Management and Reporting</b>	<ul style="list-style-type: none"> <li>• Overview of financial governance responsibilities of individual elected members and the elected body</li> <li>• Long term financial and asset management planning</li> <li>• Audit Committees</li> <li>• Rating</li> <li>• Budget and annual business plans</li> </ul>	2.5 hrs



**COUNCIL MEMBER INDUCTION**  
**SESSION 3 – BUSINESS SPECIFIC TO APC**  
**Tuesday, 22 January 2019 (12:00pm – 5:00pm)**  
**Venue: Mallala Council Chamber**

Activity	Notes	Approx time
<b>Key Strategic Documents</b>	Identify relevant documents Explain why Council has them What they contain Any processes/timeline for review  <ul style="list-style-type: none"> <li>• Strategic Management Plan</li> <li>• Annual Business Plan and Budget</li> <li>• Long Term Financial Plan</li> <li>• Asset Management Plan</li> <li>• Others</li> </ul>	12:00pm – 12:30pm
<b>APC in 2019</b>	<ul style="list-style-type: none"> <li>• Chief Executive Officer to provide overview and discuss key priorities/challenges for APC e.g. GRFMA, asbestos/illegal dumping matters, organisational review/resourcing, budget etc.</li> </ul>	12:30pm – 1:30pm
<b>Work Health Safety and Risk Management Overview</b>	<ul style="list-style-type: none"> <li>• Presentation from Council’s Work, Health and Safety/Risk Officer</li> </ul>	1:30pm – 1:45pm
<b>Records Management Overview</b>	<ul style="list-style-type: none"> <li>• Presentation from Council’s Records Management Officer</li> </ul>	1:45pm – 2:00pm
<b>Council Property and Assets</b>	<ul style="list-style-type: none"> <li>• Overview of Council’s Assets and Infrastructure</li> <li>• Nature, value and condition of Council’s assets</li> </ul>	2:00pm – 2:20pm
<b>Council Services</b>	<ul style="list-style-type: none"> <li>• Recap of Council services and overview of the services provided by each Department of Council</li> </ul>	2:20pm – 2:40pm

<b>Council Finances</b> (including presentation from Mr John Comrie)	<ul style="list-style-type: none"> <li>• Long term financial plan</li> <li>• Revenue sources</li> <li>• Rates</li> <li>• Expenditure profile (pie chart?)</li> <li>• Purpose of Audit Committee</li> </ul>	2:40pm – 3:30pm
<b>Policy Manual</b>	Brief explanation of how policies are set, connection to organisational process Requirements under the Act: <ul style="list-style-type: none"> <li>• Council Member Training and Development</li> <li>• Procurement/Disposal</li> <li>• Public Consultation</li> <li>• Allowances and Benefits</li> <li>• Code of Conduct</li> </ul>	3:30pm – 3:45pm
<b>Delegations</b>	<ul style="list-style-type: none"> <li>• Overview of Council delegations, with examples</li> </ul>	3:45pm – 4:00pm
<b>Review of Council Decisions</b>	<ul style="list-style-type: none"> <li>• Requirement for Internal Review of Council Decisions Policy and Procedure</li> <li>• Role of Minister/process for investigation</li> <li>• Ombudsman</li> <li>• FOI</li> <li>• Appeal mechanisms (Development Act, Public and Environment Act)</li> </ul>	4:00pm – 4:15pm
<b>Council/Committee Meeting Structure</b>	<ul style="list-style-type: none"> <li>• Council and Committee structure, including recommendations</li> <li>• Committee Terms of Reference</li> </ul>	4:15pm – 4:30pm
<b>Questions and Close</b>	<ul style="list-style-type: none"> <li>• Open discussion, take questions on notice if necessary</li> <li>• CEO closure</li> </ul>	4:30pm – 4:45pm

 <b>Adelaide Plains Council</b>	<b>8.2</b>	<b>Council Members Induction Policy</b>
	<b>Department:</b>	<b>Governance and Communications</b>
	<b>Report Author:</b>	<b>Governance Officer</b>
<b>Date: 29 August 2018</b>	<b>Document Ref:</b>	<b>D18/38839</b>

### EXECUTIVE SUMMARY

- The purpose of this report is for the Panel to consider and provide recommendations to Council in relation to the draft *Council Members Induction Policy* (**the Draft Policy**).
- Currently, Council does not have an Induction Policy or equivalent. With an upcoming election and the potential for new Council Members to be elected, it is prudent that a policy is prepared and ready for endorsement at the first council meeting of the new Council.
- The Draft Policy is presented as **Attachment 1** to this report.
- The Panel is asked to consider the Draft Policy and make any necessary recommendations to Council.

### RECOMMENDATION

**“that the Panel, having considered Item 8.2 – *Council Members Induction Policy*, dated 29 August 2018, receives and notes the report and in doing so recommends to Council that Council adopt the *Council Members Induction Policy* as presented as Attachment 1 to this Report to the Panel.”**

### **BUDGET IMPACT**

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not Applicable

### **RISK ASSESSMENT**

A strong Council Members Induction Policy and associated program provides an opportunity to set a positive tone, establish clear roles and responsibilities and build professional working relationships between relevant parties from the outset of a Council term.

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### **Attachments**

1. Draft *Council Members Induction Policy*.

## **DETAILED REPORT**

### **Purpose**

The purpose of this report is to seek the Panel's recommendations in relation to the proposed *Council Members Induction Policy (the Draft Policy)*

### **Background/History**

The Local Government Association has updated its Induction for New Councils Model Policy (**the Model Policy**) in preparation for the November 2022 General Election.

Currently, Council does not have an Induction Policy or equivalent. With an upcoming election and the potential for new Council Members to be elected, it is prudent that a policy is prepared and ready for endorsement at the first council meeting of the new Council.

### **Discussion**

The Draft Policy is largely based on the Model Policy. In addition to the minimum recommended clauses outlined in the Model Policy, the Draft Policy also sets out principles of good induction, and the roles and responsibilities of Council Members, the Chief Executive Officer, General Managers and the Governance Officer in relation to Induction.

The Draft Policy will be accompanied by an Induction Program (**the Induction Program**), which is currently in the process of being developed. The Induction Program will, at a minimum, ensure that Council Members undertake the mandatory training modules required in order to carry out their function with Council.

The Induction Program provides an opportunity to set a positive tone, establish clear roles and responsibilities and build professional working relationships between the parties from the outset. The timing of the Induction sessions will be determined by the Chief Executive Officer and a schedule of dates will be provided to Council Members shortly after the Swearing In Ceremony.

### **Conclusion**

The Panel is asked to consider the Draft Policy and make any necessary recommendations to Council.

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## References

### Legislation

*Local Government Act 1999 (SA)*

### Council Policies/Plans

Caretaker Policy

Code of Conduct for Council Members

Code of Practice – Access to Council Meetings and Documents

Code of Practice – Meeting Procedures

Complaints Handling Procedure Under Council Members Code of Conduct

Council Members Allowance and Benefits Policy

Council Members Communication Policy

Council Members Induction Program

Council Members Records Management Policy

Council Member Training and Review Policy

Gifts and Benefits Policy

Register of Interests Policy

Strategic Plan 2017-2020

4.5 Accountable & Sustainable Governance

 <b>Adelaide Plains Council</b>	<b>15.11</b>	<b>Carslake Road, Dublin – Strategic Freight Network and Developer Obligations</b>
	<b>Department:</b>	<b>Executive Office</b>
	<b>Report Author:</b>	<b>Chief Executive Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/53583</b>

## OVERVIEW

### **Purpose**

The purpose of this report is to provide Council Members with an overview of a raft of matters associated with development along Carslake Road and strategic freight route funding opportunities that prevail.

### **Background**

It is timely that with a new Elected Body, and the need to educate Council Members on all manner of economic development-related activity, matters of strategic importance such as freight routes are elevated as high priority items requiring discussion.

For background and context, Carslake Road, Dublin has served as a strategic road network within Adelaide Plains Council for many years. A number of businesses and commercial enterprises are well established within the precinct such as the Livestock Markets, Australian Grain Exports, Dublin Clean Grain and Greengrain Producers. These businesses form an integral part of this region's economic base and are a major employer of local citizens that reside within Adelaide Plains Council.

### **Rezoning**

Council recently embarked on a Development Plan Amendment which was aimed at facilitating significant recycled water from the Bolivar wastewater treatment plant, and harvesting this water for intensive high-tech irrigated horticulture. This water harvesting project, otherwise known as the Northern Adelaide Irrigation Scheme (NAIS) is estimated to grow the economy by around \$1.1 billion and generate approximately 3700 jobs.

To assist in the provision of sufficient land for allied industry to complement the rezoning, and acknowledging the existing business to Carslake Road mentioned above, Council sought to create a new Urban Employment Zone within the Carslake Road precinct (refer **Attachments 1 and 2**).

Through this initiative, Council has created a planning policy framework that provides certainty for investors and developers alike to establish industrial or commercial enterprises within this corridor.

## **Shannon Road**

Shannon Road forms a vital linkage from Dublin Road to Carslake Road and in turn Port Wakefield Road via a north-south corridor. In recognition of this, Council, through The Legatus Group, applied for funding under the Special Local Roads Program (SLRP) to seal Shannon Road. The funding sought for this 3.7 kilometre project shall be staged over two financial years based on a funding model ratio of 2/3 SLRP and 1/3 Adelaide Plains Council. In all, capital costs for each stage equate to \$546,000, with Council's contribution for each stage amounting to \$182,000.

Management can confirm that Council's funding bid has been endorsed by Government and we now await official confirmation.

Provided for as **Attachment 3** is an aerial view of the Shannon Road/Carslake Road precinct which identifies the two staged approach to the sealing of Shannon Road.

## **Carslake Road Renewal Program**

Management can confirm that Carslake Road sits on Council's *Infrastructure and Asset Management Plan* for resealing in the 2022/23 Financial Year. While the carriageway has held together relatively well since it was surfaced some 17 years ago, there are signs of wear and tear, particularly in the vicinity of entrance and exit points (crossovers). Apart from the existing hotmixed and kerbed crossover to the Livestock Markets, Carslake Road was primarily constructed for east-west heavy vehicle movement to and from Port Wakefield Road i.e. longitudinal movement, with minimal consideration for additional crossovers to future land uses i.e. not for latitudinal movement (drag) caused by turning vehicles in particularly heavy vehicles.

## **Carslake Road Crossovers – Assessment Process**

In more recent times, Council has fielded enquiries, and indeed received proposals, from businesses on Carslake Road to establish new crossovers. No policy position currently exists in order to regulate whether such crossovers ought to be constructed of Hotmix asphalt or merely provided as a gravel solution.

In a development sense, the relevant authority (in this case Council) is responsible for making an assessment of, and decision on, a development application. The assessment and decision will be undertaken in accordance with the provisions of the *Development Act 1993* and the *Development Regulations 2008*. Part 4 of the Act and Parts 2, 4 and 9 of the Regulations relate to the assessing and approving of development applications and any infrastructure associated with it. Also, under the *Local Government Act 1999* construction of any crossover or sideways drainage on Council land requires approval from Council's Infrastructure and Environment Department. Infrastructure agreements with developers, aligned with development and crossover approvals are the appropriate mechanism for achieving such outcomes.

To ensure sustainable long term asset management is achieved, for all commercial and industrial developments generating traffic movements (all new, temporary, modified driveways and driveway upgrades), Council requests that the developer provides a Traffic Impact Assessment Report to Council for its consideration.

The Report shall include:-

- A brief description of the development in terms of proposed land use, maximum size of vehicles, trips generated at the outset of the development, during the construction period and 20 years post development;
- A brief description of the existing operational conditions of the road network in the immediate vicinity of the development;
- Analysis of the operation of the accesses to the development for both vehicles and pedestrians;
- Analysis of the operation of the first intersection on either side of the access(es) to the development;
- Professional assessment on, and analysis of, the expected traffic impact during the expected peak periods, including parking management;
- Details of existing and proposed traffic control devices, including signals, signs, and pavement markings

The Report should also investigate impacts on, and consider:-

- Road safety and crash history
- All aspects of the adjacent road infrastructure that are affected by the development

The above methodology is widely recognised as standard engineering practice. Adhering to AustRoads specifications, in conjunction with the assistance of a professional engineer, will deliver road safety benefits to the public and sustainable long term asset management for Council.

Generally speaking, the requirement to provide a Hotmix crossover and apron to any industrial or commercial site where there is likely to be significant heavy vehicle movements is what is considered industry standard. Concerns exist if this standard is not upheld, in that the degradation to the road network will occur far more rapidly than what would otherwise have been the case.

### **Gravel Crossovers versus Hotmix Asphalt Crossovers**

Council currently has a developer within the Carslake Road precinct proposing to construct a gravel crossover. Concerns exist surrounding this initiative, and are explained below:-

- Road safety will be compromised due to inappropriate road surface. Carslake Road is currently spray seal (extract from AustRoads - *Hotmix pavement treatment provides a smooth, flexible and durable finish which is considered appropriate for trafficable areas by high volume of traffic, or drag caused by turning vehicles in particular heavy vehicles*);
- No consideration given for all aspects of the adjacent road infrastructure that are affected by the development. Impacts include increased maintenance from the outset of the development;

ongoing repair of spray seal and gravel crossover, inevitably Hotmix upgrade of current sealed road infrastructure to address continued dilapidation. All costs to be borne by Council.

- Road infrastructure pavement design as stated in AustRoads specifications will not be achieved, in that there is insufficient width and turnout radii causing unsafe turning movement of vehicles either onto or from the carriageway. The drag, caused by turning vehicles, will deposit pavement material onto sealed road causing safety issues. Further, there is a considerable reduction in life expectancy of the existing pavement; drag caused by turning vehicles on spray sealed roads will cause rapid deterioration and increased maintenance

While a gravel solution is far and away the cheapest solution for the private sector, such a proposal, if supported, does have the potential to set a precedent with significant financial repercussions for Council. The estimated cost for a gravel treatment, which is contrary to recognised engineering practices (AustRoads standards), equates to undefined maintenance costs per annum. In short, a Hotmix solution, valued at \$25,000 and a developer-imposed expense, will ensure that no future burden rests with Council.

## **Economic Development – Is all Growth “Good Growth”?**

There are competing views about the role of local government in facilitating economic development.

One view is that councils should subsidise what is otherwise private sector obligations to advance and stimulate economic activity and generate employment. Examples of this often include rate honeymoon periods to entice and attract investment.

The opposing view is that councils ought to remain firm in not subsidising a developer for what they should otherwise be responsible for providing. An example of this which is often discussed amongst the previous Elected Body was Council’s decision to contribute 50 per cent of the cost of a roundabout which is to sit on a Department of Planning, Transport and Infrastructure road and serve the Liberty development at Two Wells. Either way, there will be some that hold a firm view one way, and others that hold a firm view the other.

Council currently operates on a relatively small income base, generating around \$8 million per year from rateable income. In a strategic sense, Management hold the view that with so much growth on the horizon through NAIS and other projects, coupled with a significant asset management program and significant road networks to maintain, it is simply not sustainable to afford the private sector with concessions on development that ultimately impact Council’s bottom line.

## **Opportunities**

While this report touches on a number of diverse yet interlinked matters, there is an opportunity to explore an approach that may benefit Council from a strategic perspective in growing the economic base of the Carlslake Road precinct while also benefiting the private sector.

With funding now secured for Shannon Road, there may be opportunities to advance the resealing of Carlslake Road earlier through the exploration of external funding grants. In recent times, management has had fruitful discussions with the Member for Narungga who is intending to visit the

precinct and businesses that operate within it. This provides an opportunity for Council, with the support of the Regional Development Australia, to lobby for funding assistance to reseal the network, thus providing a complete link to what will be a thriving employment precinct from Dublin Road to Port Wakefield Road. In applying for grant funds, Council could also explore opportunities around apron and crossover funding for existing businesses and those who Council is aware are proposing to establish new access and egress points.

The below recommendations seek to provide a pathway forward in this respect.

### **RECOMMENDATION 1**

***“that Council, having considered Item 15.11 – Carslake Road, Dublin – Strategic Freight Network and Developer Obligations, dated 21 November 2018, receives and notes the report.”***

### **RECOMMENDATION 2**

***“that Council, having considered Item 15.11 – Carslake Road, Dublin – Strategic Freight Network and Developer Obligations, dated 21 November 2018, acknowledges that Shannon Road has been recommended by the Local Government Transport Advisory Panel for funding to seal the 3.7 kilometre network under the Special Local Roads Program. Once official notification on the announcement is formally received, a further report shall be provided to Council advising as such to enable resolutions to be passed for the appropriate funds to be set aside for Council’s contribution to the project.”***

### **RECOMMENDATION 3**

***“that Council, having considered Item 15.11 – Carslake Road, Dublin – Strategic Freight Network and Developer Obligations, dated 21 November 2018:-***

- 1. Acknowledges and supports best practice engineering advice that all new commercial and industrial crossovers for sealed road carriageways be constructed of Hotmix asphalt (the Policy Position);**
- 2. Instructs the Chief Executive Officer to bring back a report and associated draft policy relating to the Policy Position for Council endorsement, noting that once adopted, the Policy Position is to be incorporated into Council’s Infrastructure and Asset Management Plan; and**
- 3. Instructs the Chief Executive Officer to apply the Policy Position to any new crossover requests in the interim.”**

### **RECOMMENDATION 4**

***“that Council, having considered Item 15.11 – Carslake Road, Dublin – Strategic Freight Network and Developer Obligations, dated 21 November 2018, instructs the Chief Executive Officer to explore funding opportunities for Carslake Road which may also include funds for the upgrade to existing crossovers.”***

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## **Attachments**

1. Map – Carslake Road Urban Employment Zone.
2. Aerial view – Carslake Road Urban Employment Zone.
3. Aerial view – Shannon Road/Carslake Road.

## **References**

### Legislation

*Development Act 1993*

*Development Regulations 2008*

*Local Government Act 1999*

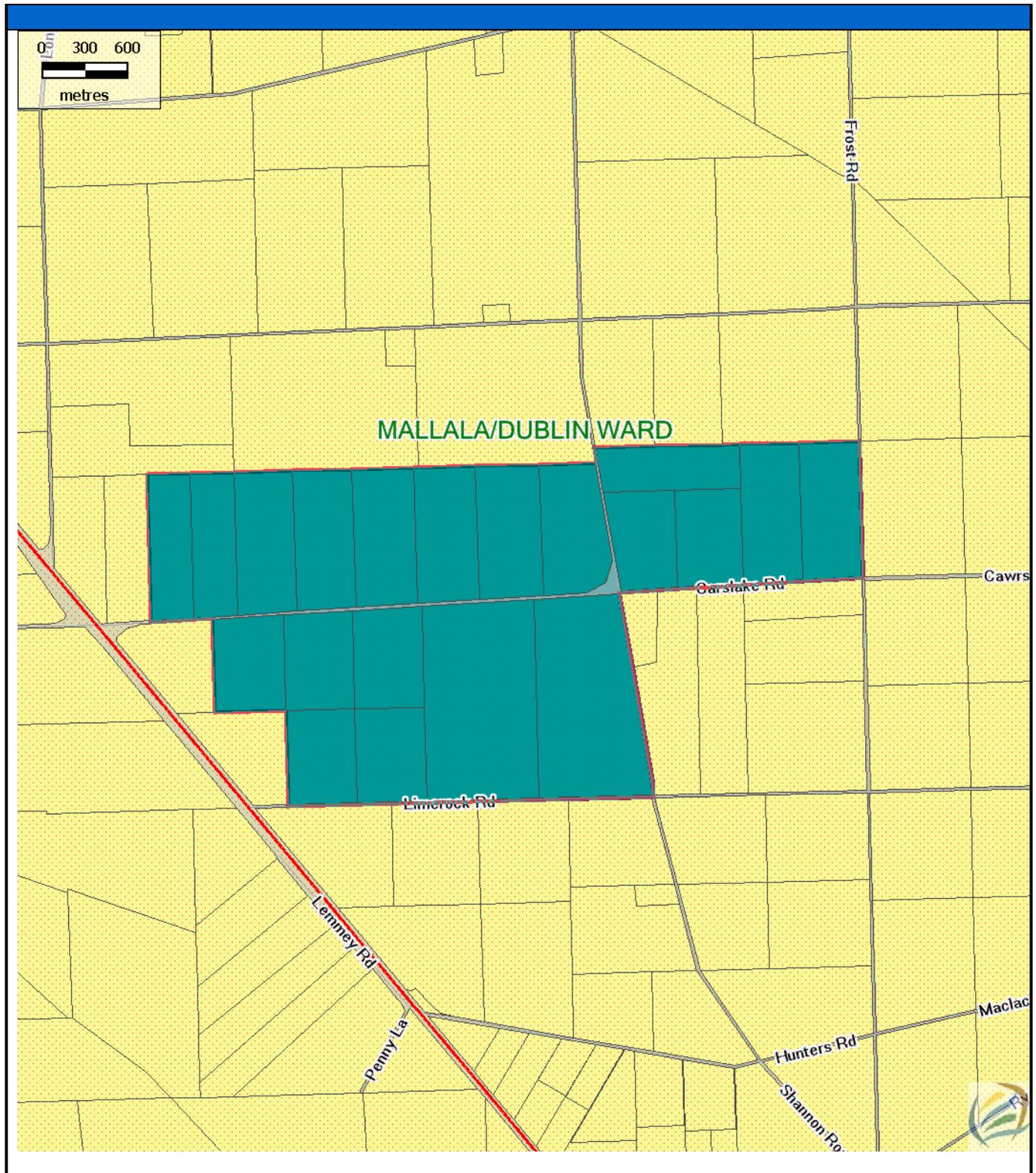
### Council Policies/Plans

*Infrastructure and Asset Management Plan*

Carslake Road Urban Employment Zone



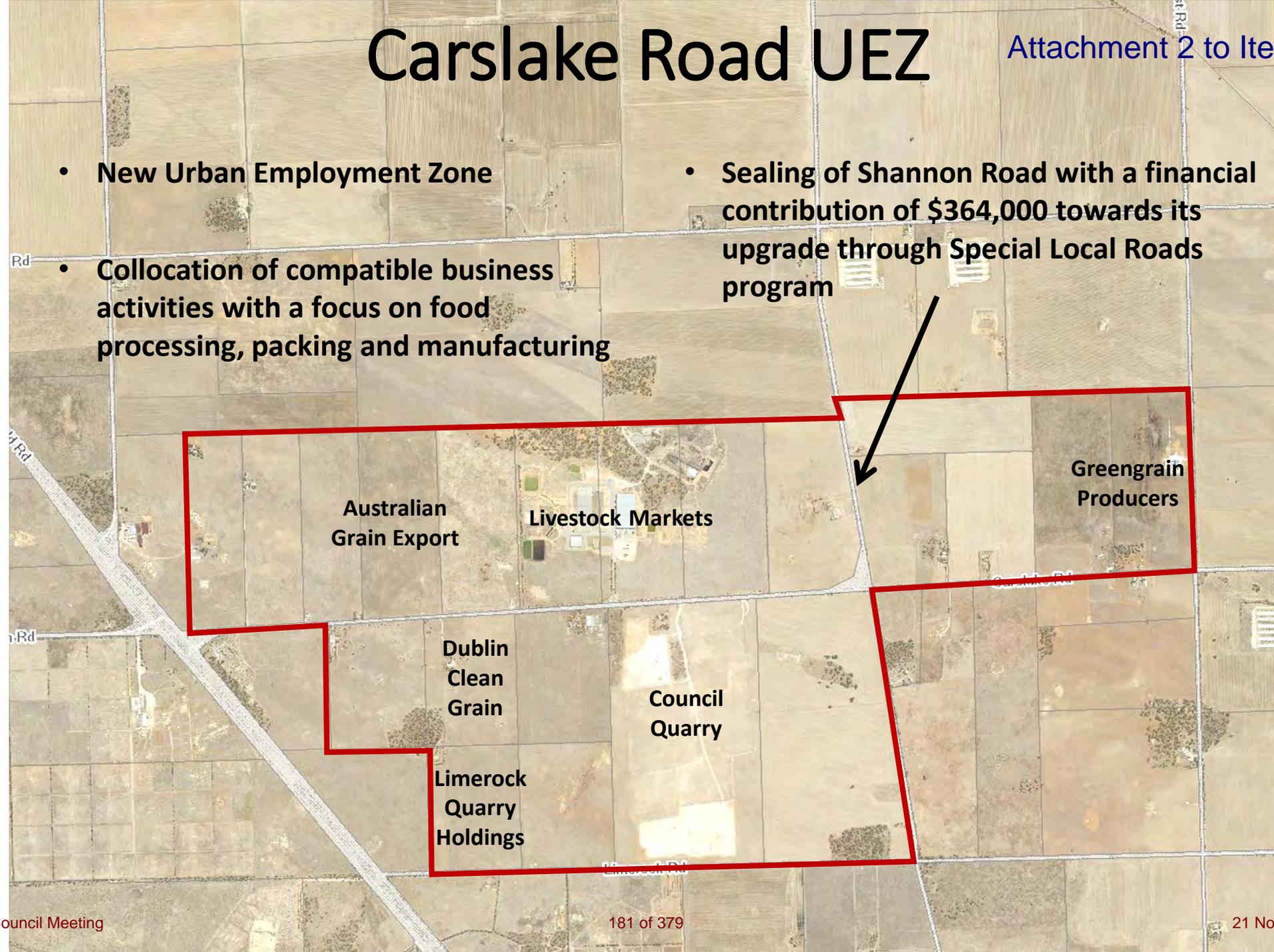
ADELAIDE PLAINS COUNCIL

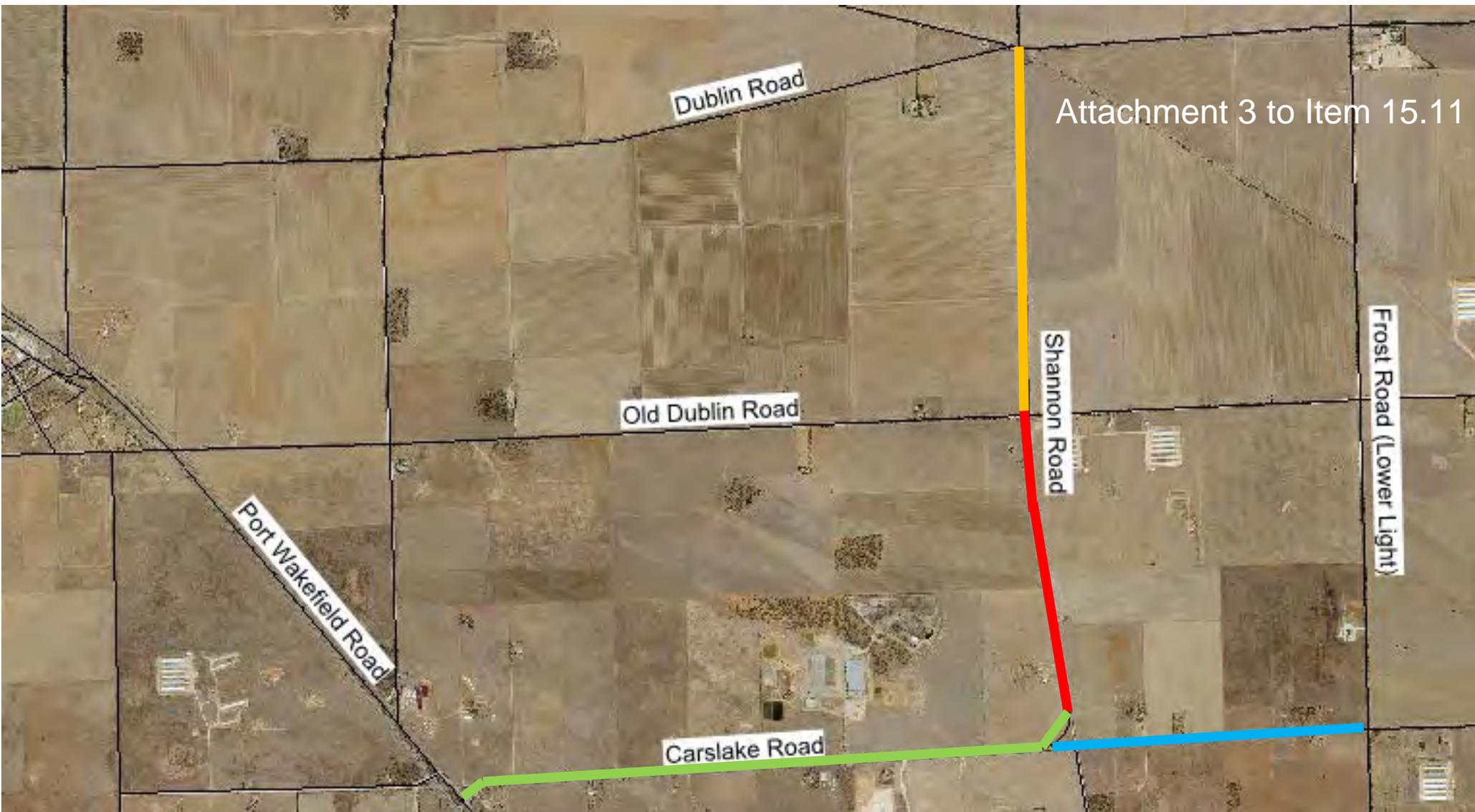


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# Carslake Road UEZ

- New Urban Employment Zone
- Collocation of compatible business activities with a focus on food processing, packing and manufacturing
- Sealing of Shannon Road with a financial contribution of \$364,000 towards its upgrade through Special Local Roads program





-  Stage 2 Shannon Road construct and seal 2019-2020 (Dublin Road to Old Dublin Road)
-  Stage 1 Shannon Road construct and seal 2018-2019 (Old Dublin Road to Carslake Road)
-  Carslake Road (Renewal currently in 2022-2023 Reseal Program)
-  Carslake Road extension construct and seal - Not budgeted for or in long term plan

 <b>Adelaide Plains Council</b>	<b>16.1</b>	<b>Questions Lapsed</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>Governance Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/52939</b>

## OVERVIEW

### Purpose

The purpose of this report is to notify Council of questions which have lapsed under regulation 12(19) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).

### Background

Pursuant to Regulation 12(14)(c) the effect of a formal motion *that the question lie on the table* is that, if successful, the meeting immediately moves to the next item of business and the question can only be retrieved at a later time by resolution (and, if so retrieved, debate is resumed at the point of interruption).

Regulation 12(19) provides that any question that lies on the table as a result of a successful motion under Regulation 12(14)(c) lapses at the next general election.

### Discussion

The following motions have now lapsed by operation of Regulation 12(14)(c):-

<b>Meeting Date</b>	<b>Title</b>	<b>Motion</b>	<b>Resolution Number</b>
16 May 2016	Environmental Management Advisory Committee Recommendation – EMAC and Working Party	<p>“that this matter lay on the table.”</p> <p>“that Council endorses the recommendation of the Environmental Management Advisory Committee, having considered Item 6.5 - EMAC and Working Party – Expression of Interests, dated 16 March 2016, to advertise for community membership to both the Environmental Management Advisory Committee and the Native Vegetation Marker System Working Party.”</p>	2016/143

20 June 2016	Future Annual Staff Costs	<p>“that this motion lay on the table until after the next meeting of the SPCPC meeting in July 2016.”</p> <p>“that Council adopt and ensure future annual staff cost do not exceed fifty percent Council Rate Revenue income including 2016-17 financial year.”</p>	2016/181
19 Dec 2016	Control Options for Calomba Daisy and Other Declared Plants	<p>“that the matter lay on the table.”</p> <p>“that Council, having considered Item 16.5 - Control Options for Calomba Daisy and other Declared Plants, dated 19 December 2016, receives and notes the report.”</p> <p>“that Council, having considered Item 16.5 - Control Options for Calomba Daisy and other Declared Plants, dated 19 December 2016, endorses administration to continue with the chemical control of Calomba Daisy in consultation with Adelaide and Mt. Lofty NRM Board.”</p> <p>“that Council, having considered Item 16.5 - Control Options for Calomba Daisy and other Declared Plants, dated 19 December 2016, endorses administration to research methods to introduce some form of competition from other vegetation which is not affected by the chemicals used to control Calomba Daisy.”</p>	2016/384
18 Sept 2017	Audit Committee – Minutes of Meeting held 11 September 2017	<p>“that this matter lay on the table.”</p> <p>“that Council notes that at the appropriate time, Council’s Long Term Financial Plan will need to be updated to reflect known financial contributions towards the cost of funding the Northern Floodway.”</p>	2017/271
15 Oct 2017	Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices	<p>“that the matter lie on the table.”</p> <p>“that Council, having considered Item 15.7 – Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices, dated 15 October 2018, receives and notes the report.”</p>	2018/470

A copy of each motion referred to above, extracted from the relevant Minutes, is attached at **Attachment 1** to this Report.

## Summary

Any question that lies on the table as a result of a successful motion lapses at the next general election.

If Council wishes to reconsider the above motions, it must do so by bringing a formal motion back to the Chamber in accordance with the Regulations, and Council's *Code of Practice – Meeting Procedures*.

## **RECOMMENDATION**

**“that Council, having considered Item 16.1 – *Questions Lapsed*, dated 21 November 2018, receives and notes the report.”**

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## **Attachments**

1. Extracts of various Council Meeting Minutes.

## **References**

### Legislation

*Local Government Act 1999*

*Local Government (Procedures at Meetings) Regulations 2013*

### Council Policies/Plans

*Code of Practice – Meeting Procedures*

8.5

**Committee Recommendation**

“that Council endorses the recommendation of the Environmental Management Advisory Committee, having considered Item 6.5 - *EMAC and Working Party – Expression of Interests*, dated 16 March 2016, to advertise for community membership to both the Environmental Management Advisory Committee and the Native Vegetation Marker System Working Party.”

**Matter Lay on the Table**

8.5

**Formal Motion****2016/ 143**

Moved Cr Keen

Seconded Cr Strudwicke

“that this matter lay on the table.”

**CARRIED**

8.6

**Community Development and Advisory Committee (CON12/1100)**

No Minutes

8.7

**Mallala and Districts Homes Committee (CON12/872)**

No Minutes

8.8

**Mallala and Districts Historical Committee (CON12/871)**

Minutes of meeting held 13 April 2016

9.

**ASSOCIATED ORGANISATIONS**

9.1

**Gawler River Floodplain Management Authority (CON12/314)**

Minutes of meeting held 21 April 2016

9.2

**Central Local Government Region (CON12/582)**

No Minutes



14.3 **Council Resolution** **2016/ 179**  
 Changes to Travel Allowance (CON12/537)  
 Moved Cr Lawrence                      Seconded Cr Keen  
 “that Council endorse the reimbursement of Travel Allowance for costs associated with attending GRFMA, CLGR and training sessions back dated from November 2015 to the present time.”  
**CARRIED**

14.3 **Council Resolution** **2016/ 180**  
 Changes to Travel Allowance (CON12/537)  
 Moved Cr Keen                              Seconded Cr Jones  
 “that the Elected Member Allowance and Benefits policy come back to Council for review.”  
**CARRIED**

14.5 **Formal Motion** **2016/ 181**  
 Moved Cr Picard                              Seconded  
 “that this motion lay on the table until after the next meeting of the SPDPC meeting in July 2016.”  
**CARRIED**

14.5 **Council Resolution** **2016/ 182**  
 Waste Levy (CON12/537)  
 Moved Cr Keen                              Seconded Cr Jones  
 “that Council assess the cost of the service for green waste and a report be presented back to Council.”  
**CARRIED**

14.5 **Council Resolution** **2016/ 183**  
 Moved Cr Keen                              Seconded Cr Jones  
 “that when the report is presented to Council that it is considered that costs for the service are passed on to the ratepayers that receive it.”  
**CARRIED**

## 16.5 Control Options for Colomba Daisy and other Declared Plants

<b>Formal Motion</b>	<b>2016/ 384</b>
Moved Cr Jones	Seconded Cr Keen
"that the matter lay on the table."	
<b>CARRIED</b>	

Cr Strudwicke called for a Point of Order. As a correction to meeting proceedings, the formal motion can only lay on the table no time limit is applied to it.

The Mayor accepted the Point of Order.

## 16.6 Leases and Licences Status Update

<b>Council Resolution</b>	<b>2016/ 385</b>
Moved Cr Strudwicke	Seconded Cr Lawrence
"that Council, having considered Item 16.6 – <i>Leases and Licences Status Update</i> , dated 19 December 2016, receives and notes the report."	
<b>CARRIED</b>	

**17. ITEMS FOR DECISIONS**

## 17.1 Camping Reserves and Short Stay Accommodation Policy

<b>Council Resolution</b>	<b>2016/ 386</b>
Moved Cr Lawrence	Seconded Cr Strudwicke
"that Council, having considered Item 17.1 - <i>Camping Reserves and Short Stay Accommodation Policy</i> dated 19 December 2016:	
<ul style="list-style-type: none"> <li>a) designate the land adjacent to the Mallala Oval, comprised in Certificate of Title Register Book (part) Volume 6163 Folio 218 and (part) Volume 6163 Folio 219 outlined in red in Map 1 of Attachment 2 to this report, as a camping reserve for the purposes of camping in accordance with Clause 2.5 of Council's <i>By-law No.2 – Local Government Land</i>."</li> <li>b) authorise the Chief Executive Officer to give passing of the above resolution in the <i>Bunyip and Plains Producer</i> newspapers and the <i>South Australian Government Gazette</i>, in line with the <i>Local Government Act 1999</i> (Part 1, 246, 4a)."</li> <li>c) endorse the <i>Draft Short Stay Accommodation Policy</i>."</li> </ul>	
<b>CARRIED</b>	

Gawler River Floodplain Management Authority (GRFMA), namely:-

*“The Chair noted it would be opportune to start the consideration process for a GRFMA Charter review and foreshadowed presentation of an agenda report at the next meeting outlining possible terms of reference for a review”.*

In noting the aforementioned resolution, Council fully supports the notion of commencing a review of the GRFMA Charter at the earliest opportunity.”

**CARRIED**

12.2 Moved Cr Strudwicke Seconded

“that Council notes that at the appropriate time, Council’s Long Term Financial Plan will need to be updated to reflect known financial contributions towards the cost of funding the Northern Floodway.”

**Formal Motion**

12.2 Moved Cr Keen Seconded

“that this matter lay on the table until such a time that the Charter has been reviewed.”

Councillor Strudwicke raised a Point of Order in relation to Councillor Keen’s motion on the basis that there was a difference between adjourning an item and laying a matter on the table. If the matter is to ‘lay on the table’ no time is to be stipulated, or alternatively the item can be adjourned until a specified time.

The Mayor accepted the Point of Order.

Moved Cr Keen Seconded Cr Lawrence **2017/ 271**

“that this matter lay on the table.”

**CARRIED**

12.2 Moved Cr Strudwicke Seconded Cr Stubing **2017/ 272**

“that Council endorses the recommendation of the Audit Committee and acknowledges the cost calculations as appended to this report and titled ‘Waste Collection Service Internal Cost Analysis’, and in doing so Council understands the importance of referencing these costs when comparing the best offer from the Barossa Procurement Group tender process, closing on the 3 August 2017, with that of Council’s internal cost model herein, which is to be considered at the November 2017 Ordinary meeting.”

**CARRIED**

## 15.6 Review of Council's Roadside Weed Control Program

Moved Councillor Lawrence                      Seconded Councillor McColl                      **2018/468**

**"that Council, having considered Item 15.6 – Review of Council's Roadside Weed Control Program, dated 15 October 2018, receives and notes the report."**

**CARRIED**

## 15.7 Provision of Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices

Councillor Strudwicke raised a Point of Order on the basis that a formal motion should be put, if the Councillor wishes for the question to lie on the table. The Mayor accepted the Point of Order.

Councillor Jones raised a Point of Order on the basis that the discussion did not constitute a formal motion. The Mayor accepted the Point of Order.

Moved Councillor Strudwicke                      Seconded Councillor                      **2018/469**

**"that Council, having considered Item 15.7 – Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices, dated 15 October 2018, receives and notes the report."**

**LAPSED DUE TO FORMAL MOTION 2018/470**

15.7 Moved Councillor Keen                      Seconded Councillor Lawrence                      **2018/470**

**"that the matter lie on the table."**

**CARRIED**

## 16. QUESTIONS ON NOTICE

Councillor Jones gave notice of his intention to ask the following questions:	
<b>Preamble</b>	Questions have been raised regarding aspects of earlier report on Northern Floodway technical design proposed on lower reaches Gawler River
<b>Question 1:</b>	<b>Does the current Gawler River Northern Floodway design layout currently being put forward by GRFMA differ from an earlier technical design layout by Consulting firm if so please provide detail</b>
<b>Answer:</b>	The Chief Executive Officer recommends that this question be directed to the Executive Officer of the GRFMA. The GRFMA would be best placed to provide an accurate answer to this question as they would have all the relevant material at their disposal and were intimately involved in the development of the various flood mitigation concepts.

 <b>Adelaide Plains Council</b>	<b>16.2</b>	<b>Council Resolutions - Status Report</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>Governance Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/42392</b>

## **OVERVIEW**

The purpose of this report is to provide an update in relation to the status of Council Resolutions currently being actioned, for Council Members' information and monitoring.

**Attachment 1** provides the status of Council Resolutions that have not yet been finalised / closed for the period *April 2015 to September 2018*. Previously outstanding items that have been finalised since the last report to Council are included by way of update. The Council Resolutions for *October and November 2018* are provided, in full, for Council Members' information.

Administration acknowledges the efficiencies afforded to both Council Members and staff by regular reporting and monitoring of the status of Council Resolutions. The practice of providing transparent updates also facilitates performance monitoring and builds confidence.

## **RECOMMENDATION**

**“that Council, having considered Item 16.2 – *Council Resolutions - Status Report*, dated 21 November 2018, receives and notes the report.”**

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## **Attachments**

1. Resolution Status Report

## **References**

### Legislation

*Local Government Act 1999 (SA)*

*Local Government (Procedures at Meetings) Regulations 2013 (SA)*

## RESOLUTION REGISTER AND ACTION SHEET (April 2015 - September 2018) - Unfinalised Items

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
27-Apr-15	17.2	Lewiston Community Focal Point Study - Phase 2: Cost Benefit Analysis (CON13/8)	"that the Council, having considered Item 17.2 - <i>Lewiston Community Study Phase 2: Cost Benefit Analysis</i> , dated 27 April 2015, request that a report be brought back to Council to include costs, flooding concerns, native vegetation issues, identified community club and group participation and minimum cost infrastructure requirements for Hams Park, Clara Harniman Reserve and 210 Hayman Road."	2015/129	Ongoing - further reports to follow in 2018 regarding community groups and clubs	Development & Community
18-Jan-16	14.2	Dedicated car parking facilities (CON12/537)	"that the Chief Executive Officer be instructed to bring a report back to council that provides suitable options for the provision of dedicated car parking facilities at Webb Beach, Parham and Thompson Beach. Further, that in undertaking this research, the CEO be instructed to commence discussions with agencies such as Fisheries, Coast Protection Branch, Native Vegetation Council, Natural Resources Management Board, DPTI, and the Northern Adelaide International Bird Sanctuary with a view of obtaining their position and the prospect of securing funding for this initiative."	2016/005	Ongoing - in regard to AIBS Draft Management Plan	Infrastructure & Environment
20-Jun-16	16.6	Parham – Horse Activity Management (CON12/131)	"that Council endorses the continued use of Main Street between the Esplanade and East Terrace at Parham as a horse float parking area until the end of 2016, prior to a further report being brought back to Council on establishing a more permanent horse float parking option."	2016/202	Ongoing - alternate locations being investigated with Department of Environment (NRM)	Development & Community
15-Aug-16	16.3	Regulation of Off Road Trail Bike Riding (CON12/202)	"that Council considers the possible introduction of a new bylaw to regulate trail bike riding activity on both private and public land into the next substantive bylaw review to take effect in 2017."	2016/254	Ongoing - By law review is in progress	Development & Community
15-Aug-16	16.5	Camping Grounds By-Laws and Length of Stay (CON12/961)	"that Council considers the possible introduction of a new bylaw to regulate length of stay matters associated with short term camping grounds into the next substantive bylaw review to take effect in 2017."	2016/257	Ongoing - By law review is in progress	Development & Community
19-Sep-16	15.1	Middle Beach Revegetation Protection (CON12/573)	"that Council investigate the possibility by way of report, of reinstating/raising dune to suitable or pre development height, behind the length of the rear row of dwellings at Middle Beach, so as to help protect revegetation efforts from salt water rise and prevent wetland damage caused by off road 4 wheel drive vehicle activity."	2016/289	Deferred - Refer Item 17.7 - 17/10/16 - Resolution 2016/337 re: current policy position.	Development & Community
19-Sep-16	17.8	Two Wells Football & Netball Sporting Clubs Inc – Ground Lease (CON12/912)	"that Council, having considered Item 17.8 - Two Wells Football and Netball Sporting Clubs Inc – Ground Lease, dated 19 September 2016, authorises the Chief Executive Officer to negotiate and finalise any outstanding terms of the lease as provided for in Attachment 2 appended to report – Item 17.8."	2016/320	Ministerial consent to proceed has been granted. Lease documents provided to Club for execution	Development & Community Governance & Communications
19-Sep-16	17.8	Two Wells Football & Netball Sporting Clubs Inc – Ground Lease (CON12/912)	"that Council, having considered Item 17.8 - Two Wells Football and Netball Sporting Clubs Inc – Ground Lease, dated 19 September 2016, and subject to Ministerial consent, authorises, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute under the common seal of Council, the lease agreement between the Adelaide Plains Council and Two Wells Football and Netball Sporting Clubs Inc."	2016/321	Ministerial consent to proceed has been granted. Lease documents provided to Club for execution	Development & Community Governance & Communications

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Nov-16	15.5	Independent Review of Coastal Settlements Adaptations Study	"that Council instructs the CEO to bring back a report on the cost of an independent and comprehensive review of Council's Coastal Settlement Adaptation Study inclusive of and not restrictive of all further relevant data, information historical or otherwise."	2016/354	Ongoing - being considered in Community Emergency Management Plans (Middle Beach and Webb Beach to date) and future budget considerations, as a result of 218/388 (rescission) at 20 August 2018	Development & Community
21-Nov-16	17.8	Two Wells Golf Club Inc – Ground Lease	"that Council, having considered Item 17.8 – Two Wells Golf Club Inc – Ground Lease, dated 21 November 2016, receive and note the report, and in doing so:- A. Authorises the Chief Executive Officer to negotiate and finalise any outstanding terms of the lease, B. Subject to Ministerial consent, authorises, pursuant to Section 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute under the common seal of Council, the lease agreement between the Adelaide Plains Council and Two Wells Golf Club Inc, C. In accordance with Section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the land comprised in Crown Record 5764/757, Assessment 40451, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100 percent (%) of the rates imposed, effective from the 2017/18 rating year."	2016/369	Ministerial consent to proceed has been granted. Lease documents provided to Club for execution	Infrastructure & Environment
19-Dec-16	17.8	Rededication of Crown Land – Two Wells Bowling Club	"that Council, having considered Item 17.8 – Rededication of Crown Land – Two Wells Bowling Club, receive and note the report and authorise the Chief Executive Officer to make application to Department of Environment, Water & Natural Resources (DEWNR) to have Section 144 Two Wells, comprised in CR 5755/735, rededicated for both a Recreation Reserve to accommodate the Two Wells Bowling Club and a Reserve for a Soldiers Memorial Garden to accommodate the War Memorial and the Playground area."	2016/399	Ongoing - letter sent to Crown Lands Unit of DEWNR requesting a rededication of the land	Infrastructure & Environment
19-Dec-16	17.8	Rededication of Crown Land – Two Wells Bowling Club	"that Council, having considered Item 17.8 – Rededication of Crown Land – Two Wells Bowling Club, amend the Club's existing lease over Section 144 comprised in CR 5753/647 to include portion of Allotment 103 comprised in CR 5753/647."	2016/400	Ongoing - awaiting response from Crown Lands Unit of DEWNR (refer above) before seeking legal advice	Infrastructure & Environment
16-Jan-17	4.1	Independent Structural Report – Recommendations for Wasleys Bridge Maintenance	"that Council, having considered Item 17.4 – Independent Structural Report - Recommendations for Wasleys Bridge Maintenance, dated 19 December 2016, undertake consultation in relation to either closure or reduced load limit/local traffic only on Wasleys Bridge and that management bring a subsequent report back to Council for consideration."	2017/003	Ongoing	Infrastructure & Environment

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
18-Sep-17	14.7	Mallala Cricket Club Turf Wicket Proposal	<p>“that Council, having considered Item 14.7 – Mallala Cricket Club Turf Wicket Proposal, 18 September 2017, receives and notes the report and in doing so resolve:-</p> <p>1. that Council grant consent for the Mallala Cricket Club Inc to undertake the Turf Wicket project as presented in Attachment 1 to this Report;</p> <p>2. that the Mallala Cricket Club Inc be advised that the current lease agreement between Council and the Mallala Football Club will need to be amended to incorporate the Mallala Cricket Club Inc as a Sub-Lessee setting out their maintenance obligations including the use of the oval and associated infrastructure during the cricket season;</p> <p>3. to authorises the Chief Executive Officer to seek the assistance of Norman Waterhouse Lawyers to amend the Lease Agreement between Council and Mallala Football Club Inc to incorporate the Mallala Cricket Club Inc as a Sub-lessee; and to authorise, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the Lease Agreement between the Adelaide Plains Council and Mallala Football Club Inc.”</p>	2017/288	Ongoing - Mallala Cricket Club advised of Council consent to install turf wicket subject to the club being included as a sub-lessee in the Mallala Football Club Lease Agreement. Negotiations are currently being undertaken with the Mallala Football Club to amend their lease.	Infrastructure & Environment
18-Sep-17	18.2	Tourism Strategy Development	<p>“that Council staff investigate opportunities for collaboration, (either with the Ratepayers Association, or the future Business Council, or other interested parties) to develop strategies to increase district tourism (particularly in relation to short stay accommodation) by leveraging the established activities such as crabbing and fishing and the new opportunities offered by the International Bird Sanctuary, with the aim to provide economic flow on benefits to the community and a greater profile of the Adelaide Plains region and its produce, and that a report be provide for a future meeting of Council.”</p>	2017/293	Deferred - pending Business Council Charter adoption - quarterly Business Breakfasts to continue, as the concept of growing the Business Council Charter continues	Finance and Economic Development
20-Nov-17	14.6	Review of Short Stay Accommodation Policy	<p>“that Council, having considered Item 14.6 – <i>Review of Short Stay Accommodation Policy</i>, 20 November 2017, receives and notes the report and in doing so notes that the adoption of any further amendments to the short stay policy will be deferred pending consideration of the Memorandum Of Understanding for the <u>Mallala camp grounds</u>”.</p>	2017/364	Ongoing	Development & Community
21-Nov-17	18.2	Grant Funding Writer	<p>“that Council provides a report with recommendations on a number of options in employing or sourcing a grant funding writer to increase Adelaide Plain Council fiscal outlook and provide a comparative insight on what other councils receive in <u>grant funding compared to APC</u>”.</p>	2017/380	Ongoing - correspondence sent to Light Regional Council, The Barossa Council and Town of Gawler	Executive Office
15-Jan-18	14.2	Establishment of a Business Council for the Adelaide Plains	<p>“that Council, having considered Item 14.2 – Establishment of a Business Council for the Adelaide Plains, dated 15 January 2018, receives and notes the report and in doing so, and in consideration of the approach recommended by the Chief Executive Officer of RDA Barossa, Gawler, Light and Adelaide Plains:-</p> <p>1. Defers the notion of establishing a Business Council at this juncture to firstly enable a series of 'Business Breakfasts' to take place within the Adelaide Plains region. This approach allows the organic growth of connecting business leaders with business leaders, networks forging and opportunities emerging. The Business Council concept may then be raised as a key item of business at one of these forums with the Business Breakfasts to be jointly facilitated by Council and RDA; and</p> <p>2. Further, as the Business Council concept was first raised by the Adelaide Plains Ratepayers and Residents Association, the Chief Executive Officer (or delegate) be authorised to engage with the President of the APRRA in the development of this</p>	2018/004	Deferred - pending Business Council Charter adoption - quarterly Business Breakfasts to continue, as the concept of growing the Business Council Charter continues	Executive Office

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
15-Jan-18	19.1	Motion Without Notice	“that a report be brought be back to Council with information of which will address the issues as raised by Andrew, Stacey, Alex and Sophie relating to the Eden shed approvals.”	2018/017	Ongoing with possible future assessment by CAP	Development & Community
19-Feb-18	14.1	Road Upgrade Matrix – Sealing Gravel Roads	“that Council, having considered Item 14.1 – Road Upgrade Matrix – Sealing Gravel Roads, dated 19 February 2018, receives and notes the report and in doing so:- 1. Endorse the “Road Upgrade Matrix – Sealing Gravel Roads” as presented in Attachment 2 and the methodology that underpins the matrix presented in Attachment 1 of this Report to be utilised to develop a sealing of gravel road priority list; 2. Direct that the Resident Contributions to Road Sealing Policy be reviewed to align with the Road Upgrade Matrix – Sealing Gravel Roads”.	2018/044	Ongoing - Road Upgrade Matrix completed, review of policy to be undertaken early 2019	Infrastructure & Environment
19-Feb-18	14.3	Relocation – Adelaide Plains Kennel and Obedience Club	“that Council, having considered 14.3 – Relocation – Adelaide Plains Kennel and Obedience Club, dated 19 February 2018, receives and notes the report and in doing so:- 1. Authorises Council staff to commence the public consultation process pursuant to Section 202 of the Local Government Act 1999, in regard to the leasing of Allotment 29, DP 17602, Lewiston, known as Clara Harniman Reserve, and comprised in Certificate of Title Volume 5546 Folio 494, to the Adelaide Plains Kennel and Obedience Club Inc; 2. In the event that objections are received to the leasing of portion of Allotment 29, DP 17602, Lewiston, known as Clara Harniman Reserve, comprised in Certificate of Title Volume 5546 Folio 494, to the Adelaide Plains Kennel and Obedience Club Inc, by the conclusion of the public consultation process, a report be presented to Council for consideration; 3. In the event that no objections are received to the leasing of portion of Allotment 29, DP 17602, Lewiston, known as Clara Harniman Reserve, comprised in Certificate of Title Volume 5546 Folio 494, to the Adelaide Plains Kennel and Obedience Club Inc, by the conclusion of the public consultation process, the Chief Executive Officer be authorised to seek the assistance of Norman Waterhouse Lawyers and to negotiate and finalise the terms and conditions of the lease ; 4. Authorises, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Adelaide Plains Kennel and Obedience Club Inc; 5. In accordance with Section 166(1)(j) of the Local Government Act 1999, Council,	2018/046	Ongoing - Kennel Club to finalise location of clubrooms and associated infrastructure prior to lease negotiations being finalised	Development and Community

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
19-Feb-18	14.4	Adelaide Plains Equestrian Club - Proposed Licence	<p>“that Council, having considered Item 14.4 – Adelaide Plains Equestrian Club Inc – Proposed Lease - Clara Harniman Reserve, Lewiston, dated 19 February 2018, receives and notes the report and in doing so:-</p> <p>1. Authorises the Chief Executive Officer to seek the assistance of Norman Waterhouse Lawyers and to negotiate and finalise the Lease Agreement between Council and the Adelaide Plains Equestrian Club Inc for the leasing of portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494;</p> <p>2. Authorises, pursuant to Section 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Adelaide Plains Equestrian Club Inc;</p> <p>3. In accordance with Section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100% of the rates imposed, effective from the 2018/19 rating year; and</p> <p>4. Formally responds to the submission from Mr Michael Picard.”</p>	2018/047	Ongoing - lease in process of being finalised - draft lease agreement has been provided to the APEC for review	Development and Community
19-Feb-18	18.2	Request for Policy Review	<p>“As there has been a number of concerns over time regarding roadside management and parks and garden maintenance I ask the motion be put that Adelaide Plains Council Vegetation Management policy last reviewed 2008 be subject of urgent review inclusive of all aspects of but not limited to under policy statement”.</p>	2018/061	Ongoing - Management is currently exploring the notion of consolidating the roadside management and vegetation management into its Asset Management Plan as a service level	Infrastructure & Environment
19-Mar-18	18.2	Mining and Environmental Degradation	<p>“that Staff prepare report to Council on all and any other matters outlined in preamble in relation to land bordering Parham Rd, Driscoll Tce, and North Parham Rd and a summary of all regulatory aspects over subject land and possible options for cessation of antisocial behaviour illegal dumping and land degradation and to also include a visit to site for interested members before next council meeting in April”.</p>	2018/106	Ongoing - Negotiations with DEW/NRM and adjoining landowner/mining lessee continuing	Development and Community
26-Mar-18	5.1	Safety of Council Employees	<p>"that Council, having considered Item 5.1 - Safety of Council Employees, dated 26 March 2018, receives and notes the report and in doing so instructs the Chief Executive Officer, as a priority, to review Council policies and procedures surrounding the provision of workplace safety for employees and Elected Members, and present such documentation back to a subsequent meeting of Council for endorsement."</p>	2018/124	Ongoing - documents are in the process of being finalised	Executive Office/ Governance & Communications
21-May-18	12.2	Strategic Planning and Economic Development Committee	<p>“that Council, having considered Webb Beach Community Emergency Management Plan, endorses recommendation 2018/02 of the Strategic Planning and Economic Development Committee and in doing so, endorses the Stakeholder and Community Engagement Strategy for the Webb Beach Community Emergency Management Plan as presented in Attachment 3 to this report.”</p>	2018/183	Ongoing - Webb Beach CEMP due for completion early 2019	Development & Community
21-May-18	12.2	Strategic Planning and Economic Development Committee	<p>“that Council, having considered Township Boundaries Review, endorses recommendation 2018/03 of the Strategic Planning and Economic Development Committee and in doing so endorses the Local Government Association’s draft township boundary maps for Dublin, Mallala and Two Wells subject to the squaring off of the allotment that Secomb Road to the East and Hayman Road to the South East corner of Two Wells as presented in Attachment 4 to this report.”</p>	2018/184	Completed	Development & Community

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-May-18	12.2	Strategic Planning and Economic Development Committee	<p>“that Council, having considered Horticulture Policy: Precinct 5, endorses recommendation 2018/04 of the Strategic Planning and Economic Development Committee and in doing so:-</p> <ol style="list-style-type: none"> <li>1. Agrees that the process for undertaking further amendments to existing Development Plan policy is through the new Planning and Design Code; and,</li> <li>2. Authorises the Chief Executive Officer to correspond directly with the relevant Chairperson of the ERD Committee with a view of tabling Adelaide Plains Council’s preferred policy position in relation to caretaker residences and allotment sizes <u>within precinct 5.”</u></li> </ol>	2018/185	Ongoing - further communications forwarded to Chair of ERD Committee - awaiting response	Development & Community
21-May-18	14.1	Review of Draft 2018/2019 Operating and Capital Projects Program	<p>“that Council prepares a report regarding some of the surface enhancing materials that can be added to enhance road services and prolong longevity.”</p>	2018/189	Ongoing - Due to the large body of work involved it is forecast that this matter return to the Chamber by early 2019	Infrastructure & Environment
21-May-18	14.5	Renewal of Lease – Port Parham Sports and Social Club Inc	<p>“that Council, having considered 14.5 – Renewal of Lease – Port Parham Sports and Social Club Inc, dated 21 May 2018, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> <li>1. Authorises Council staff to commence the public consultation process pursuant to section 202 of the Local Government Act 1999, in regard to the leasing of portion of Section 573, East Terrace, Parham comprised in Crown Record Volume 5755 Folio 727, to the Port Parham Sports and Social Club Inc;</li> <li>2. In the event that objections are received to the leasing of portion of Section 573, East Terrace, Parham comprised in Crown Record Volume 5755 Folio 727, to the Port Parham Sports and Social Club Inc at the conclusion of the public consultation process, a report be presented to Council for consideration;</li> <li>3. In the event that no objections are received to the leasing of portion of Section 573, East Terrace, Parham comprised in Crown Record Volume 5755 Folio 727, to the Port Parham Sports and Social Club Inc, at the conclusion of the public consultation process, authorises the following: <ol style="list-style-type: none"> <li>a. The Chief Executive Officer seek the assistance of Norman Waterhouse Lawyers to negotiate and finalise the terms and conditions of the lease.</li> <li>b. Pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer execute the lease agreement between the Adelaide Plains Council and Port Parham Sports and Social Club Inc.</li> <li>c. In accordance with Section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the portion of Section 573, East Terrace, Parham comprised in Crown Record Volume 5755 Folio 727, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100% of the rates imposed, effective from the 2018/19 rating year.”</li> </ol> </li> </ol>	2018/198	Ongoing. Port Parham Sports and Social Club has signed the lease agreement, awaiting APC signatures	Development & Community / Infrastructure & Environment

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-May-18	14.6	Adelaide Plains Kennel and Obedience Club Inc – Proposed Lease – Clara Harniman Reserve, Lewiston	<p>“that Council, having considered Item 14.6 – Adelaide Plains Kennel and Obedience Club Inc – Proposed Lease - Clara Harniman Reserve, Lewiston, dated 21 May 2018, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> <li>1. Authorises the Chief Executive Officer to seek the assistance of Norman Waterhouse Lawyers and to negotiate and finalise the Lease Agreement between Council and the Adelaide Plains Kennel and Obedience Club Inc for the leasing of portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494;</li> <li>2. Authorises, pursuant to Section 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Adelaide Plains Kennel and Obedience Club Inc; and</li> <li>3. In accordance with Section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100% of the rates imposed, effective from the 2018/19 rating year.</li> <li>4. Formally responds to the submission from Ms Leanne Pelin.”</li> </ol>	2018/199	Ongoing - draft lease provided to Kennel Club	Development & Community / Infrastructure & Environment
21-May-18	15.3	Mallala and Districts Lions Club - Proposed Agreeent of Understanding	<p>“that Council, having considered Item 15.3 – Mallala and Districts Lions Club – Proposed Agreement of Understanding, dated 21 May 2018, instructs the Chief Executive Officer to seek legal advice as a means to prepare the necessary legal instrument between Adelaide Plains Council and Mallala and Districts Lions Club in accordance with the terms of the Agreement of Understanding, and bring a report back to the Ordinary Council Meeting on 18 June 2018.”</p>	2018/214	Ongoing	Development & Community
21-May-18	19.1	Policy - Leases and Licences	<p>“that Council bring back a report and associated draft policy regarding leases and licences with a consistency of approach.”</p>	2018/216	Ongoing - in the process of carrying out research	Governance & Communications / Development & Community

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
28-May-18	21.3	Follow up on Asbestos Found at Other Council Sites	<p>“that Council, having considered Item 21.3 – Follow up on Asbestos Contamination Found at Other Council Sites, dated 21 May 2018, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> <li>1. Engages McMahon Services Australia Pty Ltd to carry out the safe removal, transport and disposal of all ACM at the Stony Point Reserve and the Mallala Waste Resource Centre in accordance with RFQ31/2017/2018 “The Removal of Asbestos Contaminated Hard Waste” and in accordance with the Environment Protection Authority Clean up Order yet to be issued;</li> <li>2. Engage a suitably qualified asbestos specialist to oversee the monitoring of the clean up operations in accordance with the Environment Protection Authority requirements.</li> <li>3. Acknowledges the development of an asbestos inspection routine at the horse float parking area corner of Esplanade and Main Road Parham and the adjacent foreshore area together with any other area the Environment Protection Authority deems required;</li> <li>4. Acknowledges the development of an Asbestos Management Plan for all relevant sites as per Work Health and Safety Regulations 2012;</li> <li>5. Delegates authority to the Chief Executive Officer to finalise and execute the contracts; and</li> <li>6. Acknowledges an allocation will be made as part of the third budget review to accommodate the cost of the clean up.”</li> </ol>	2018/229	Ongoing	Infrastructure & Environment
18-Jun-18	14.2	Disability Access and Inclusion Plan	<p>“that Council write to the Federal Government, asking them to lobby the World Health Organisation to remove reference to the term Mentally Retarded Person and replace with Person With Intellectual Disability.”</p>	2018/242	Ongoing	Development & Community
18-Jun-18	14.3	Two Wells Trotting Owners and Trainers Association - Proposed Lease - Hams Park Reserve, Lewiston	<p>“that Council, having considered Item 14.3 – Two Wells Trotting Owners and Trainers Association Inc – Proposed Lease – Hams Park Reserve, Lewiston, dated 21 May 2018, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> <li>1. Receives and notes the Hydrological Report from Robert Williams Hydrological Consultant;</li> <li>2. Authorises the Chief Executive Officer to seek the assistance of Norman Waterhouse Lawyers and to negotiate and finalise the Lease Agreement between Council and the Two Wells Trotting Owners and Trainers Association Inc for the leasing the whole of Allotment 27 DP 14929, Kurt Way Lewiston, known as Hams Park Reserve and comprised in Certificate of Title Volume 5543 Folio 580;</li> <li>3. Authorises, pursuant to sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Two Wells Trotting Owners and Trainers Association Inc;</li> <li>4. In accordance with section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the whole of Allotment 27 DP 14929, Kurt Way Lewiston, known as Hams Park Reserve and comprised in Certificate of Title Volume 5543 Folio 580, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100% of the rates imposed, effective from the 2018/19 rating year; and</li> <li>5. Formally responds to the submission from Ms Leanne Pelin in line with the aforementioned direction.”</li> </ol>	2018/243	Ongoing - awaiting response from Trotting Owners and Trainers Association in relation to location of infrastructure	Infrastructure & Environment



Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
16-Jul-18	14.9	Proposed Lease of Council Land - NBN Radio Network Base Station - Update	<p>“that Council, having considered Item 14.10 – Proposed Lease of Council Land – NBN Radio Network Base Station – Update dated 16 July 2018, receives and notes the report, and in doing so instructs the Chief Executive Officer to advise Proptel (acting on behalf of NBN Co Limited) that:-</p> <p>1. Council is not prepared to amend its previous resolution 2017/283 in regard to all associated costs to be paid by NBN Co Limited; and</p> <p>2. In addition to fully reimbursing Council for all associated legal costs, NBN Co Limited will also be required to reimburse Council in relation to the cost of amending the Community Land Management Plan 5, including all public consultation costs.”</p>	2018/324	Ongoing	Infrastructure & Environment
16-Jul-18	14.9	Proposed Lease of Council Land - NBN Radio Network Base Station - Update	<p>“that Council, having considered Item 14.10 – Proposed Lease of Council Land – NBN Radio Network Base Station – Update dated 16 July 2018, receives and notes the report, and in doing so, subject to Resolution 2018/324 above, instructs the Chief Executive Officer to:-</p> <p>1. Engage Norman Waterhouse Lawyers to amend Community Land Management Plan 5, to provide for the establishment of the NBN telecommunications facility on Portion of Section 248 DP 29513, Ruskin Road, Thompson Beach; and</p> <p>2. Undertake public consultation in relation to the amendment of Community Land Management Plan 5 in accordance with section 198 of the Local Government Act 1999, and Council’s Public Consultation Policy.”</p>	2018/325	Ongoing	Infrastructure & Environment
16-Jul-18	15.7	Two Wells Skate Park Proposal	<p>“that Council, having considered Item 15.7 – Two Wells Skate Park Proposal, dated 16 July 2018, receives and notes the report and in doing so, instructs the Chief Executive Officer to liaise with the community in accordance with Council’s Public Consultation Policy for the establishment of a skate park in Two Wells.”</p>	2018/333	Ongoing - Public Consultation process commenced, concludes late November 2018	Development & Community
16-Jul-18	15.8	Mallala Lions Club - Mallala Oval Campgrounds	<p>“That Council, having considered Item 15.8 – Mallala Lions Club – Mallala Oval Campgrounds, dated 16 July 2018, receives and notes the report.”</p>	2018/334	Ongoing - public consultation to commence shortly in relation to the CLMP	Development & Community

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
20-Aug-18	14.7	Renewal of Lease - Dublin Cricket Club Inc	dated 20 August 2018, receives and notes the report and in doing so authorises the Chief Executive Officer to:- 1. Commence the public consultation process pursuant to Section 202 of the Local Government Act 1999, in regard to the leasing of portion of Section 637, South Terrace, Dublin comprised in Certificate of Title Volume 5392 Folio 9, to the Dublin Cricket Club Inc; and 2. In the event that objections are received to the leasing of portion of Section 637, South Terrace, Dublin comprised in Certificate of Title Volume 5392 Folio 9, to the Dublin Cricket Club Inc at the conclusion of the public consultation process, a report be presented to Council for consideration; and 3. In the event that no objections are received to the leasing of portion of Section 637, South Terrace, Dublin comprised in Crown Record Volume 5392 Folio 9, to the Dublin Cricket Club Inc, at the conclusion of the public consultation process: a. Negotiate and finalise the terms and conditions of the Proposed Lease, and to seek the assistance of Norman Waterhouse Lawyers to prepare the Proposed Lease for execution b. Pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer execute the lease agreement between the Adelaide Plains Council and Port Parham Sports and Social Club Inc; and c. In accordance with Section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the portion of Section 637, South Terrace, Dublin comprised in Certificate of Title Volume 5392 Folio 9, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100% of the rates imposed, effective from the 2018/19 rating year."	2018/373	Ongoing. Draft lease being developed in conjunction with Dublin Cricket Club	Infrastructure & Environment
20-Aug-18	14.8	Two Wells Scout Group - Relocation	"that Council, having considered Item 14.8 – <i>Two Wells Scout Group – Relocation</i> , dated 20 August 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to liaise with the community in accordance with Council's <i>Public Consultation Policy</i> for the relocation of the scout hall in Two Wells."	2018/375	Ongoing - Public Consultation process commenced, concludes late November 2018	Development & Community
20-Aug-18	14.10	Recruitment of Independent Members - Audit Committee	"that Council, having considered Item 14.10 – Recruitment of Independent Members – Audit Committee, dated 20 August 2018, receives and notes the report and in doing so:- 1. Instructs the Chief Executive Officer to call for Expressions of Interest in relation to two (2) independent member positions on Council's Audit Committee and report back to Council as soon as possible; and 2. Appoints outgoing Chairman of the Audit Committee, Mr John Comrie, Councillor Keen and Councillor Panella to the interview panel along with the Chief Executive Officer and the General Manager – Finance and Economic Development."	2018/378	Agenda - 21 November 2018	Finance & Economic Development
20-Aug-18	18.6	Road Conditions - Webb Beach	"that Council instructs the Chief Executive Officer to prepare report on how safe road access along Webb Beach Road and George Street can best be achieved in times of rainfall events and peak tide inundation taking into consideration all previous correspondence from residents and previous motions of Council with a view for inclusion in next budget or budget review."	2018/390	Completed	Infrastructure & Environment
20-Aug-18	21.2	Asbestos Contamination - Stony Point	Confidential Item	2018/399	Ongoing	Executive Office

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
3-Sep-18	4.1	Adelaide International Bird Sanctuary National Park - Port Prime	“that Council, having considered Item 4.1 - Adelaide International Bird Sanctuary National Park – Port Prime, dated 3 September 2018, receives and notes the report and in doing so:- 1. supports the Abolition of the Town of Port Prime under Section 71 of the Crown Land Management Act 2009 to enable inclusion of land parcels and unmade roads within Port Prime to form part of the Adelaide International Bird Sanctuary National Park; and 2. authorises the Chief Executive Officer to provide a response to the Department of Environment and Water on behalf of Adelaide Plains Council accordingly.”	2018/401	Completed - Revocation process being progressed by DEW	Development & Community
10-Sep-18	4.1	Rescind Motion (2018/071) - Review of Memorandum of Understanding Signed with Mallala Lions Club	“that Council instruct the Chief Executive Officer to continue to negotiate with the Mallala Lions Club to enter into a new lease / management agreement for the ablution block at the appropriate time.”	2018/408	Ongoing - Community Land Management Plan Public Consultation process to commence late November 2018	Development & Community
17-Sep-18	12.2	Governance Advisory Panel - Meeting held 29 August 2018	“that Council, having considered Governance Advisory Panel Terms of Reference Review – Update, endorses resolution 2018/014 of the Governance Advisory Panel and in doing so, instructs the Chief Executive Officer to amend clause 2.3 of the Governance Advisory Panel Terms of Reference to read “as requested, consider alleged breaches of the Code of Conduct in accordance with the procedure established by Council.””	2018/414	Ongoing	Governance & Communications
17-Sep-18	12.2	Governance Advisory Panel - Meeting held 29 August 2018	“that Council, having considered Council Members Induction Policy, endorses resolution 2018/019 of the Governance Advisory Panel and in doing so acknowledges Council’s Caretaker Policy which requires Council to avoid major policy decisions during the Election Period and, accordingly, notes that this recommendation shall be presented to the Ordinary Council Meeting in November 2018.”	2018/417	Agenda - 21 November 2018	Governance & Communications
17-Sep-18	12.2	Governance Advisory Panel - Meeting held 29 August 2018	“that the Chief Executive Officer request that the Governance Advisory Panel consider Committees under Section 43 of the Local Government Act 1999, with special consideration to the lack of requirement for public consultation, and with a view to request that the State Government addresses the matter.”	2018/418	Ongoing - Governance Advisory Panel Forward Agenda	Governance & Communications
17-Sep-18	12.2	Governance Advisory Panel - Meeting held 29 August 2018	“that Council, having considered Policy Review – Gifts and Benefits Policy, endorses resolution 2018/020 of the Governance Advisory Panel and in doing so instructs the Chief Executive Officer to bring a further report to the Governance Advisory Panel taking into account the desirability of having separate policies for Council Members and Council Employees.”	2018/419	Ongoing - Governance Advisory Panel Forward Agenda	Governance & Communications
17-Sep-18	12.2	Governance Advisory Panel - Meeting held 29 August 2018	“that Council, having considered Review of Council Procedures – 2017 Discovery of Asbestos – Two Wells Transfer Station, endorses resolution 2018/023 of the Governance Advisory Panel and in doing so endorses, and instructs the Chief Executive Officer to action, the ‘Recommendations for Corrective and Preventative Actions’ identified at pages 8 and 9 of the Building Waste (Asbestos) Transportation Incident Review Report presented as Attachment 2 to Item 13.1 to the Panel.”	2018/420	Ongoing	Governance & Communications
17-Sep-18	12.3	Audit Committee - Meeting held 3 September 2018	“that Council, having considered Mallala CWMS Private Property Domestic Pumps, endorses recommendation 2018/040 of the Audit Committee and in doing so:- 1. Endorses the approach that ongoing maintenance and replacement costs for all on site CWMS Infrastructure be funded (where appropriate) through the CWMS Reserves Fund; and 2. Instructs the Chief Executive Officer to develop a policy position in this respect.”	2018/425	Ongoing	Finance & Economic Development

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
17-Sep-18	14.3	Regional Public Health and Wellbeing Plan - Progress Report	"that Council, having considered Item 14.3 – Regional Public Health and Wellbeing Plan – Progress Report, dated 17 September 2018, receives and notes the report and in doing so, in accordance with Section 44 of the Local Government Act 1999, delegates authority to the Chief Executive Officer to endorse the biennial Regional Public Health and Wellbeing Plan Progress Report for submission to the Chief Public Health Officer as required by Section 52(1) of the South Australian Public Health Act 2011."	<b>2018/431</b>	Ongoing	Executive Office
17-Sep-18	N/A	Motion Without Notice	"that, in relation to the Adelaide International Bird Sanctuary, a bus tour of the Port Prime area be undertaken amongst Council Members and relevant members of staff."	<b>2018/441</b>	Ongoing - to occur in 2019	Development & Community
17-Sep-18	N/A	Motion Without Notice	"that the Council Members Communication Policy be referred to the Governance Advisory Panel for a review in relation to the requirement to copy in all Council Members on matters of a confidential nature."	<b>2018/442</b>	Ongoing - Governance Advisory Panel Forward Agenda	Governance & Communications
17-Sep-18	18.1	Motions on Notice - Outsourcing Development Assessment Services	"that the Chief Executive Officer, through the Organisational Review Paper, bring back a report to Council in relation to outsourcing all aspects of Adelaide Plains Council Development Assessment Services."	<b>2018/443</b>	Ongoing	Executive Office

**RESOLUTION REGISTER AND ACTION SHEET October & November 2018 - All Items**

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
15-Oct-18	2.1	Confirmation of Council Minutes - Ordinary Meeting held 17 September 2018	"that the minutes of the Ordinary Council Meeting held on 17 September 2018 (MB Folios 16705 to 16722 inclusive), be accepted as read and confirmed."	<b>2018/452</b>	Completed	Executive Office	C
15-Oct-18	2.2	Confirmation of Council Minutes - Special Meeting held 26 September 2018	"that the minutes of the Special Council Meeting held on 26 September 2018 (MB Folios 16723 to 16726 inclusive), be accepted as read and confirmed."	<b>2018/453</b>	Completed	Executive Office	C
15-Oct-18	12.1	Adelaide Plains Council Historical Committee - Meeting held 5 September 2018	"that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held on 5 September 2018."	<b>2018/454</b>	Completed	Development & Community	C
15-Oct-18	14.1	Hours of Operation - 2018/2019 Christmas and New Year Period	"that Council, having considered Item 14.1 – Hours of Operation – 2018/2019 Christmas and New Year Period, dated 15 October 2018, receives and notes the report and in doing so endorses the following hours of operation for the 2018 / 2019 Christmas and New Year period:- <ul style="list-style-type: none"> <li>☑ Administration (Mallala, Two Wells and Depot) <ul style="list-style-type: none"> <li>o Closed from 4pm on Friday 21 December 2018;</li> <li>o Resume normal hours of operation from 9am on Wednesday 2 January 2019.</li> </ul> </li> <li>☑ Depot Operations <ul style="list-style-type: none"> <li>o Closed from 12pm on Thursday 20 December 2018;</li> <li>o Resume normal hours of operation from 9am on Wednesday 2 January 2019.</li> </ul> </li> <li>☑ Mallala Library <ul style="list-style-type: none"> <li>o Closed from 12pm on Wednesday 19 December 2018;</li> <li>o Resume normal hours of operation from 10am on Wednesday 2 January 2019.</li> </ul> </li> <li>☑ Two Wells Library <ul style="list-style-type: none"> <li>o Closed from 4pm on Friday 21 December 2018;</li> <li>o Resume normal hours of operation from 12pm on Wednesday 2 January 2019.</li> </ul> </li> <li>☑ Two Wells Transfer Station <ul style="list-style-type: none"> <li>o Closed from 12:30pm on Sunday 23 December 2018;</li> <li>o Resume normal hours of operation from 1:30pm on Wednesday 2 January 2019.</li> </ul> </li> <li>☑ Mallala Resource Recovery Centre <ul style="list-style-type: none"> <li>o Closed from 10am on Sunday 23 December 2018;</li> <li>o Resume normal hours of operation from 1:30pm on Thursday 3 January 2019."</li> </ul> </li> </ul>	<b>2018/455</b>	Completed	Executive Office	C
15-Oct-18	14.2	Floodplain Management Australia National Conference 2019	"that Council, having considered Item 14.2 – Floodplain Management Australia National Conference 2019, dated 15 October 2018, receives and notes the report and in doing so resolves to send both of its Gawler River Floodplain Management Authority Board Member and Elected Member Proxy Member to the conference, set down for 14-17 May 2019 in Canberra, ACT. In recognition of the abstract submission deadline, Council further resolves to delegate authority to either of its Board Members to submit an abstract to present at the conference by the due date of 29 October 2018."	<b>2018/456</b>		Executive Office	C
15-Oct-18	14.3	Adoption of Annual Report 2017-2018	"that Council, having considered Item 14.3 – Adoption of Annual Report 2017-2018, dated 15 October 2018, receives and notes the report and in doing so:- 1. Adopts the Annual Report 2017-2018 as presented in Attachment 1 to this Report, subject to the endorsement of the Audited Annual Financial Statements 2017-2018; and 2. Authorises the Chief Executive Officer to make any necessary final amendments to the Annual Report."	<b>2018/457</b>	Completed - Audited Annual Financial Statements were adopted 8 November 2018	Governance & Communications	C

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
15-Oct-18	14.4	Managing our Landscapes - Discussion Paper - Proposed Landscape South Australia Act	“that Council, having considered Item 14.4 - Managing Our Landscapes – Discussion Paper: Proposed Landscape South Australia Act, dated 15 October 2018, receives and notes the report and in doing so:- 1. Endorses the consultation response to the South Australian Government subject to the inclusion of reference to (i) the ability to undertake proactive maintenance of private levee banks so as to mitigate flood inundation, (ii) the ability of the Plains and Valleys Landscape Board to have representation in some capacity on the Gawler River Floodplain Management Board and (iii) business and employment opportunities for our residents; and 2. Instructs the Chief Executive Officer to furnish the associated agenda report with the Legatus Group for their information and possible incorporation into their response.”	2018/458	Completed	Development & Community	C
15-Oct-18	14.5	Requests to Waive Development Application Fees - Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees	“that Council having considered Item 14.5 – Requests to Waive Development Application Fees – Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek the non-statutory component of Development Application Fees (to a maximum capped amount of \$350) associated with the Adelaide Plains Kennel and Obedience Club’s application to place a shipping container at 77 Old Pt Wakefield Road, Two Wells Certificate of Title Volume 5984 Folio 730 and a second application for the same on a portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494.”	2018/459	Completed	Development & Community	C
15-Oct-18	14.5	Requests to Waive Development Application Fees - Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees	“that Council having considered Item 14.5 – Requests to Waive Development Application Fees – Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek the non-statutory component of Development Application Fees (to a maximum capped amount of \$175) associated with Moquet Lee Trustees’ application to erect entrance gates on the boundary of Lot 676, 7 Nairne Road, Grace Plains, Certificate of Title Volume 5545 Folio 930.”	2018/460	Completed	Development & Community	C
15-Oct-18	14.6	Request to Waive Costs Associated with	“that Council, having considered Item 14.6 – Request to Waive Costs Associated with the Lease Agreement – Adelaide Plains Kennel & Obedience Club, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek reimbursement of 50% of the legal costs for the preparation of the Lease (to a maximum capped amount of \$550) in regards to the leasing of a portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494 to the Adelaide Plains Kennel & Obedience Club.”	2018/461	Ongoing - Meeting with APKOC has since occurred to progress lease	Development & Community / Infrastructure	C
15-Oct-18	14.7	Webb Beach Road Access	“that Council, having considered Item 14.7 – Webb Beach Road Access, dated 15 October 2018, receives and notes the report and in doing so seeks to vary the 2018-2019 Budget, by way of a budget variation, to include additional expenditure of \$102,000 for the upgrade (raise height of road and incorporate floodway ford) of the causeway sections of Webb Beach Road as presented in Attachment 1.”	2018/462	Completed	Infrastructure & Environment / Finance & Economic Development	C
15-Oct-18	15.1	Council Resolutions - Status Report	“that Council, having considered Item 15.1 – Council Resolutions – Status Report dated 15 October 2018, receives and notes the report.”	2018/463	Completed	Governance & Communications	C
15-Oct-18	15.2	Gawler River Floodplain Management Authority - Northern Floodway Status Update	“that Council, having considered Item 15.2 – Gawler River Floodplain Management Authority – Northern Floodway Status Update, dated 15 October 2018, receives and notes the report.”	2018/464	Completed	Executive Office	C
15-Oct-18	15.3	Horse Flood Parking - Parham	“that Council, having considered Item 15.3 – Horse Float Parking – Parham, dated 15 October 2018, receives and notes the report.”	2018/465	Completed	Development & Community	C
15-Oct-18	15.4	Library & Community Services Quarterly Report - July to October 2018	“that Council, having considered Item 15.4 – Library & Community Services Quarterly Report – July to October 2018, dated 15 October 2018, receives and notes the report.”	2018/466	Completed	Development & Community	C
15-Oct-18	15.5	Sealed Road Maintenance - Lewiston	“that Council, having considered Item 15.5 – Sealed Road Maintenance – Lewiston, dated 15 October 2018, receives and notes the report.”	2018/467	Completed	Infrastructure & Environment	C

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
15-Oct-18	15.6	Review of Council's Roadside Weed Control Program	"that Council, having considered Item 15.6 – Review of Council's Roadside Weed Control Program, dated 15 October 2018, receives and notes the report."	2018/468	Completed	Infrastructure & Environment	C
15-Oct-18	15.7	Additional Information – Questions on Notice 17 September 2018 - Roadside Weed Spraying Practices	"that Council, having considered Item 15.7 – Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices, dated 15 October 2018, receives and notes the report."	2018/469	LAPSED DUE TO FORMAL MOTION 2018/470	Executive Office / Infrastructure & Environment	C
15-Oct-18	15.7	Additional Information – Questions on Notice 17 September 2018 - Roadside Weed Spraying Practices	"that the matter lie on the table."	2018/470		Executive Office / Infrastructure & Environment	L
15-Oct-18	N/A	N/A	"that the following questions be put to the Gawler River Floodplain Management Authority:- 1. Does the current Gawler River Northern Floodway design layout currently being put forward by GRFMA differ from an earlier technical design layout by Consulting firm if so please provide detail; and 2. Was any design change from original earlier Northern Floodway proposal endorsed by GRFMA , if so please provide details of :- when did the design proposal change occur what was reasoning behind any design change and please provide before and after Northern Floodway design site map."	2018/471		Executive Office	C
15-Oct-18	18.1	Motions on Notice - Port Prime Road	"that Council instructs the Chief Executive Officer to bring back a report on cost of providing constructed safe all weather load rated access for public and emergency services vehicles from Pt Wakefield Rd , Thompson Rd to Pt Prime Beach including raising that section beach road access in line with or above recommended AHD coastal floor level and including providing a suitable hard stand fenced beach parking area together where identified fenced off or other deemed measures with view to returning informal track areas within council controlled coastal zone of Pt Prime back to natural state in doing so no further works / costs be incurred in relation to Pt Prime Rd until such time a report is presented back to Council."	2018/472	Ongoing	Infrastructure & Environment	C
15-Oct-18	19.1	Motions Without Notice - Speed Limits - Lewiston	"that the Chief Executive Officer bring back a report in regards to the disparity between speed limits in Lewiston."	2018/473	Ongoing	Infrastructure & Environment	C
15-Oct-18	21.1	Confidential Item - Stony Point - Historical Asbestos Finding and Site Remediation	"that:- 1. Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Communications, General Manager – Development and Community, General Manager – Finance and Economic Development, Acting General Manager – Infrastructure and Environment, Governance Officer/Minute Taker and Executive Assistant be excluded from attendance at the meeting of the Council for Agenda Item 21.1 – Stony Point - Historical Asbestos Finding and Site Remediation; 2. Council is satisfied that, pursuant to section 90(3)(b)(i) of the Local Government Act 1999, Agenda Item 21.1 – Stony Point - Historical Asbestos Finding and Site Remediation concerns information the disclosure of which could reasonably be expected to prejudice the commercial position of Council, being information relating to a potential contractual dispute, and would, on balance, be contrary to the public interest; and 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential."	2018/474	Completed	Governance & Communications	C
15-Oct-18	21.1	Confidential Item - Stony Point - Historical Asbestos Finding and Site Remediation	Confidential Item	2018/475	-	-	C
15-Oct-18	21.1	Confidential Item - Stony Point - Historical Asbestos Finding and Site Remediation	Confidential Item	2018/476	-	-	C

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
15-Oct-18	21.1	Confidential Item - Stony Point - Historical Asbestos Finding and Site Remediation	Confidential Item	2018/477	-	-	C
15-Oct-18	21.1	Confidential Item - Stony Point - Historical Asbestos Finding and Site Remediation	“that Council, having considered the matter of Agenda Item 21.1 – Stony Point – Historical Asbestos Finding and Site Remediation in confidence under sections 90(2) and 90(3)(b)(i) of the Local Government Act 1999, resolves that:- 1. The agenda item, report and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of Council; 2. Pursuant to section 91(9)(a) of the Local Government Act 1999, the confidentiality of the matter will be reviewed every 12 months; and 3. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”	2018/478	Completed	Governance & Communications	C
8-Nov-18	4.1	Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018	“that Council receives and notes the minutes of the Audit Committee meeting held on 1 November 2018, as presented at Attachment 1 to this Report.”	2018/479	Completed	Governance & Communications	C
8-Nov-18	4.1	Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018	“that Council, having considered Item 4.1 – <i>Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018</i> , dated 8 November 2018, receives and notes the report and in doing so, receives and notes the Draft Audited Annual Financial Statements and notes forming part of the Annual Financial Statements for the 2017/2018 Financial Year.”	2018/480	Completed	Finance & Economic Development	C
8-Nov-18	4.1	Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018	“that Council, having considered Item 4.1 – <i>Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018</i> , dated 8 November 2018:- 1. Endorses Audit Committee Resolution 2018/044 and in doing so formally adopts the 2017/2018 Financial Year Annual Financial Statements and notes forming part of the statements, and authorises the same to be certified on behalf of Council by the Mayor and Chief Executive Officer; and 2. Notes that the Audit Committee has authorised the Audit Committee Chairman to sign the Certification of Auditor Independence.”	2018/481	Completed	Finance & Economic Development	C
8-Nov-18	4.1	Audit Committee – Meeting held 1 November 2018 – Adoption of Audited Annual Financial Statements 2017-2018	“that Council, having considered Update on Audit Committee Annual Work Program 2018-2019 endorses recommendation 2018/050 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for the Audit Committee during the 2018/2019 Financial Year.”	2018/482	Completed	Finance & Economic Development	C
8-Nov-18	4.2	2018/2018 First Budget Update	“that Council, having considered Item 4.2 – <i>2018/2019 – First Budget Update</i> , dated 8 November 2018, receives and notes the report and in doing so:- 1. Receives and notes the project progress reports contained in Attachment 1 and 2 to the report; and 2. Pursuant to Regulation 9 (1)(a) of the Local Government (Financial Management) Regulations 2011, adopts the revised 2017/2018 Budgeted Financial Statements as contained within Attachment 3, that has been updated following the first budget review, with changes identified in Table 1, Table 2 and Table 3.”	2018/483	Completed	Finance & Economic Development	C
8-Nov-18	4.3	Community Land Management Plan 1 – Update	“that Council, having considered Item 4.3 – <i>Community Land Management Plan 1 - Update</i> , dated 8 November 2018, receives and notes the report and acknowledges that public consultation will be undertaken, in relation to the amended Community Land Management Plan 1, at Council’s cost, in accordance with Council Resolutions 2018/403 and 2018/404.”	2018/484	Ongoing - CLMP Public Consultation process to commence late November 2018	Development & Community	C

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
8-Nov-18	5.1	Stony Point – Historical Asbestos Finding and Site Remediation	<p>“that:-</p> <p>1. Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer, General Manager – Finance and Economic Development and Governance Officer/Minute Taker, be excluded from attendance at the meeting of the Council for Agenda Item 5.1 – Stony Point - Historical Asbestos Finding and Site Remediation;</p> <p>2. Council is satisfied that, pursuant to section 90(3)(b)(i) of the Local Government Act 1999, Agenda Item 5.1 – Stony Point - Historical Asbestos Finding and Site Remediation concerns information the disclosure of which could reasonably be expected to prejudice the commercial position of Council, being information relating to a potential contractual dispute, and would, on balance, be contrary to the public interest; and</p> <p>3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”</p>	2018/485	-	Governance & Communications	C
8-Nov-18	5.1	Stony Point – Historical Asbestos Finding and Site Remediation	Confidential Item	2018/486	Ongoing	Executive Office	C
8-Nov-18	5.1	Stony Point – Historical Asbestos Finding and Site Remediation	<p>“that Council, having considered the matter of Agenda Item 5.1 – Stony Point – Historical Asbestos Finding and Site Remediation in confidence under sections 90(2) and 90(3)(b)(i) of the Local Government Act 1999, resolves that:-</p> <p>1. The agenda item, report, annexures and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of Council;</p> <p>2. Pursuant to section 91(9)(a) of the Local Government Act 1999, the confidentiality of the matter will be reviewed every 12 months; and</p> <p>3. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”</p>	2018/487	-	Governance & Communications	C

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
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 <b>Adelaide Plains Council</b>	<b>16.3</b>	<b>Council Members Allowances and Benefits</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>Governance Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/53741</b>

## **OVERVIEW**

### **Purpose**

The purpose of this report is to inform Council Members of their statutory entitlement to certain allowances, benefits and reimbursements in relation to their office and official functions and duties.

### **Background**

Under the *Local Government Act 1999* (the Act) Council Members are entitled to:-

- An allowance determined by the Remuneration Tribunal in relation to that member's office; and
- Reimbursements of certain expenses (whether prescribed, or as approved by Council) incurred in performing of discharging their official functions and duties.

### **Discussion**

#### *Allowance determined by the Remuneration Tribunal*

The Act provides as follows:

##### *Section 76—Allowances*

*(1) Subject to this section, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.*

On 30 August 2018, and in accordance with section 76(1) of the Act, the Remuneration Tribunal (the Tribunal) determined the allowance payable to elected members of Local Government Councils constituted under the Act. A copy of the report considered by the Tribunal is presented as **Attachment 1**, and a copy of the Tribunal's determination (the Tribunal Determination) is presented as **Attachment 2** to this Report.

The Tribunal Determination provides the following annual allowances:-

- A Councillor who is not the Mayor or Deputy Mayor: \$9,900;
- The Mayor: four (4) times the allowance for councillors of that council – in this instance \$39,600;
- The Deputy Mayor: one and a quarter (1.25) times the allowance for councillors of that council – in this instance \$12,375.

The Tribunal Determination also sets out the:-

- Sitting fee payable to a Councillor (other than the Mayor or Deputy Mayor) who is the presiding member of a committee – in this instance an allowance of \$110 per meeting limited to an aggregate amount of allowance of \$660 per annum; and
- Travel time allowance for members of non-metropolitan councils, payable in addition to any entitlement to reimbursement of expenses actually incurred:
  - An allowance of \$410 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council's principal office, via the most direct road route;
  - An allowance of \$700 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 75 kms** from that council's principal office, via the most direct road route;
  - An allowance of \$1,050 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 75 kms but less than 100 kms** from that council's principal office, via the most direct road route; and
  - An allowance of \$1,490 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council's principal office, via the most direct road route.

### *Reimbursement of Expenses*

#### *Section 77—Reimbursement of expenses*

*(1) A member of a council is entitled to receive from the council—*

*(a) reimbursement of expenses of a kind prescribed for the purposes of this paragraph incurred in performing or discharging official functions and duties; and*

*(b) reimbursement of expenses of a kind prescribed for the purposes of this paragraph, and approved by the council (either specifically or under a policy established by the council for the purposes of this section), incurred in performing or discharging official functions and duties.*

*(2) A policy under subsection (1)(b) lapses at a general election of the council.*

## *Prescribed Expenses*

The *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations) provides as follows:-

### *Section 5—Reimbursement of expenses—section 77(1)(a)*

*(1) Subject to this regulation, for the purposes of section 77(1)(a) of the Act, the kinds of expenses for which a member of a council will be reimbursed are as follows:*

*(a) travelling expenses actually and necessarily incurred by the member in travelling to or from a prescribed meeting if—*

*(i) the journey is an eligible journey; and*

*(ii) the journey is by the shortest or most practicable route;*

*(b) expenses for the care of—*

*(i) a child of the member; or*

*(ii) a dependant of the member requiring full-time care,*

*actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.*

*(2) However—*

*(a) in relation to the operation of subregulation (1)(a)—*

*(i) if an eligible journey relates to travel between a place within the area of a council and a place outside the area of a council (in either direction), the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council; and*

*(ii) the rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth; and*

*(b) in relation to the operation of subregulation (1)(b)—a member of a council is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the member.*

*(3) A council may aggregate claims for reimbursement of expenses under subregulation (1)(a) that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.*

## *Expenses requiring Council Approval*

The Regulations provide:-

### *Section 6—Expenses requiring council approval—section 77(1)(b)*

*For the purposes of section 77(1)(b) of the Act, the following kinds of expenses for which a member of a council **may** be reimbursed are prescribed:*

- (a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;*
- (b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);*
- (c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;*
- (d) expenses for the care of—*
  - (i) a child of the member; or*
  - (ii) a dependant of the member requiring full-time care,*  
*incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);*
- (e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council (other than for which the member is reimbursed under section 77(1)(a) of the Act).*

A council may, and Adelaide Plains Council has previously resolved to, adopt a policy approving the reimbursement of particular expenses pursuant to section 77(1)(b) of the Act.

The Act provides that any council policy under section 77(1)(b) lapses at a general election of Council.

With a general election having just taken place, it follows that Council's previous *Council Members Allowances and Benefits Policy* is now lapsed. A further report and draft *Council Members Allowances and Benefits Policy* will be presented to Council for consideration at a subsequent Ordinary Council Meeting.

## Summary

Council Members are entitled to:-

- An allowance determined by the Remuneration Tribunal in relation to that member's office; and
- Reimbursements of certain expenses – either by operation of the Regulations or as approved by Council.

A further report and draft *Council Members Allowances and Benefits Policy* will be presented to Council for consideration at a subsequent Ordinary Council Meeting.

## **RECOMMENDATION**

**“that Council, having considered Item 16.3 – *Council Members Allowances and Benefits* dated 21 November 2018, receives and notes the report and acknowledges that a further report and a draft *Council Members Allowances and Benefits Policy* will be presented to Council for consideration.”**

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## **Attachments**

1. Report of the Remuneration Tribunal – Allowances for Members of Local Government Councils.
2. Determination of the Remuneration Tribunal – Allowances for Members of Local Government Councils.

## **References**

### Legislation

*Local Government Act 1999*

### Council Policies/Plans

*Council Members Allowances and Benefits Policy (lapsed)*



No. 6 of 2018

**REPORT OF THE REMUNERATION TRIBUNAL**  
**ALLOWANCES FOR MEMBERS OF LOCAL GOVERNMENT COUNCILS**

**INTRODUCTION**

1. This Report concerns a Determination made by the Remuneration Tribunal (“the Tribunal”).
2. The Tribunal has made two Determinations which prescribe allowances to which persons elected or appointed as members of Councils established under legislation constituting Local Government are entitled to be paid.
3. The two Determinations are as follows.
  - Determination 6 of 2018 prescribes allowances payable to members of Councils constituted under the *Local Government Act 1999* (“the Act”).
  - Determination 7 of 2018 establishes allowances payable to members of the Adelaide City Council.
4. This Report is in respect of Determination 6 of 2018.
5. Determination 7 of 2018, which prescribes allowances payable to members of the Council of the City of Adelaide, is subject to a separate Report in relation to that Determination.

**BACKGROUND**

6. The Act and the *City of Adelaide Act 1998* direct the Tribunal to determine allowances payable in relation to the offices held by members of Councils on a 4 yearly basis.
7. The scheme of the legislation is that the allowances to which members of Councils will be entitled during a term of office should be determined prior to the periodic elections held under the *Local Government (Elections) Act 1999*. The date for the close of nominations for the conduct of such elections is 18 September 2018. The relevant provisions of the Act require the Tribunal to have made such a Determination 14 days before that date. The term of the offices for which the election is to be held is 4 years.
8. Clearly, the intention is to inform persons eligible for election who may be considering nomination to know what the allowance(s) payable in respect of an office(s) will be in the event they are elected. This certainty is reinforced by statutory provisions which index adjustments to the amounts of the allowances so determined by the Tribunal, during the term of office for which the election is held.

9. The establishment of the statutory scheme under which the Tribunal makes such a Determination occurred with the passage and enactment of the relevant legislation<sup>1</sup> which commenced operation on 14 January 2010.

## **NATURE OF THE ALLOWANCES**

10. It is appropriate to make some observations concerning the nature of the allowances contemplated by the Act.
11. By the provisions of section 76 of the Act, the nature of the Determination to be made by the Tribunal is to create an entitlement for members of Councils to be paid what is described as an allowance, in the nature of a fee, as defined by the *Remuneration Act 1990*. That definition is set out below:

*“remuneration includes—*

- (a) salary; and*
- (b) allowances; and*
- (c) expenses; and*
- (d) fees; and*
- (e) any other benefit of a pecuniary nature;”*

(emphasis added to original)

12. Clearly, the legislature has discretely identified the allowances of members of Council under subparagraph (d), as opposed to sub paragraph (b) of the definition of remuneration in that Act. Accordingly, it is appropriate to understand the purpose of that distinction when considering the nature of the allowances to be determined.
13. In the relevant context, in particular having regard to the provisions of section 76 of the Act as a whole and the functions of Councils, as prescribed by section 7 of the Act, the use of the word “fee” denotes a payment akin to that paid for counsel or advice provided in relation to the decisions and actions of Councils in the performance of their statutory responsibilities, including a representative function within that decision making process.
14. The provisions which govern the Tribunal’s determination of the relevant allowances are set out more extensively later in this report.
15. It is clear from those provisions that the legislature views the appropriate level of allowances as related to the scale of the undertakings of Councils and presumably the associated complexity and consequence of discharging the necessary functions of the various Councils.
16. This has been recognised by the Tribunal’s previous reviews by the grouping of Councils and the determination of commensurate allowances on a scale, having regard to the provisions of subparagraph (b) of subsection (3) of Section 76 of the Act.

## **THE NATURE OF THE ALLOWANCES AND THE ROLE OF ELECTED MEMBERS**

17. Local government bodies are fortunate to attract Council members from all walks of life. The rate of remuneration received for their efforts in the usual vocations of persons elected or appointed as Councillors would usually be higher than that reflected by the allowances which have been historically applicable under the Tribunal’s Determinations. Clearly, there is a significant component of public service by Council members for which the fee, described as an allowance, is paid. As subparagraph (c) of subsection (3) of section 76 of the Act makes clear, the allowance to be determined is not to be in the nature of an amount payable like a salary or, by analogy, a wage. The allowance is not the subject of statutory superannuation and the Tribunal has previously satisfied itself that it lacks jurisdiction to provide for such.

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<sup>1</sup> *Statutes Amendment (Council Allowances) Act 2009*

18. Prior to the first Determination of the relevant allowances by the Tribunal, Councils determined the allowances payable to their members and officers.
19. In the course of the Report in relation to the Tribunal's first Determination of the relevant allowances the following conclusion, among others, was stated:

*"6.3 Voluntary nature of work undertaken by council members*

*6.3.1 The Tribunal understands that the relevant local government legislation reinforces the notion that a council member is a voluntary role and is not paid employment. In addition, the allowances determined are not intended to amount to a salary and qualifications are not required to undertake the role of a council member."*

## **THE PREVIOUS DETERMINATIONS**

20. The first Determination made by the Tribunal was issued on 23 August 2010. A five level structure of annual allowances payable to elected members was established. Councils were classified within those levels, broadly in line with a composite, although not strictly formulaic, ranking of the area, population and revenue of Councils, having regard to the representative role of elected members accordingly.
21. On 28 July 2014, the Tribunal made two Determinations. On that occasion, the Tribunal considered it appropriate to make a separate Determination in respect of allowances payable to members of the Adelaide City Council. The five level structure was maintained for Councils other than the Adelaide City Council. However, the Tribunal subdivided Level 1 of the 5 level structure to create levels 1(a) and 1(b) with different levels of allowance.
22. Those Determinations and the accompanying Reports are available on the Tribunal's website.

## **2010 REVIEW OF ALLOWANCES**

23. The initial Report and Determination of the Tribunal was significantly formative of the framework of allowances currently operating under the Tribunal's Determination 7 of 2014, in respect of Councils constituted under the Act.
24. In 2010, the Tribunal received 65 written submissions, including 25 from Councils. Submissions were received from the Local Government Association, current and past members of Councils and members of the public. The Tribunal also conducted three sittings for the purposes of hearing oral submissions and independently sought information from the Local Government Association, the Office of State/Local Government Relations in the Department of Local Government, the South Australian Local Government Grants Commission, the Boards and Committees Unit of the Department of the Premier and Cabinet and the Australian Institute of Company Directors.
25. The 5 level structure provided annual allowances for a Councillor who is not a principal member (within the meaning of the Local Government Act or the Lord Mayor under the City of Adelaide Act), a Deputy Mayor, Deputy Chairperson or Presiding Member, for each of the 5 levels.
26. The 2010 Determination provided that the allowance payable to Principal Members of a Council, except the Lord Mayor of the City of Adelaide, would be four times the annual allowance for Councillors of that Council. For Deputy Mayors, Deputy Chairpersons or Presiding Members of one or more standing committees established by a Council, the annual allowance was determined as 1.25 times the annual allowance for Councillors of that Council.
27. For the Lord Mayor of the City of Adelaide the annual allowance was determined at 7 times the annual allowance for a member of that Council.
28. Additionally, a travel time payment was determined, which was applicable to members of non-metropolitan Councils.

## 2014 REVIEW OF ALLOWANCES

29. As already noted, in addition to making a discrete Determination in respect of the Adelaide City Council, in 2014, the Tribunal amended the structure determined in 2010 so as to create a subdivision of level 1 into levels 1(a) and 1(b).

## STATUTORY PROVISIONS

30. The principal provisions of the Act which direct the Tribunal's consideration for the purpose of the making of a Determination are set out in Section 76, in particular subsection (3) of that Section. The counterpart provisions of Section 24 of the *City of Adelaide Act 1998* are relevantly identical.
31. Having regard to the infrequency of the Tribunal's determination of the relevant allowances, it is informative to include the provisions of Part 5 of Chapter 5 of the Act, which are attached with this Report. Those provisions deal with various matters of a pecuniary nature attached to the entitlement of a person elected or appointed to office as a member of a Council constituted under the Act. However, it is convenient to reproduce the provisions of section 76 of the Act, which contain the provisions which direct the Tribunal's considerations for the purposes of the required Determination.

### 76—Allowances

- (1) *Subject to this section, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.*
- (2) *The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.*
- (3) *The Remuneration Tribunal must, in making a determination under this section, have regard to the following:*
  - (a) *the role of members of council as members of the council's governing body and as representatives of their area;*
  - (b) *the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;*
  - (c) *the fact that an allowance under this section is not intended to amount to a salary for a member;*
  - (d) *the fact that an allowance under this section should reflect the nature of a member's office;*
  - (e) *the provisions of this Act providing for the reimbursement of expenses of members.*
- (4) *For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of **remuneration** in the Remuneration Act 1990.*
- (5) *Without limiting section 10 of the Remuneration Act 1990, the Remuneration Tribunal must—*
  - (a) *allow persons who are entitled to be enrolled on the voters roll for an area a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to a determination under this section that relates to the members of the council for that area; and*
  - (b) *allow the LGA a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to any determination under this section.*
- (6) *Nothing in subsection (5) requires the Remuneration Tribunal, for the purposes of making all determinations required under this section in any 4 year period, to hold more than 1 hearing to receive any oral submissions that persons may*

*care to make (and the Tribunal is not required to hold any hearing if it appears to the Tribunal that no one is seeking to make oral submissions).*

- (7) *The rates of allowances may vary from office to office, and from council to council.*
- (8) *An allowance determined under this section will, in relation to the members of a particular council, be payable for the period—*
  - (a) *commencing on the conclusion of the relevant periodic election; and*
  - (b) *concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).*
- (9) *An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations.*
- (10) *Sections 17 and 19 of the Remuneration Act 1990 do not apply in relation to a determination under this section.*
- (11) *Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.*
- (12) *An allowance under this section is to be paid in accordance with any requirement set out in the regulations (unless the member declines to accept payment of an allowance).*
- (13) *Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.*
- (14) *Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.*
- (15) *In this section—*

**Consumer Price Index** *means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;*

**designated day**, *in relation to particular periodic elections, means the day that is 14 days before the day on which nominations close for those elections.*

32. It will be observed from a reading of the attached provisions, the Act provides various supports for persons elected as a member of a Council, of which the allowances determined by the Tribunal form part. In this context, it is appropriate to recall that in addition to allowances previously determined to be payable on an annual basis, an entitlement to an allowance for time spent travelling by certain members of Councils in regional areas is a feature of the scheme in operation at the time of making the Determination to which this Report relates. Those entitlements in respect of time spent travelling by non-metropolitan Council members are dealt with more specifically elsewhere in this Report.
33. It was appropriate to have regard to all of the relevant statutory provisions which form Part 5 of Chapter 5 of the Act, and the Reports and Determinations made in 2010 and 2014 when considering the Determination to be made on this occasion. The actual level of support provided pursuant to sections 77,78,79 and 80 of the Act is not for the Tribunal to determine and is largely within the discretion of a Council, subject to the statutory governance of the matters dealt with by those provisions of the Act, including Regulations

made in accordance with the Act. In respect of these matters, it is assumed that such support will be that which is considered reasonable by Councils and that such support is relevantly provided or if not is a matter for Councils to resolve in accordance with their governance responsibilities.

## PROCEDURAL HISTORY

34. The combination of the provisions of subsection (5) of section 76 of the Act, above, and section 10 of the *Remuneration Act 1990*, set out below, impose procedural obligations upon the Tribunal in relation to the making of the relevant Determination.

*“10—Evidence and submissions*

- (1) The Tribunal is not bound by the rules of evidence but may inform itself in any manner it thinks fit.*
- (2) Before the Tribunal makes a determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or the persons of that class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.*
- (3) A person may appear before the Tribunal personally, or by counsel or other representative.*
- (4) The Minister may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.”*

35. On 29 May 2018, by letters, the Tribunal wrote to the following officers, notifying of its intention to review Local Government Council Allowances, inviting submissions from affected persons, with a closing date of 6 July 2018.
- The President of the Local Government Association of South Australia;
  - The CEOs of Local Government Councils;
  - The Minister for Local Government, as the Minister responsible for the Act and the *City of Adelaide Act 1998*; and
  - The Premier, as the Minister responsible for the Act.
36. In the week commencing 2 June 2018, the Tribunal placed public notices in *The Advertiser*, *The Messenger*, and in rural newspapers, calling for submissions in relation to the Determination to be made.
37. Additionally, a notice was placed on the Tribunal's public website. The notice advised that submissions must be received by the close of business on 6 July 2018. The Tribunal also posted guidelines for such submissions. Those guidelines encouraged the making of submissions which addressed the considerations to which the Tribunal is directed by subsection (3) of Section 76 of the Act. A copy of the text of the advertisements is shown below.



## REMUNERATION TRIBUNAL DETERMINATION OF ALLOWANCES FOR MEMBERS OF COUNCILS

Section 76 of the *Local Government Act 1999* (SA) and Section 24 of the *City of Adelaide Act 1998* (SA), require the Remuneration Tribunal to determine, on a four yearly basis, allowances for members of Local Government Councils.

The Remuneration Tribunal, in making its Determination, must have regard to:

- the role of members of council as members of the council's governing body and as representatives of the council's area;
- the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
- such an allowance is not intended to amount to a salary for a member;
- such an allowance should reflect the nature of a member's office; and
- the Act's provisions to provide for reimbursement of members' expenses.

Councils, individual members of Councils, and interested associations are invited to make written submissions to the Tribunal outlining views they consider should be taken into account in the determination of the above allowances.

Persons who are entitled to be enrolled on the voters roll for a council area are also invited to make submissions, regarding Determinations relating to members of the council for that area.

Guidelines for the making of written submissions, and information about the current allowances, may be obtained by going to the Remuneration Tribunal website: [www.remtribunal.sa.gov.au](http://www.remtribunal.sa.gov.au)

Opportunities for oral submissions will be determined based on need. Persons interested in making an oral submission should contact the Executive Officer to register their interest in making an oral submission.

Submissions must be received by **5pm Friday, 6 July 2018** and can be forwarded to:

**The Executive Officer  
Remuneration Tribunal  
GPO Box 2343  
ADELAIDE SA 5001**

**Telephone: (08) 8429 5459**

Submissions may also be sent via email to [RemunerationTribunal@sa.gov.au](mailto:RemunerationTribunal@sa.gov.au)

The *Local Government Act 1999* (SA) and the *City of Adelaide Act 1998* (SA) are available at: [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)

38. The guidelines published on the Tribunal's website are set out below:

### "Councils

*The Tribunal has determined that written submissions from councils should be submitted in accordance with the following format:*

- *Name of Council*
- *Size (number of elected members .etc)*
- *Population and Geographical Area*
- *Revenue and Expenditure*
- *Economic, Social and Demographic Factors*
- *Meetings (number of council and committee meetings held in last 12 months, number of councillors attending council and committee meetings).*
- *Amount of Allowance Deemed Appropriate (Submission may present justification for an adjustment, and may include comment on the appropriate allowance payable to the principal member of council).*
- *Any Other Relevant Factors (This may include comment on the current Determination, council groupings for the purpose of determining the level of allowance, and the council's capacity to pay)."*

### Associations / Individuals

Written submissions from associations and individual persons should be submitted in accordance with the following format:

- Name of Association / Person Making Submission
- Address of Association / Person Making Submission
- Is the submission being made with relevance to the allowances being paid to councillors in general, or the allowances paid to members of a particular council?
- Amount of Allowance Deemed Appropriate (Submission may present justification for an adjustment, and may include comment on the appropriate allowance payable to the principal member of council).
- Any Other Relevant Factors and Comments (Comments should be limited to a maximum of 250 words)."

39. The Tribunal is aware that, on 31 May 2018, the Local Government Association of South Australia informed members of Association of the Tribunal's enquiry for the purposes of the Determination. That information set out the Tribunal's criteria for the making of its Determination in accordance with the relevant provisions of section 76 of the Act.

### **NATURE OF THE TRIBUNAL'S FUNCTION**

40. It is appropriate to make two observations concerning the interaction of the relevant procedural provisions of the two Acts.
41. The first concerns the persons in respect of whom the Tribunal has responsibility to ensure an opportunity to make submissions and the nature of the opportunity to make such submissions which must be accorded to those persons.
42. The second concerns the nature of the Tribunal's powers and procedures. The combination of the relevant statutory provisions invokes the inquisitorial power of the Tribunal in relation to the manner of its procedure for the purposes of making the relevant Determination. This arises from the incorporation of the provisions of subsection (1) of Section 10 of the *Remuneration Act 1990*.
43. In the first instance, the effect of the combination of the statutory provisions is to extend a responsibility upon the Tribunal to provide an opportunity to different classes of persons. The first class of persons are those entitled to be enrolled on the voters roll for a Council election for an area, the second is the Local Government Association and the third is any person or class of persons whose remuneration may be affected.
44. In the second instance, the statutory directions and the procedural powers conferred upon the Tribunal impose an obligation to conduct an independent enquiry into the matters to be determined, informed by the submissions made by persons for whom the Tribunal is obliged to provide opportunities to make such submissions. It is therefore appropriate to understand this hybrid function as one of discrete independent enquiry, information and judgement, which pays due regard to submissions received.
45. In this context, it is relevant to note that since the initial Determination the number of submissions and the scope of the issues raised with the Tribunal has steadily declined. For the 2010 Determination a total of 65 written and 3 oral submissions were received including a submission from the Local Government Association. For the 2014 review the total number of submissions was 17. For the Tribunal's 2018 Determination, 19 submissions have been received of which 9 are made by Councils. Of the submissions made by Councils only 8 submissions propose a specific outcome of the Tribunal's Determination. 6 submissions made personally by elected members propose such specific outcomes. A submission by a resident's association proposes specific outcomes. 1 submission made by an individual does likewise. No submission was made by the Minister for Local Government.

## TRIBUNAL'S ENQUIRIES

46. To assist in its deliberations, the Tribunal, in accordance with section 10 of the *Remuneration Act 1990*, independently sought information from the following bodies:

- The Local Government Association of South Australia;
- The Local Government Grants Commission of South Australia;
- The Boards and Committees Unit of the Department of the Premier and Cabinet.

## OVERVIEW OF SUBMISSIONS

47. The Tribunal deals directly with the submissions received below. Before doing so, it is useful for an understanding of the Tribunal's consideration of the submissions received to set out a summary table.

48. Submissions made officially by Councils and submissions emanating from Council Officers:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
1	City of Marion Council	Group 1B	No	Allowance to be maintained at the level of \$19,808
2	Port Augusta City Council	Group 2	Group 2 to Group 3	Reclassification of group from group 2 to 3
3	City of Tea Tree Gully	Group 1B	No	No increases to allowances for the next 4 years
4	Mid Murray Council	Group 3	No	No specific outcome sought
5	City of Norwood, Payneham and St Peters	Group 2	No	Should not be increased other than by CPI for the 4 year period.
6	District Council of Kimba	Group 5	Group 5 to Group 4	Group 5 be abolished and those councils rolled into Group 4; and Mayor Allowance increased to 5 times multiplier
7	District Council of Streaky Bay	Group 5	Group 5 to Group 4	Group 5 be abolished and those councils rolled into Group 4
8	District Council of Grant, Limestone Coast	Group 4	Group 4 to Group 3	Allowance should be increased with CPI, backdated from 2009
9	Adelaide Hills Council	Group 2	No	Majority view of council that allowance is insufficient; and Amount of time travel payment insufficient and changes to the terms of the time travel payment.
10	City of Onkaparinga	Group 1A	Group 1A to Separate Group	Potential reclassification from group 1A to separate group

49. Submissions made personally by elected members of Councils:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
11	City of Port Lincoln Council	Group 3	No	Seeking variable amount of allowance based on number of council members, and Identified anomaly between Port Augusta and Port Lincoln
12	City of Burnside Council	Group 2	No	Presiding member allowances should be reduced
13	Not stated	N/A	No	Allowance should be adjusted according to CPI; and Time travel allowance inequity, kilometre brackets are too far apart
14	City of Charles Sturt	Group 1A	No	Inequity between the roles and allowances of presiding member and deputy presiding member. Seeking a sitting fee to rectify the inequity.
15	Not stated	N/A	No	Time Travel allowance inequity, kilometre brackets too far apart
16	City of Adelaide	Adelaide City	No	Lord Mayoral Allowance should be \$255,000. Councillor should be no less than \$45,000. 15% loading for ordinary member who is a chairman of a council committee.
17	City of Marion	Group 1B	No	No specific outcome sought. Raises issues in relation to conduct of members.

50. Submissions made by organisations other than councils:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
18	Prospect Resident's Association	Group 2	No	Group 2 Allowance of \$15,900

51. Submissions made by members of the public:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
19	Unknown	N/A	No	Allowances should be reduced

52. Using the numbers in the table above it is convenient to deal with some of the submissions in a summary fashion.
53. While the Tribunal has had regard to the content of submissions 4 and 17 they do not propose a specified outcome. Therefore, there are 17 submissions which specifically engage with proposed outcomes of the Tribunal's Determination.
54. Submissions 1, 3, 8 and 18, are inconsistent with the legislation. Moreover, some of the outcomes proposed by these submissions are impossible to give effect to, having regard to the statutory provisions which automatically index the allowances determined by the Tribunal. Namely, the outcomes proposed by submissions 1, 3 and 8.
55. Submission 14, which deals with anomalies due to payment of allowances when presiding members are absent and proposes a sitting fee to rectify that anomaly is considered a matter concerning the constitution and reconstitution of committees by Councils having regard to the circumstances and disposition of the membership of such committees.
56. The submission from an elected member of the City of Port Lincoln proposes that the annual allowances be determined as a multiple of the number of members of a Council, and that the allowance for the Mayor should be 5 rather than 4 times that of a councillor and questions the classification of the City of Port Augusta Council. The subject of the classification of the City of Port Augusta Council is dealt with more extensively below. The Tribunal has regard to the number of elected members generally, however is unable to identify a suitable methodology which would relate that factor to the relevant statutory considerations in a formulaic manner. The submission in relation to the multiple of the annual allowance for a Principal Member is not elaborated beyond the opinion and judgement of the author, by comparing the two roles. The Tribunal found the submission insufficient to justify a change to the longstanding multiple to apply to the structure of the allowances generally for the 66 Councils subject to the Determination or to the City of Port Lincoln individually.
57. Submission 19 proposes an unspecified general reduction in the level of allowances is comprised of one line of text. The submission lacks adequate exposition of the merit of such an outcome to be seriously contemplated.
58. Consequently, there remain 12 submissions to be considered which effectively propose specific outcomes as a result of the Tribunal's Determination.
59. Submissions 5,13 and 18 essentially propose that the existing level of allowances should not be varied except by the application of the relevant statutory provisions during the period of operation of the Tribunal's Determination. Therefore, there remain 9 submissions which propose outcomes which would result in increases in allowances other than by the statutory mechanism. Not all of those submissions propose an increase in allowances for all elected members of Councils.
60. Those 9 submissions can be divided into categories.

61. The first category is comprised of submissions for changes to the classification of Councils within the structure operating since 2014, including, significantly, the abolition of level 5 of the existing classification structure and the classification of the 18 Councils classified at that level in the structure by the 2014 Determination at level 4. The relevant submissions are submissions 2,6,7 and 8, of which submissions 6 and 7 concern the proposed abolition of level 5 and the reclassification of the relevant Councils at level 4.
62. The Adelaide Hills Council submission is that both the annual allowances and the time travel payment are generally insufficient. This submission is the subject of the Tribunal's conclusion below.
63. Submissions 2, 4 and 10 propose discrete movements of individual Councils, within the structure determined in 2014, one rising one level in the structure, one falling one level and one submission somewhat non specific in relation to a change of classification but implying the creation of a new and higher level of classification above the highest current level.
64. Submissions 12,13,14 and 15, propose changes to the travelling time payment.
65. Submission 17 deals with matters of conduct, which are addressed in paragraphs 76 and 77 below.

### **OVERVIEW OF SUBMISSIONS**

66. Viewed as a whole, the submissions are somewhat fragmentary in nature. That is not to suggest that the various submissions should be treated any less seriously.
67. Including the Adelaide City Council there are 67 Councils constituted under the relevant Local Government Acts. The number of officially endorsed submissions emanating from Councils suggests that there is limited interest by Councils in general changes to the current structure of the allowances and the level of those allowances. Likewise, the submissions received from elected members of Councils is indicative of such a conclusion. The various submissions of elected members, viewed overall, can be said to deal with a number of detailed considerations within the existing structure of the current framework of the allowances. Accordingly, the weight of the submissions would suggest, that changes to the level of the allowances, with the exception of those applicable at level 5, should be marginal if any.
68. Submissions subject to further reasoning are dealt with below.

#### *Prospect Residents Association ("the Association")*

69. The Association filed a submission which addressed a number of aspects of the role of Councillor and Mayor. The submission supports the payment of an annual allowance of \$15,900 for members of Council subject to a "contract", including a requirement for attendance at 80% of meetings of Council.
70. The submission supports the classification of the Prospect City Council at level 2 within the existing 5 level classification structure.
71. With respect to the proposal in relation to attendance at meetings, in the Report accompanying the 2014 Determination the Tribunal included the following:
 

*"...the Tribunal considered whether it could attach terms and conditions to the payment (of the allowances) so that payment could be denied to a councillor who does not attend a meeting and who fails to submit an acceptable reason for not attending. In considering its options, the Tribunal sought the advice of the Crown Solicitor who advised the Tribunal does not have the jurisdictional powers to attach such a term or condition to the payment of an allowance"*
72. Some other significant issues addressed by the submission are also beyond the Tribunal's legal competence or, impractical for inclusion in the terms of a Determination of the requisite kind. For example, mandating a requirement to read all relevant

documentation in order to be eligible for receipt of an annual allowance determined by the Tribunal.

73. The Association also proposes the “contract” would include a requirement for some manner of specific reporting by Councillors to Councils on community contacts. How this would be enforced in relation to the entitlement to the allowances determined would also be highly problematic, even if within the Tribunal’s jurisdiction, which is considered most unlikely. Moreover, the submission seems to suggest that the Tribunal might somehow deal with the manner in which Councillors should perform their representative function and the sources of information upon which Councillors should deliberate and decide upon matters in accordance with their responsibilities.
74. The Tribunal considers such issues are best addressed by legislation, Councils themselves and competitive elections. The enforcement of the proposed conditions of a “contract” of this kind would be extremely problematic and the legislation does not contemplate the Tribunal indirectly exercising governance of the manner in which elected or appointed members of a Council perform their functions.
75. The role and functions of Councillors are defined and regulated extensively by the provisions of the Act made by the Parliament. The Tribunal must respect the prerogative of the legislature accordingly and with respect to the Association it is to that forum that these proposals are appropriately submitted.
76. Section 63(1) of the Act provides for the Governor to issue a Code of Conduct for members of Councils, which seems to be the means by which the legislature has chosen to address the manner of performance of the functions of a Councillor by elected members.
77. Notwithstanding that the Tribunal could make discrete provisions applicable to individual Councils we also think that any such conditional terms of a Determination would need to be the subject of wider consideration across Local Government and would likely lead to complex and conflicting views, at least in relation to how such concepts could be made operational, in the unlikely event that it was considered such terms would be within the jurisdiction and power of the Tribunal.
78. For all these reasons, the Tribunal has decided not to impose any further or discrete conditions on the entitlement to the annual allowances determined beyond those already existing under Determination 7 of 2014, either generally or in relation to the City of Prospect.

#### Port Augusta City Council - Classification

79. In 2016 the Tribunal received a letter from the Port Augusta City Council dated 30 November, enquiring if the Tribunal would consider a change to the classification of the Council within the 5 level classification structure.
80. The letter stated that Council had *“identified savings that could be made in regard to Elected Member allowances if Council were to be classified as a Group 3 Council, rather than the current Group 2 classification”*.
81. The Executive Officer of the Tribunal replied on behalf of the Tribunal, advising that a submission concerning the appropriate classification for members of the Council would be received and given due consideration for the purposes of making the Determination to which this report relates.
82. Subsequently, a further letter was received dated 25 June 2018. That letter was brief and referred to the letter of 2016 to the Tribunal and the Tribunal’s response. The letter thanked the Tribunal for the opportunity to provide feedback in relation to the Tribunal’s review for the purposes of the 2018 Determination. The letter specifically asked that the information in the exchange of correspondence referred to above *“could be reconsidered as part of the 2018 review process”*. No more extensive submission was received.

83. It is uncertain if the limited information provided to the Tribunal, concerning potential “savings”, can be understood as an official submission on behalf of the Council, seeking a change of classification from level 2 to level 3. Moreover, the letters were signed by Mr Lee Heron, Director – City & Cultural Services and not the Chief Executive of the Council. While not critical to consideration of the issue it would be more appropriate for an official communication of this kind to be made by the Chief Executive, either officially on behalf of the Council or, independently, as a submission on behalf of the Chief Executive.
84. No other submission was received from an elected member of the Council or an enrolled elector proposing a change to the classification of the allowances payable to elected members of the Council.
85. Critically, there is no submission which makes out the basis of a change to the classification of the Council by reference to the statutory criteria for the determination of the allowances under consideration, specifically, the matters to which section 76 of the Act and in particular subsection (3) thereof refer, to which the Tribunal must have regard to for the purposes of the relevant Determination.
86. The considerations set out above and the desirability of stability within the structure established, unless the merits of a change based on the relevant criteria which the Tribunal must have regard to are made out, or become clearly apparent, cause considerable doubt about the wisdom of making the change alluded to in the correspondence.
87. It is against this background that the Tribunal considered the classification of the Port Augusta City Council. While the Council ranks last in the order of Councils in the level 2 classification and the population and rate base have correlation with Councils in the upper order of level 3 the total operating revenue of the Council is significantly higher. This factor is one to which the Tribunal must have regard.
88. Arguably, inclusion of the Council in level 2 is marginal. However, that observation could also be made in respect of other Councils at the lower rungs of the various levels. In a system of classification of the kind under consideration, which requires the drawing of several lines of demarcation, this marginal feature of the classifications is, most likely, unavoidable.
89. Taking all of the above into account, on balance, the Tribunal decided against varying the classification of the Port Augusta City Council for the purposes of the Determination made. Given the limitations of the contents of the correspondence, together with the informality of the communication observed above, the Tribunal notes that “*identification of possible savings*” referred to is not a sufficient ground upon which to do so. Particularly as that is not a consideration to which the statute directs the Tribunal’s consideration.

#### District Council of Streaky Bay

90. The Tribunal received a detailed submission from the District Council of Streaky Bay which coherently and comprehensively addresses the relevant statutory criteria for the purposes of the Tribunal’s determination of the relevant allowances. The submission was concisely and informatively formatted in accordance with the Guidelines for submissions published on the Tribunal’s website.
91. The principal aspect of the submission was a proposal for the classification of the Council at level 4, rather than level 5 as currently determined. Council’s submission proposed the abolition of level 5 and that all Council’s currently in level 5 be incorporated within the level 4 classification.
92. In addition, the submission proposed that the Principal Member allowance should be 6 times the allowance for an elected member rather than 4 times. The latter factor being the current factor, which is the factor determined in 2010 and has been common to all Councils other than the City of Adelaide since the initial Determination.

93. The Tribunal gave careful consideration to the Council's submissions and the current money value of the annual allowance determined for level 5.
94. The ratio of population to geographic area was a notable feature of the information provided. This aspect of Local Government in regional South Australia is relevant to several Councils. In such circumstances, regard must be had to the necessary time spent travelling to and from meetings by elected members of Council in order to perform their function and the provision of a travelling time payment in the current Determination. The determination of the appropriate travelling time payment was informed by consideration of the information provided in the Council's submission.
95. The Tribunal accepted that part of the submission which asserts that, in large Council areas with small populations, the factors of distance and travelling time affect residents and ratepayers significantly. The frequency and intimacy of the relationship between elected members of Councils and constituents may give rise to greater intensity of interactions, in relation to the representative function of Council members. More so perhaps than might be the case in other Council areas without such characteristics.
96. In respect of the proposal that level five of the classification structure be abolished and all Councils currently classified at that level be classified at level 4, it is notable that there are currently 18 Councils classified within level 5. To act on the submission of the District Council of Streaky Bay and the submission immediately below, made personally by the an elected member of the District Council of Kimba, to abolish the level 5 classification would have significant impact beyond the immediate circumstances from which those two submissions emanate. The Tribunal considered such wholesale change to the classification structure in these circumstances would not be justified without the views of more of the Councils within level 5 of the classification structure which have not made submissions. The 5 level structure has operated since 2010, in the absence of any further submissions for change there must be some doubt about the level of support for the change proposed.
97. Having regard to the area, population and revenue of the District Council of Streaky Bay the Tribunal was not satisfied that reclassification of the Council would be appropriate. In relation to the role of an elected member the Tribunal was satisfied that there should be some variation of the level of allowances at level 5 and the travelling time allowance which is dealt with elsewhere in this report.

#### District Council of Kimba

98. The Tribunal received one other submission proposing general reclassification of Councils from level 5 to level 4, similarly by the abolition of level 5. That submission was provided on behalf of an elected member of the District Council of Kimba. The author stated that this submission had been the subject of consultation with similar sized and larger Councils. The views of those consulted are not detailed. Presumably, the Tribunal is to understand that those consulted are in accord or do not disagree with the submission. Given the extent and impact of the change proposed, the Tribunal is left to wonder why those concerned have not made a submission likewise.
99. The submission addresses the relevant statutory criteria and makes similar points to those of the submission of the District Council of Streaky Bay. Comments in respect of the latter submission, above, are likewise applicable in respect of those aspects of the submission under consideration.
100. The submission was taken into account for the purposes of consideration of the allowances to be determined in respect of the Councils currently classified at level 5 generally and the classification of the District Council of Kimba individually.
101. The Tribunal was not satisfied that it would be appropriate to abolish the level 5 classification for the reasons already stated above. The Tribunal was satisfied that it would be appropriate to vary the level of allowance at level 5.

102. The Tribunal was not satisfied that the area population and revenue of the District Council of Kimba justify a reclassification of the Council at level 4. As previously stated, the Tribunal addresses the role of an elected member of the Council having regard to the time spent travelling to perform that role elsewhere in this Report.

#### District Council of Grant

103. A formal official submission received from the District Council of Grant proposes the reclassification of the Council within the existing 5 level structure. The Council is currently classified at level 4, whereas, the submission proposes that the Council be classified at level 3. The submission is detailed and addresses the relevant statutory criteria. Considerable stress is placed on the extent of the Council area and the demands that distance and travel requirements place on the representative function of elected members of the Council.
104. Attention was drawn to the fact that the level of allowances to which elected members were entitled before 2010 was reduced by the Determination of the Tribunal of that year and that effect has continued in the history of the relative real value of the allowances payable to Councillors since.
105. Notably, the Council is responsible, for the operation of a major regional airport linking the South East of the State with Adelaide and Melbourne.
106. The submission concludes as follows:

#### *“Conclusion*

*The area and population of a council are not the only indicators of the relative commitment of an elected member towards their constituency. Their employment circumstances, sense of obligation, desire for involvement and level of commitment to community service are more likely to dictate the time and effort expended by an elected member rather than the size of the council. The above submission is intended to provide some insight into the potential time commitment and breadth of expertise required for an elected member of the Grant Council, both current and future.*

*The level of allowance has not sat well with longer serving members since the reduction in 2010 and may not be considered adequate by people considering nomination for the November Council elections. Local Government needs to make itself attractive to new intending members, particularly younger members. If we want to attract the best candidates, if we want people to make family sacrifices and if we want people to put business interests aside, it is important to appropriately compensate such people. Service as an elected member is akin to Board membership – it is no longer a voluntary role albeit making a positive contribution to the community remains the driving force.*

*A return to the allowance levels of November 2009 (adjusted annually for CPI) should be the starting point for consideration in the context of this submission. However, Council would argue that an elevation from Group 4 to Group 3 for the determination of the allowances would more appropriately recognise our relative size and strong synergies with other south-east regional councils including Naracoorte Lucindale, Tatiara and Wattle Range”*

107. It is appropriate to commence by reference to the Tribunal's consideration of the submission concerning the sense of dissatisfaction with the consequences of the Determination made in 2010, which dominates the conclusion set out above. In essence, the proposition is that the Tribunal reached an erroneous conclusion in 2010 which has been effectively perpetuated since that time. Accordingly, it is proposed that the “starting point” for consideration of appropriate allowances is a return to the level of allowances of 2009, updated for CPI increases in the meantime. As previously observed, prior to the Tribunal's initial Determination elected member allowances were determined by Councils.
108. The Tribunal considered that to adopt this “starting point” would conflict with the legislative policy that the relevant allowances should be independently determined by a

Tribunal with reference to the specified statutory criteria. To uphold this aspect of the submission for the reasons stated would not be coherent with the Tribunal's responsibility to make the requisite Determination by reference to those criteria. Rather, to do so would be to effectively determine the level of allowances on the basis that the allowances set by the Council in 2009 should be the dominant criteria. Nothing in the Act accords such weight to the allowances fixed by Councils in existence at the time the Act was made or at the time of the Tribunal's initial Determination. It would have been open to the legislature to include such a consideration as a part of the statutory direction to the Tribunal in relation to the criteria for that Determination to avoid the consequence complained of. That was not done and the outcome complained of was, therefore, always a possibility.

109. The Tribunal has considered the relevant statutory criteria in subsection (3) of Section 76 of the Act in relation to the submission of the Council. The considerations of area, population, revenue and representative function must be given the significant weight accorded by the statute for the purposes of judging the outcome proposed by the Council's submission. In relation to the first three of those considerations the Tribunal is unable to conclude that the District Council of Grant is wrongly classified within the existing 5 level structure. The Tribunal is unable to observe any extraordinary change in area, population, rates or operating revenue. In relation to the fourth consideration, the issues of distance and travel are matters to be approached with regard to the level of travelling time allowance rather than the classification of the Council within the 5 level structure prescribing the annual allowances. As previously noted that allowance is dealt with elsewhere.

#### City of Onkaparinga

110. The Council of the City of Onkaparinga Council provided a submission which addresses the statutory criteria. The submission makes reference to a number of factors which go to the annual allowances of elected members, including the following:

*“Elector Representation Review 2017*

*The City of Onkaparinga recently conducted a review of the composition of Council ward boundaries and number of Councillors. The review concluded in October 2017 with certification of the review received from the Electoral Commission in December 2017.*

*The below composition and structure will come into effect in November 2018.*

*The principal member of Council will be a Mayor elected by the community.*

*The elected body of Council will comprise the Mayor and twelve (12) ward councillors.*

*The Council area will be divided into six wards.*

*Each ward will be represented by two (2) ward councillors.*

*The wards will be identified as Mid Coast, Knox, Pimpala, Thalassa, Southern Vales and South Coast.*

*It should be noted that the City of Onkaparinga currently has a Mayor elected by the community and twenty (20) councillors. Therefore, there will be a reduction of eight (8)*

*councillors following the November 2018 elections when the new composition of the Council will come into effect.*

*Further detail on the Review can be found in the Elector Representation Review Final Report attached for your information.*

*Size (number of elected members etc)*

*The number of electors in the City of Onkaparinga is currently in excess of 121,000. The reduction in elected member numbers come November 2018 will serve to increase the current elector ratio across the City of one councillor per 6,093 to approximately one councillor per 10,155. This will be the highest elector ratio in the state.”*

111. The submission concludes by asking the Tribunal to give particular consideration to the following:

*“whether the City of Onkaparinga continues to be captured within the current Group A of metropolitan Council’s (sic) for the purpose of setting allowances or whether the City of Onkaparinga should be in a separate Group due to its (sic) elector ratio due to come into effect in November 2018.”*

112. The reference to Group A is understood to be intended to refer to Group1A. The Tribunal has given careful consideration to the Council’s submission as requested.

113. From the information provided it is not possible to understand the submission to contemplate the possibility that the Council could be appropriately classified at level 1B of the classification structure established by the 2014 Determination. However, for the avoidance of doubt, we do not think that the Council could be appropriately classified within the classification structure at level 1B having regard to the relevant statutory criteria.

114. The Council’s submission can only be cogently understood to seek the Tribunal’s consideration of whether a higher level of allowance than applies to level 1A would be appropriate, in light of the changes to the Council’s representational arrangements and the consideration of other information, concerning the population, geographic area, revenue, expenditure, economic, social and demographic factors affecting the Council, plus the schedule of governance activity included with the submission.

115. The provisions of sub paragraph (a) of subsection (3) of Section 76 of the Act direct the Tribunal to have regard to the following:

*“(a) the role of members of council as members of the council’s governing body and as representatives of their area;”*

116. The ordinary meaning of the word *role* in the relevant context is the expected function of a person in a particular setting. In this case the statutory provisions specify two considerations, namely, governance and representative functions.

117. The Council provided a copy of a report to the Electoral Commissioner on the extensive process by which the decision to change the number of elected members from 20 to 12 was arrived at. Included in that report are two expressions of view which are relevant to consideration of whether this change should cause the creation of a new classification for the City of Onkaparinga, at a higher level of allowance than would apply at level 1A.

118. The relevant text of the views expressed in the report is set out below:

*“Council believes that the proposed reduction to twelve ward councillors is the right and responsible course of action to take at this time. Whilst Council is keen to maintain the quality of representation long afforded the community, it believes that twelve councillors should be sufficient to provide adequate and fair representation to the community, and to perform the roles and responsibilities of Council.”*

*Although the task of a councillor may become more demanding, candidates for election will be aware of the task facing them. Further, the role of an elected member has changed over the years to primarily that of a strategic and policy decision maker, and a communication conduit between Council and the community. This being the case, it is envisaged that the demands to be placed upon the future elected members should be manageable and may, in part, be mitigated by ever improving telecommunications and information technology.*

*Council is confident that twelve councillors should be able to represent and serve the community of the City of Onkaparinga adequately over the coming years.”*

119. Further and elsewhere, under the heading of “Communication”, the following is stated:

*“Council believes that the mayor and twelve ward councillors can provide adequate lines of communication between Council and the community, given the relatively compact nature of the urban precincts within the Council area, wherein a large percentage of the population resides. Representation of the communities and electors residing in the large*

*rural area may be more challenging and demanding, however, the task will be known to aspiring members and they will have to adjust and adapt in order to meet the demands of their constituents. Most of the larger (area) regional councils have similar circumstances and are able provide fair and adequate representation.*

*In addition, the task of representing each of the proposed wards will be shared by two ward councillors; and on-going advances in telecommunications and information technology should serve to assist in this regard.”*

120. Taken at the highest, the submission rests upon a somewhat unknown and potentially uneven level of increased demand upon Councillors, which it is considered may arise from the combination of a higher elector to member ratio, changing role definition and the advantages of contemporary communication and information technologies. Having regard to the views referred to above, it appeared that the Council is yet to ascertain the actual extent and distribution of the impact on the representative function which will arise from the change in the number of elected members. The contents of the report to the Electoral Commissioner seem equivocal on the subject. The Tribunal considered that it would be premature to reach a conclusion that the change in the number of elected members of the Council, of itself, should result in the creation of a new and higher level of allowance than that which is appropriate for level 1A.
121. The Tribunal has given close consideration to the area, population, revenue, social and economic features of the Councils jurisdiction. On this occasion, on balance, the Tribunal is not convinced that the creation of a new and discrete classification for the Council of the City of Onkaparinga is appropriate. However, the Council's profile against the statutory criteria shows relevant development.
122. Should the current trends continue relative to other Councils and the actual experience of the change in the number of elected members be relevant, a more substantive case for such a reclassification may emerge over the coming four years. The evaluation of that question would be a matter for the Tribunal at that time, and no indication of an outcome should be inferred from this observation.

## **TRAVELLING TIME ALLOWANCES**

123. Several submissions drew attention to the demands upon elected members of non-metropolitan Council's caused by distance and the need to travel for sometimes significant amounts of time to attend meetings. The size of the geographic area of Councils is a relevant statutory consideration. Such a consideration inherently directs the Tribunal's attention to the issue of travelling time as a factor pertinent to the determination of the relevant allowances.
124. The submissions can be divided into two considerations. The first is the general aspect of the extent of the travelling time demands upon elected members of those Councils. The second concerns the structure of the existing travelling time allowances and in particular the distance criteria for the entitlement to the current amounts of the allowances. In this latter respect, the submissions identify what are considered to be anomalies in the application of the terms of the 2014 Determination. Namely that the distance criteria are too widely separated.
125. It is convenient to set out the relevant provisions of the 2014 determination.

### ***“TIME TRAVEL ALLOWANCES FOR MEMBERS OF NON-METROPOLITAN COUNCILS***

*4.1 An allowance of \$336 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council's principal office, via the most direct road route.*

*4.2 An allowance of \$560 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 100 kms** from that council's principal office, via the most direct road route.*

4.3 An allowance of \$1,120 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council's principal office, via the most direct road route.

4.4 The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.

4.5 A list of the non-metropolitan councils to which this payment applies is provided in Appendix 2."

126. The Tribunal considers the amount of the travelling time allowances to be modest and has made an adjustment to the allowances to more adequately address the relevant demands.
127. Additionally, the existing distance table of travelling time entitlements has been varied. An allowance for travelling time of an elected member of a non-metropolitan Council whose usual place of residence is within the relevant Council area and at least 75 kilometres but less than 100 kilometres from that Council's office by the most direct route will be included. Respectively an allowance for the relevant distance between 75 kilometres and 100 kilometres is provided for. Finally, the allowance for a member travelling more than 100 kilometres has been increased by \$297 per annum. None of these or other travelling time allowances will apply to Principal Members.
128. All of the above variations address the representative function of elected members of Councils with large geographic areas, to a modest degree, having regard to the limited information available from the submissions before us.

## CONCLUSION

129. The Tribunal has applied the indexation of the allowances determined in 2014 in accordance with the scheme prescribed by regulation 4(2) of the *Local Government (Members and Benefits) Regulations 2010* for the purposes of its consideration of the appropriate level of the allowances to be prescribed in accordance with section 76(2) of the Act.
130. As previously set out, section 76(9) of the Act prescribes as follows:
- "(9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations."*
131. The Regulation which prescribes the scheme for the indexation of the relevant allowances between four yearly Determinations by the Tribunal is set out below:
- Section 4(2) of the Local Government (Member Allowances and Benefits) Regulations 2010*
- "(2) For the purposes of section 76(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar)."*
132. The date upon which the allowances were determined by the Tribunal in 2014 was 28 July 2014. Consequently, that is the first reference point for the operation of the scheme. For the avoidance of doubt this was the subject of advice from the Crown Solicitor's Office.
133. Taking all the submissions into account, our independent enquiries, data published by the Local Government Grants Commission, a review of changes in the circumstances confronting elected members of councils since the 2014 review, the Tribunal determined that it was appropriate to provide the allowances set out in Determination 6 of 2018. The allowances have been increased in various amounts according to discrete considerations

gleaned from the submissions and the information gathered independently, upon which the Tribunal has proceeded, having regard to the statutory criteria prescribed by section 76 of the Act for the making of the Determination.

134. The increases in the amounts of the allowances do not involve reclassification of any Council within the previously determined 5 levels including sub divisions 1a and 1b of level 1. The proportionate increase in the amount of the allowance at level 5 is greatest, as a result of the Tribunal's concern that the money value of the allowance at that level of the structure was inadequate.
135. The Tribunal has made changes to the structure and amounts of travelling time allowances which address equity issues raised in the submissions received and to ensure that allowances for elected members travelling significant distances are adequate.
136. The money value of the increase in the level of the annual allowances varies within the range of \$212 and \$460, depending upon the classification of the Council. The cost of the increases in the allowances to all Councils will be marginal as a factor of total operating revenue respectively.
137. On the basis of the information published by the Local Government Grants Commission, as far as the Tribunal can ascertain, the cost of the increase in the annual allowances for the year ending 30 June 2017, determined represents 0.001 of one per cent of the revenue of a Council with total operating revenue as low as \$3.65 million per annum, and less than 0.001 of one per cent of the revenue of the council with the highest total operating revenue. For many councils, the cost of the increase in the allowances is likely to be less as a result of increases in revenue since the publication of the data by the Local Government Grants Commission.



John Lewin  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 30<sup>th</sup> day of August 2018

## **Attachment 1 – Part 5 of the *Local Government Act 1999***

### **Part 5—Allowances and benefits**

#### **76—Allowances**

(1) *Subject to this section, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.*

(2) *The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.*

(3) *The Remuneration Tribunal must, in making a determination under this section, have regard to the following:*

*(a) the role of members of council as members of the council's governing body and as representatives of their area;*

*(b) the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;*

*(c) the fact that an allowance under this section is not intended to amount to a salary for a member;*

*(d) the fact that an allowance under this section should reflect the nature of a member's office;*

*(e) the provisions of this Act providing for the reimbursement of expenses of members.*

(4) *For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of remuneration in the Remuneration Act 1990.*

(5) *Without limiting section 10 of the Remuneration Act 1990, the Remuneration Tribunal must—*

*(a) allow persons who are entitled to be enrolled on the voters roll for an area a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to a determination under this section that relates to the members of the council for that area; and*

*(b) allow the LGA a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to any determination under this section.*

(6) *Nothing in subsection (5) requires the Remuneration Tribunal, for the purposes of making all determinations required under this section in any 4 year period, to hold more than 1 hearing to receive any oral submissions that persons may care to make (and the Tribunal is not required to hold any hearing if it appears to the Tribunal that no one is seeking to make oral submissions).*

(7) *The rates of allowances may vary from office to office, and from council to council.*

(8) *An allowance determined under this section will, in relation to the members of a particular council, be payable for the period—*

*(a) commencing on the conclusion of the relevant periodic election; and*

*(b) concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second*

Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).

(9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations.

(10) Sections 17 and 19 of the Remuneration Act 1990 do not apply in relation to a determination under this section.

(11) Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.

(12) An allowance under this section is to be paid in accordance with any requirement set out in the regulations (unless the member declines to accept payment of an allowance).

(13) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.

(14) Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.

(15) In this section—

**Consumer Price Index** means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;

**designated day**, in relation to particular periodic elections, means the day that is 14 days before the day on which nominations close for those elections.

#### **77—Reimbursement of expenses**

(1) A member of a council is entitled to receive from the council—

(a) reimbursement of expenses of a kind prescribed for the purposes of this paragraph incurred in performing or discharging official functions and duties; and

(b) reimbursement of expenses of a kind prescribed for the purposes of this paragraph, and approved by the council (either specifically or under a policy established by the council for the purposes of this section), incurred in performing or discharging official functions and duties.

(2) A policy under subsection (1)(b) lapses at a general election of the council.

(3) A person is entitled to inspect (without charge) a policy of a council under subsection (1)(b) at the principal office of the council during ordinary office hours.

(4) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under subsection (1)(b).

#### **78—Provision of facilities and support**

(1) A council may provide facilities and other forms of support to its members to assist the members in performing or discharging official functions and duties.

(2) The provision of facilities and services under this section is at the discretion of the council subject to complying with the following requirements:

(a) the council must specifically resolve that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;

*(b) facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the principal member);*

*(c) any property provided to a member remains the council's.*

*(3) 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).*

#### **78A—Obtaining of legal advice**

*(1) The regulations may establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.*

*(2) The scheme may require the preparation and adoption of a policy by a council and include provisions for the variation of the policy and its availability to the public.*

*(3) The scheme or a policy adopted under the scheme may—*

*(a) impose limitations on the obtaining of legal advice; and*

*(b) provide for a process for approval of requests to obtain legal advice; and*

*(c) allow for conditions to be imposed on an approval, including a condition limiting the expenditure that may be incurred; and*

*(d) provide for a council to set an overall budget for the purpose; and*

*(e) include other relevant provisions.*

#### **79—Register of allowances and benefits**

*(1) The chief executive officer of a council must ensure that a record (the **Register of Allowances and Benefits**) is kept in which is entered, in accordance with principles (if any) prescribed by the regulations, in respect of each member of the council—*

*(a) the annual allowance payable to the member; and*

*(b) details of any expenses reimbursed by the council under section 77(1)(b); and*

*(c) details of other benefits paid or payable to, or provided for the benefit of, the member by the council.*

*(2) The chief executive officer must ensure that an appropriate record is made in the Register, in accordance with principles prescribed by the regulations, in respect of—*

*(a) changes in the allowance or a benefit payable to, or provided for the benefit of, members; or*

*(b) the provision of a reimbursement (other than a reimbursement under section 77(1)(a)) or benefit not previously recorded in the Register.*

*(3) A person is entitled to inspect (without charge) the Register at the principal office of the council during ordinary office hours.*

*(4) A person is entitled, on payment of a fee fixed by the council, to an extract from the Register.*

#### **80—Insurance of members**

*A council must take out a policy of insurance insuring every member of the council, and a spouse, domestic partner or another person who may be accompanying a member of the council, against risks associated with the performance or discharge of official functions or duties by members.*



No. 6 of 2018

**DETERMINATION OF THE REMUNERATION TRIBUNAL  
ALLOWANCES FOR MEMBERS OF LOCAL GOVERNMENT COUNCILS**

**SCOPE OF DETERMINATION**

1. The Remuneration Tribunal has jurisdiction under section 76 of the *Local Government Act 1999* ("the Act"), to determine the allowance payable to elected members of Local Government Councils constituted under that Act.
2. This Determination applies to the members of Councils constituted under the Act, but does not apply to members of the Adelaide City Council.

**INTERPRETATION**

3. In this Determination, unless the contrary appears:

**"Committee"** means a committee established by a council in terms of section 41 of the Act.

**"Councillor"** means a person appointed or elected as a member of a local government council under the Act.

**"Principal Member"** means a principal member under the Act.

**"Prescribed Committee"** means for the purposes of this determination, a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer performance review
- Corporate services
- Finance
- Governance
- Infrastructure and works
- Risk management
- Strategic planning and development

**ALLOWANCES**

4. **Councillors**

The annual allowance for a councillor who is not a principal member, deputy mayor, deputy chairperson or presiding member of a prescribed committee shall be as follows:

<b>Council Group</b>	<b>\$ per annum</b>
Group 1A	\$23,350
Group 1B	\$20,630
Group 2	\$17,270
Group 3	\$13,900
Group 4	\$9,900
Group 5	\$6,500

Council Groups are provided in Appendix 1.

**5. Principal Members**

The annual allowance for principal members of a local government councils constituted under the Act will be equal to four (4) times the annual allowance for councillors of that council.

**6. Deputy Mayor, Deputy Chairperson or Presiding Member of a Committee**

The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committees established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.

7. An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member or deputy principal member, chairperson or deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, at the following rates:

- a. Where the councillor is a member of a council in Group 1A or Group 1B; an allowance of \$230 per meeting limited to an aggregate amount of allowance of \$1,380 per annum;
- b. Where the councillor is a member of a council in Group 2 or Group 3; an allowance of \$170 per meeting limited to an aggregate amount of allowance of \$1,020 per annum;
- c. Where the councillor is a member of a council in Group 4 or Group 5; an allowance of \$110 per meeting limited to an aggregate amount of allowance of \$660 per annum.

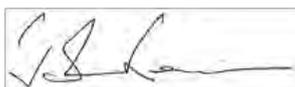
**TRAVEL TIME ALLOWANCE FOR MEMBERS OF NON-METROPOLITAN COUNCILS**

8. An allowance of \$410 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council's principal office, via the most direct road route.
9. An allowance of \$700 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 75 kms** from that council's principal office, via the most direct road route.
10. An allowance of \$1,050 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 75 kms but less than 100 kms** from that council's principal office, via the most direct road route.
11. An allowance of \$1,490 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council's principal office, via the most direct road route.
12. The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.

13. A list of the non-metropolitan councils to which this payment applies is provided in Appendix 2.

**DATE OF OPERATION**

14. As provided for by section 76(8) of the Act, this Determination will come into operation on the conclusion of the 2018 Local Government Elections.



John Lewin  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 30<sup>th</sup> day of August 2018

## Appendix 1 – Council Groups

<b>GROUP 1A</b>
City of Charles Sturt
City of Onkaparinga
City of Port Adelaide Enfield
City of Salisbury

<b>GROUP 1B</b>
City of Holdfast Bay
City of Marion
City of Mitcham
City of Playford
City of Tea Tree Gully
City of West Torrens

<b>GROUP 2</b>
Adelaide Hills Council
Alexandrina Council
Barossa Council
Campbelltown City Council
City of Burnside
City of Mount Gambier
City of Prospect
City of Norwood Payneham and St Peters
City of Unley
City of Whyalla
District Council of Mount Barker
Port Augusta City Council
Rural City of Murray Bridge
Town of Gawler

<b>GROUP 3</b>
Berri Barmera Council
City of Port Lincoln
City of Victor Harbor
Clare and Gilbert Valleys Council
District Council of Loxton Waikerie
District Council of The Copper Coast
District Council of Yorke Peninsula
Light Regional Council
Mid Murray Council
Naracoorte Lucindale Council
Port Pirie Regional Council
Tatiara District Council
Wattle Range Council

<b>GROUP 4</b>
Adelaide Plains Council (formerly Mallala)
Corporation of the Town of Walkerville
District Council of Coorong
District Council of Grant
District Council of Lower Eyre Peninsula
District Council of Yankalilla
District Council of Renmark Paringa
Kangaroo Island Council
Northern Areas Council
Regional Council of Goyder
Wakefield Regional Council

<b>GROUP 5</b>
District Council of Barunga West
District Council of Ceduna
District Council of Cleve
District Council of Coober Pedy
District Council of Elliston
District Council of Franklin Harbour
District Council of Karoonda East Murray
District Council of Kimba
District Council of Mount Remarkable
District Council of Orroroo Carrieton
District Council of Peterborough
District Council of Robe
District Council of Streaky Bay
District Council of Tumby Bay
Flinders Ranges Council
Kingston District Council
Southern Mallee District Council
Wudinna District Council

## **Appendix 2 – Non – Metropolitan Councils**

Adelaide Hills Council  
Adelaide Plains Council (formerly Mallala)  
Alexandrina Council  
Berri Barmera Council  
Barossa Council  
City of Whyalla  
Clare and Gilbert Valleys Council  
District Council of Barunga West  
District Council of Ceduna  
District Council of Cleve  
District Council of Coober Pedy  
District Council of Coorong  
District Council of Elliston  
District Council of Franklin Harbour  
District Council of Grant  
District Council of Karoonda East Murray  
District Council of Kimba  
District Council of Lower Eyre Peninsula  
District Council of Loxton Waikerie  
District Council of Mount Barker  
District Council of Mount Remarkable  
District Council of Orroroo Carrieton  
District Council of Peterborough  
District Council of Renmark Paringa  
District Council of Robe  
District Council of Streaky Bay  
District Council of The Copper Coast  
District Council of Tumby Bay  
District Council of Yankalilla  
District Council of Yorke Peninsula  
Flinders Ranges Council  
Kangaroo Island Council  
Kingston District Council  
Light Regional Council  
Mid Murray Council  
Naracoorte Lucindale Council  
Northern Areas Council  
Port Augusta City Council  
Port Pirie Regional Council  
Regional Council of Goyder  
Rural City of Murray Bridge  
Southern Mallee District Council  
Tatiara District Council  
Wakefield Regional Council  
Wattle Range Council  
Wudinna District Council

 <b>Adelaide Plains Council</b>	<b>16.4</b>	<b>Gawler River Floodplain Management Authority – Federal and State Funding Initiative</b>
	<b>Department:</b>	<b>Executive Office</b>
	<b>Report Author:</b>	<b>Chief Executive Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/54086</b>

## OVERVIEW

### Purpose

The Gawler River Floodplain Management Authority (GRFMA) held a Special Meeting on Monday 12 November 2018 at the Town of Gawler (the Special Meeting), to consider a funding proposal which would, if successful, fund, in part, the proposed Northern Floodway.

The purpose of this report is to update Council Members in relation to the outcome of the Special Meeting.

### Background

Provided for as **Attachment 1** is a copy of the Agenda of the Special Meeting.

As Members will note, the GRFMA Chair recently fielded a telephone call from the Office of the Honourable David Speirs, Minister for Environment and Water, advising that should the GRFMA make application for the Federal Government's Building Better Regions Fund, and be successful in obtaining the maximum \$10 million grant, the State Government would commit to contributing \$13.5 million to the \$27 million Northern Floodway project in support.

With the application period closing on Thursday 15 November 2018, time is of the essence, hence the Special Meeting.

The main point of concern amongst Constituent Councils is that should the GRFMA enter into formal applications for funding where a shortfall of \$3.5 million still exists, it would be the Constituent Councils that could ultimately have to fund the differential in accordance with the GRFMA Charter percentage rate contributions. For Adelaide Plains Council, that equates to 28.91 per cent.

Council is mindful of the existing resolution of the GRFMA which clearly states that all capital funds toward the project shall be borne by both the Federal and State Government as is evidenced below and adopted at the 5 July 2018 Special Meeting of the subsidiary:-

*GRB 18/50 Northern Floodway Project – Funding Support*

*Moved: Mr. J Miller*

*Seconded: Cr D Davey*

*That the GRFMA Board write to the relevant Federal and State government Senators and Ministers requesting formal funding support to carry out all further planning, consultation, detailed design and capital works associated with the Northern Floodway Project, estimated at a value of \$27 million; the funding model to account for the fact that the Gawler River Floodplain Management Authority constituent councils will take on the subsequent maintenance of the Floodway. This policy position has been formally ratified by all constituent councils.*

*CARRIED UNANIMOUSLY*

A further issue of concern is that should the costs escalate to well beyond \$27 million to construct the Northern Floodway, would the Constituent Councils have to find the balance?

## Discussion

In consideration of the aforementioned, GRFMA Board Members acted with caution and diligence in advancing funding bids with both the Federal and State Government. To that end, the GRFMA resolved to:-

1. Seek approval from the State Government to utilise a portion of their \$13.5 million funding commitment to the Northern Floodway project to enable the submission of a Building Better Regions Fund grant application to the Federal Government, in order to develop the preliminary design for the project as detailed below; and
2. Delegate authority to the Executive Officer to make an application on behalf of the GRFMA to fund the preliminary design associated with the project and to cost up the works as identified in Table 7.1 in the Northern Floodway Prospectus (**Attachment 2**) titled 'Indicative costs of major works required to progress the project (items 1-5)' and duly submit an application to the Building Better Regions Fund based on the costs of these itemised works on a 50/50 cost share basis between the Federal and State Government.

In consideration of time pressures to submit funding applications, with concerns surrounding the actual cost of detailed design planning, land acquisition and construction of the project, and with further work to be undertaken in a landowner consultation sense, the above approach was considered to be the most appropriate course of action to follow.

The below resolution encapsulates the formal position of the GRFMA:-

**GRB 18/81 Northern Floodway Project – Funding Support (BBR Fund)**

Moved: Mr. J Miller

Seconded: Mr. M Salver

That the GRFMA Board:

1. *Receives and notes the Board Report from the Executive Officer titled “. Northern Floodway Project” as supplemented by the verbal update at the meeting from the Chairperson and Executive Officer;*
2. *Seeks approval from the State Government to utilise a portion of their \$13.5M funding commitment to the Northern Floodway Project to enable the submission of a Building Better Regions (BBR) Fund - Infrastructure Projects Stream, to the Australian Government in order to develop the preliminary design for the Project as detailed in item 3. below;*
3. *Delegates to the Executive Officer to make an initial application on behalf of the Authority to fund the preliminary design associated with the Northern Floodway Project and to cost up the works as identified in table 7.1 of the Northern Floodway Prospectus titled ‘Indicative costs of major elements of works required to progress the project (items 1-5)’ and duly submit the application to the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, based on the costs of these works on a 50/50 basis between the Federal and State Government; and*
4. *Provides formal notification to each constituent council by close of business on 14 November 2018 regarding the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, Grant application and the basis of the cost contributions.*

**CARRIED UNANIMOUSLY**

Provided for as **Attachment 3** is a copy of the Minutes of the Special Meeting, and **Attachment 4** is a copy of a letter dated 14 November 2018 from the GRDMA Executive Officer, outlining to Constituent Councils what transpired at the Special Meeting.

### Summary

This report is provided to update Council Members in relation to the outcome of the Special Meeting.

### RECOMMENDATION

**“that Council, having considered Item 16.4 – Gawler River Floodplain Management Authority – Federal and State Funding Initiative, dated 21 November 2018, receives and notes the report.”**

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## **Attachments**

1. Copy of Agenda of Gawler River Floodplain Management Special Meeting held on 12 November 2018.
2. Copy of Northern Floodway Project Prospectus.
3. Copy of Minutes of Gawler River Floodplain Management Special Meeting held on 12 November 2018.
4. Copy of letter dated 14 November 2018 from the GRDMA Executive Officer.

## **References**

### Legislation

*Local Government Act 1999*

### Council Policies/Plans

Nil

# GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

## **NOTICE OF SPECIAL MEETING**

Notice is hereby given pursuant to Clause 6.8 of the Charter that a Special Meeting of the Gawler River Floodplain Management Authority has been called for:

**DATE:**           **Monday 12 November 2018**

**TIME:**           **2 pm**

**PLACE:**       **43 High St, Gawler East,  
Town of Gawler**

The purpose of this Special Meeting is to consider application to the Australian Government's Building Better Regions (BBR) Fund- Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project.

Please find enclosed a copy of the Agenda for the meeting.



David Hitchcock  
EXECUTIVE OFFICER

# GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

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## **S P E C I A L M E E T I N G A G E N D A**

---

Committee      **Gawler River Floodplain Management Authority**  
To Be Held      **2pm Monday 12 November 2018**  
Location        **43 High St, Gawler East,  
                         Town of Gawler**

---

1.    **WELCOME**

To Board Members and Deputy Board Members present.

2.    **PRESENT**

Please sign the Attendance Register.

3.    **APOLOGIES**

4.    **APPOINTMENT OF OBSERVERS**

5.    **NORTHERN FLOODWAY PROJECT**

Consideration by the Board to determine the merits or otherwise of the GRFMA submitting application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project.

6.    **CLOSURE**

---

## Special Meeting Report

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Committee           **Gawler River Floodplain Management Authority**

Meeting Held       **Monday 12 November 2018**

Report Name       **5. Northern Floodway Project.**

### RECOMMENDATION

**That the GRFMA:**

- 1. Receive a verbal update on recent progress in sourcing Federal and State government funding for capital works associated with the Northern Floodway Project, estimated at a value of \$27 million; and following**
- 2. Consider the merits or otherwise of the GRFMA submitting application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project.**

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On Wednesday 7 November 2018 Mr. Ian Baldwin, Chairperson GRFMA received a telephone call from the Office of The Hon David Speirs, Minister for Environment advising that should the GRFMA make application to the abovementioned Fund and be successful in obtaining the maximum grant, that the State Government would commit to contributing \$13.5M to the Project in support. The State contribution being subject to the Storm Water Management Authorities authorisation.

This would realise a total of \$23.5 Million external funding for the Northern Floodway Project leaving the GRFMA to raise the remaining \$3.5M from its constituent councils or other partners e.g., prospective developers.

Board Members will be well aware the intent of the current GRFMA resolution requires the capital cost of the Northern Floodway Project be shared by the State and Federal Government with the GRFMA meeting recurrent costs for maintenance of the floodway (refer GRFMA resolution GRB 18/50 below).

The proposal from Minister Speirs' Office is significant and warrants further consideration.

Following discussions with the Ministers Office conversations were also held with the Executive Officer Storm Water Management Authority and management within the Walker Corporation as an interested party regarding large scale developments in the lower Gawler River.

The Northern Floodway Project provides significant benefits to the region while balancing cost, environmental and social consequences.

Benefits include:

- Flood protection for 211 properties that were flooded in 2016. Reduced flooding to a further 10 properties.
- Reduced flood damage in the high-value horticultural lands within the Virginia Growth Precinct.
- No flooding of Port Wakefield Road, which is a critical transport route.
- Reduced flooding to local access and emergency evacuation routes, such as Angle Vale Road.
- Improved biodiversity within Gawler River through selected vegetation removal and replanting with native species and regular maintenance.

**Applications for the Building Better Regions Fund - Infrastructure Projects Stream close COB, 15 November 2018 (next Thursday).**

Should the GRFMA decide to proceed with application for funding, urgent attention/assistance would be required to prepare and lodge the application by the closing date and time.

*GRB 18/50 Northern Floodway Project – Funding Support*

*That the Gawler River Floodplain Management Authority write to the relevant Federal and State government Senators and Ministers requesting formal funding support to carry out all further planning, consultation, detailed design and capital works associated with the Northern Floodway Project, estimated at a value of \$27 million; the funding model to account for the fact that the Gawler River Floodplain Management Authority constituent councils will take on the subsequent maintenance of the Floodway. This policy position has been formally ratified by all constituent councils.*

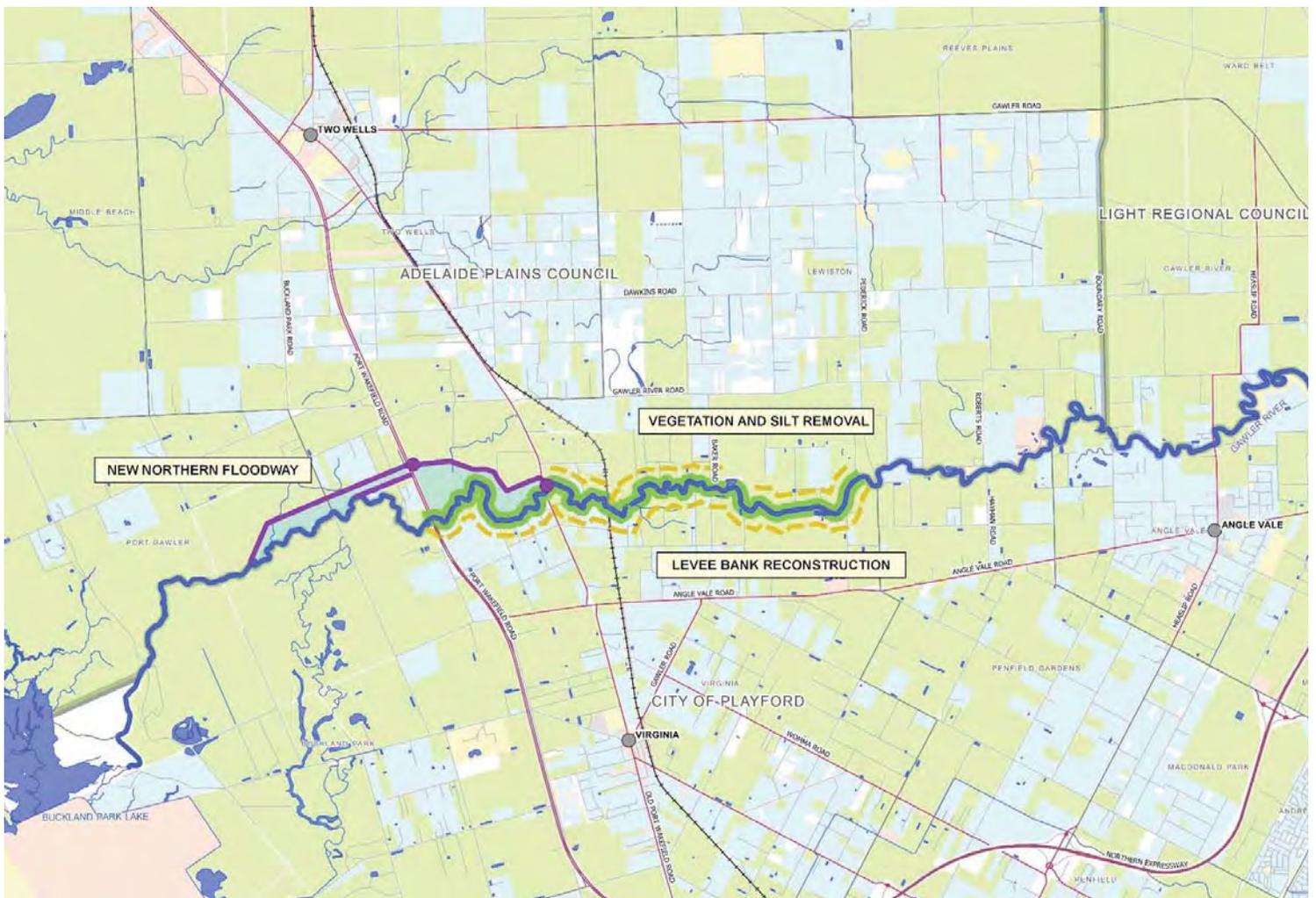
# Northern Floodway

## Project Prospectus

### Gawler River Floodplain Management Authority

June 2018

Ref No. 20180193



## Document History and Status

Rev	Description	Author	Reviewed	Approved	Date
A	Outline for Client comment	SEM		SEM	13 March 2018
B	First draft for comment (incomplete)	SEM		SEM	29 March 2018
C	Completed Draft for review	SEM	KRD/MdH	SEM	13 April 2018
D	Draft final	SEM	KRD/MdH	SEM	17 April 2018
E	Final (draft) for approval	SEM		SEM	5 June 2018
F	Final issue	SEM	MdH	SEM	15 June 2018

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# Contents

## PART 1 Summary Document

Summary	i
---------	---

## Part 2 Supporting Document

<b>1</b>	<b>The Gawler River Floodplain Management Authority</b>	<b>1</b>
<b>2</b>	<b>The Gawler River</b>	<b>5</b>
2.1	Flood history	7
2.2	Previous studies and investigations	8
2.3	Quantifying flood risk and the economic cost of flooding	9
2.4	Managing flood risk	11
<b>3</b>	<b>What is the Northern Floodway?</b>	<b>15</b>
3.1	The proposal	15
3.2	Why is the floodway needed?	19
3.3	Are there any alternatives?	19
3.4	What are the benefits?	21
<b>4</b>	<b>Progressing the project</b>	<b>23</b>
4.1	How will the project progress?	23
4.2	Confirm the scope	24
4.3	Delivery strategy	25
4.4	Site investigations	29
4.5	Preliminary design – interim river condition and levee works	30
4.6	Preliminary design Northern floodway – long term flood mitigation works	30
4.7	Detailed design	31
4.8	Procurement	31
<b>5</b>	<b>Early and ongoing consultation</b>	<b>33</b>
5.1	The stakeholders	33
5.2	Consultation activities undertaken to date	33
5.3	Planned consultation	34
<b>6</b>	<b>Implementation schedule</b>	<b>35</b>

6.1	Proposed staging	35
6.2	Project scheduling	35
<b>7</b>	<b>Implementation costs</b>	<b>37</b>
7.1	Project development – how much will this work cost?	37
7.2	Capital cost	38
7.3	Operations and maintenance costs	39
<b>8</b>	<b>References</b>	<b>41</b>
<b>9</b>	<b>Glossary of terms</b>	<b>43</b>

# PART 1 Summary Document





# Summary

## Purpose of this document

This document provides details of the Gawler River Northern Floodway proposal, a key component of the overall Gawler River Flood Mitigation Scheme Mark II. The Northern Floodway specifically addresses flooding within the lower Gawler River.

Outlined within is a summary of the flooding issues experienced within the lower Gawler River and why a flood mitigation solution, specific to the lower Gawler River is required. The benefits of the proposal are explained, largely in non-monetary terms.

The document provides details of the steps required to progress the project, commencing with a definition of the project objectives and further scope confirmation works to firm up the concept. High order capital costs are also provided, along with the budgetary commitment required for each of the project development stages.

The document is intended to serve as a key reference document for potential funding partners and a guide for the project's ultimate implementation.

## Funding model

The GRFMA is committed to progressing the Northern Floodway Project as a priority, subject to The Federal and State Governments confirming a commitment to fund all capital costs, including further design and development costs, associated with the Northern Floodway Project. The GRFMA acknowledges that ongoing operational and maintenance costs associated with the Northern Floodway will be its responsibility.

The GRFMA has sought formal commitment from all constituent Councils on progressing the Northern Floodway Project on this funding principle.

## The Gawler River

The Gawler River flows in a westerly direction across the Northern Adelaide Plains from the confluence of the North Para and South Para Rivers just downstream of Gawler Township, to the Gulf St Vincent at Port Gawler.

The lower Gawler River floodplain, defined as the areas to the west of Pederick Road at Lewiston, lies within the local government areas of the Adelaide Plains Council and City of Playford. Land use within the floodplain is characterised by a mixture of intensive residential and commercial development in the growth areas of Angle Vale, Virginia and Two Wells, rural living areas, intensive animal husbandry and high value horticulture.

The capacity of the river diminishes markedly from east to west, with a capacity of around 400 m<sup>3</sup>/s near Gawler, to around 70 m<sup>3</sup>/s at Port Wakefield Road and less than 10 m<sup>3</sup>/s near Buckland Park lake, adjacent the coast. The diminishing capacity of the river channel heading downstream leads to flooding of the lower Gawler River and its floodplain on a relatively regular basis.

Levees, both natural and man-made exist along much of the lower river's length, however these are generally in a poor state of repair and are prone to failure during major flood events.



Levee bank failure during 2016 flood event resulting in flooding of horticultural areas.

## Flooding of the Gawler River

*The Gawler River has been subject to major flooding on average every 10 years over the past 160 years. Earliest accounts date back to the mid-1800s with reports of the North and South Para and Gawler Rivers becoming “sweeping torrents” and washing away several houses at Buchesfeld (west of Gawler township). In recent history, major events have occurred in 1992 (September, October, December), November 2005 and October 2016.*

The largest of these events, in October 1992, was estimated to have an average recurrence interval (ARI) of around 35 years<sup>1</sup>. An estimated 200 homes were damaged during this event (The Advertiser October 29, 2012). Although no homes were damaged when the Gawler River broke its banks in November 2005, around \$40 million worth of crops were lost along with significant damage to public infrastructure such as roads.

Most recently, the Gawler River catchment experienced significant rainfall between late September and early October 2016 with falls ranging typically between 100 to 140 mm in the upper North and South Para River catchments. This resulted in a major flood event in the lower reaches of the Gawler River, with an estimated ARI of 20 years.

*Although no homes were flooded, approximately 250 private properties along with local and state government infrastructure were severely affected by resultant flooding. Extensive loss of horticultural production and a significant damages repair bill in the order of \$50 million resulted from the October 2016 event.*

<sup>1</sup> The average recurrence interval (ARI) of a flood event is the number of years on average within which a given flood will be equalled or exceeded. For example, a 100-year ARI event may occur on average once in 100 years. Floods may also be expressed in terms of ‘Annual Exceedance Probability’ (AEP), which describes the probability of occurrence in any given year. A 100-year ARI event, has an AEP of 1%. Refer to Section 9 for further details.

Flooded horticultural areas  
near Virginia, 2016

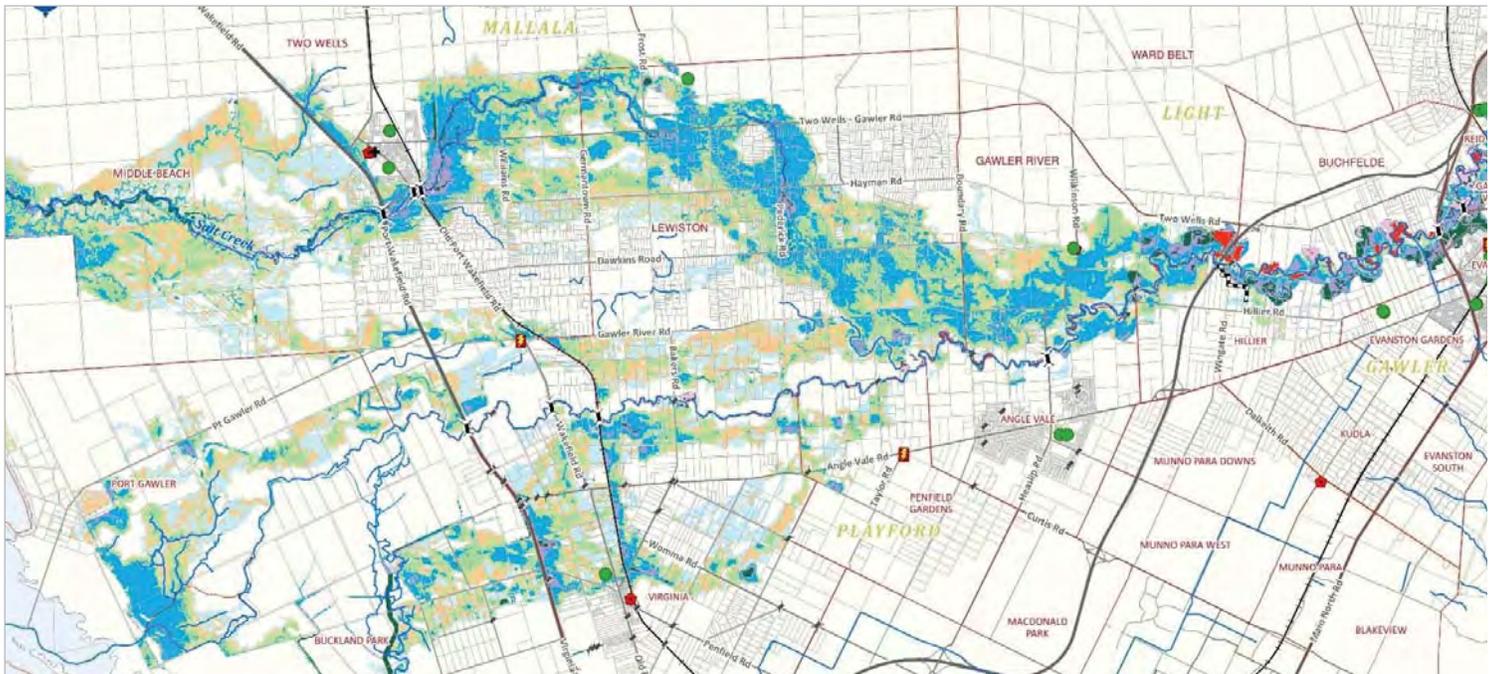


In response to the regularity of flooding, and its impacts on the local communities, the Gawler River Floodplain Management Authority (GRFMA) was formed in 2002 as a Regional Subsidiary under Section 43 and Schedule 2 of the Local Government Act 1999, principally to manage the implementation of a strategy to mitigate flooding.

To date, works have been completed upstream of Gawler to reduce flood flows within the North Para and South Para Rivers, reducing the impacts of flooding within Gawler Township, and to a lesser extent the lower Gawler River. The works include construction of the Bruce Eastick North Para Flood Mitigation Dam (completed in 2007) and alterations to the South Para Reservoir spillway (completed in 2012).

### **What is the flood risk and estimated economic cost of flooding?**

Major overtopping of the banks of the Gawler River is expected to occur for much of the river's length for events larger than a 10-year Average Recurrence Interval (ARI). For the 100-year ARI event, computer modelling indicates a series of major breakouts occur around Boundary Road, where a significant proportion of floodwaters spill to the north towards Lewiston and Two Wells. Further, smaller breakouts occur downstream of Boundary Road, including spill to the south which will impact the Virginia township and associated growth precinct. Floodwaters overtop the major A1 transport route, Port Wakefield Road, to the west of Virginia and west of Two Wells, before flowing around the proposed Buckland Park development area to the sea.



100 year ARI flood extent – current scenario (from AWE 2015)

*The modelling indicates over 3000 residential allotments, 200 industrial allotments and 6000 ha of agricultural area would be flood affected in the 100-year ARI event, this being the flood event which might occur on average once in a hundred years or in any given year has a 1% chance of occurring.*

Much of the floodplain area is prime horticultural and agricultural land, which continues to expand and forms part of the Northern Food Bowl. The population centres of areas of Angle Vale, Two Wells and Virginia will also continue to grow under the 30-year growth plan for Adelaide, with growth in some areas, including Virginia, currently limited by flood risk.

Flood damage estimates, calculated using the results of the modelling for the existing floodplain scenario were prepared in 2016, following construction of the Bruce Eastick North Para Flood Mitigation Dam, which reduced the impacts of flood events less than the 50-year event, particularly within the Gawler township.

*The damage calculations estimate the average annual damage within the floodplain to be \$7.4m, with present value damages of \$109m.*

These calculations are based on the existing catchment development state, and do not take into account potential damages arising from expanding residential, commercial and industrial development associated with the 30-year growth plan for Adelaide, nor expanding primary production, horticultural and rural lands associated with the Northern Food Bowl. It also only values loss to export crops, if local crops are included the damage estimates would increase.

### What is the Northern Floodway?

The Northern Floodway concept was developed as part of the 2016 Flood Review, a study undertaken following the floods of Spring 2016, in consultation with the GRFMA's Technical Reference Panel and a Working Group formed to provide input to the selection of preferred flood mitigation solutions.

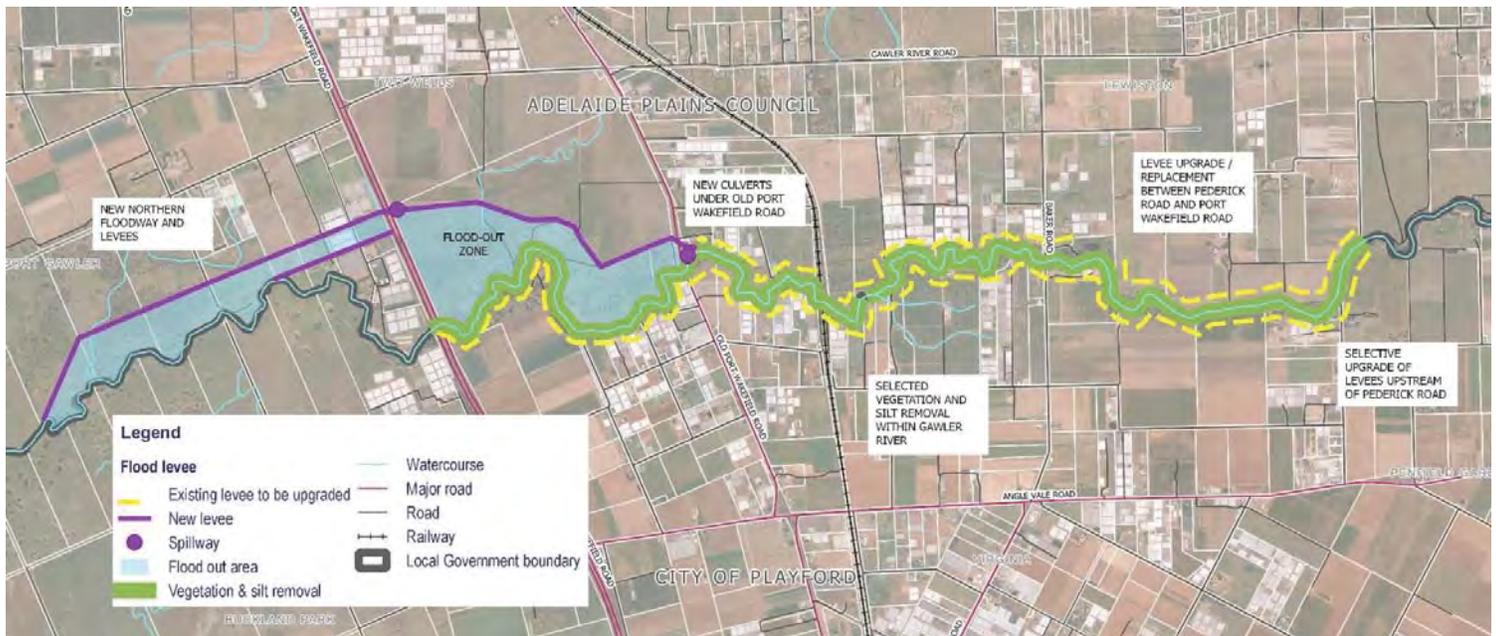
Three recommendations arose from the 2016 Flood Review:

Recommendation 1: “River and levee maintenance should be the responsibility of a single authority that has the necessary resources and access rights to maintain the river in good condition from a flood conveyance as well as biodiversity perspective.”

**Recommendation 2:** “River condition and levee maintenance repair work should be undertaken as a matter of high priority.”

**Recommendation 3:** “The GRFMA proceed with developing concept designs for the establishment of a Northern Floodway, in addition to the construction of a new river levee system so that consultation with affected landholders can proceed.”

Recommendations 2 and 3 collectively form the ‘Northern Floodway’ proposal, shown below.



Elements of the Northern Floodway proposal

There are three primary elements forming part of the overall concept:

- Levee improvements (immediate and long term) and ongoing maintenance
- River channel works – including strategic sediment and vegetation removal and revegetation – and ongoing maintenance
- A new levee and floodway system downstream of Old Port Wakefield Road to contain floodwaters within a defined floodway system on the northern side of the river (The ‘Northern Floodway’).

Recommendation 2 acknowledges that there are immediate issues that could be addressed to reinforce the levee system and reinstate channel capacity at known problem locations whilst the longer-term, more significant mitigation strategy is progressed. Whilst the channel and levee works forming part of Recommendation 2 are not considered effective at mitigating large-event flooding in their own right, it is expected that these would provide an immediate benefit during smaller, more frequent events. Recommendation 2 and 3 are complementary, with the investigation and implementation work associated with Recommendation 2 forming the early stages of Recommendation 3.

Throughout this document, the river channel works and immediate levee repair works are referred to as “immediate works” whilst the new Northern Floodway and more extensive levee upgrades are referred to as “long term works”.

## Why do we need a Northern Floodway?

To date, flood mitigation within the Gawler River catchment has focussed on works to reduce peak flows within the North Para and South Para Rivers which combine to form the Gawler River. Whilst effective, there is a limit to the amount of flow reduction the dams on these rivers can achieve, even if the capacity of the Bruce Eastick North Para Flood Mitigation Dam is increased.

The naturally diminishing capacity of the Gawler River channel as it flows west means that no single flood mitigation solution to control flooding for the river’s entire length during significant flood events is feasible, as the capacity of the lower reaches of the river is so limited.

The effect of increasing the capacity of the Bruce Eastick North Para Flood Mitigation Dam by raising the dam wall by 10 m was investigated in 2016 (AWE 2016). The modelling indicated that the 100-year ARI flood peak could be reduced from 635 m<sup>3</sup>/s to 170 m<sup>3</sup>/s at Gawler, with significant benefits to Gawler township and properties and townships on the northern side of the river. Despite this, due to the channel’s limited capacity further west (around 70 m<sup>3</sup>/s at Port Wakefield Road), breakouts still occur on the southern side of the river near Virginia and horticultural areas will be subject to flooding, presumably in a similar manner to that which occurred in 2016.

*This indicates that even with a larger upstream flood mitigation dam, supplementary flood mitigation works are required in the lower reaches of the river to prevent flooding of property, closure of roads, potential damage to infrastructure and loss of crops.*

The Northern Floodway aims to address this flooding, specific to the lower Gawler River. The Northern Floodway will not prevent the large breakout which occurs around Boundary Road and flows north west towards Two Wells during larger events exceeding an ARI of 20 years.

## What are the benefits?

To date the Northern Floodway has only been analysed in detail for the 2016 flood event, estimated to represent roughly a 20-year ARI event. Although not tested under larger flood events (50 or 100 years) it is expected that the floodway will also perform well in a 50-year ARI event.

Future modelling is expected to confirm whether the floodway is capable of achieving a 100-year standard with minor refinements, and if so it is anticipated that this level of protection would be a significant selling point for securing community support. The 100-year event is typically the standard level of protection expected as a result of major new flood mitigation proposal and is a benchmark for flood protection in many development plans.

On the basis of investigations undertaken following the 2016 flood event, the following benefits are anticipated to result from the Northern Floodway implementation, during a flood event of similar magnitude to that of 2016:

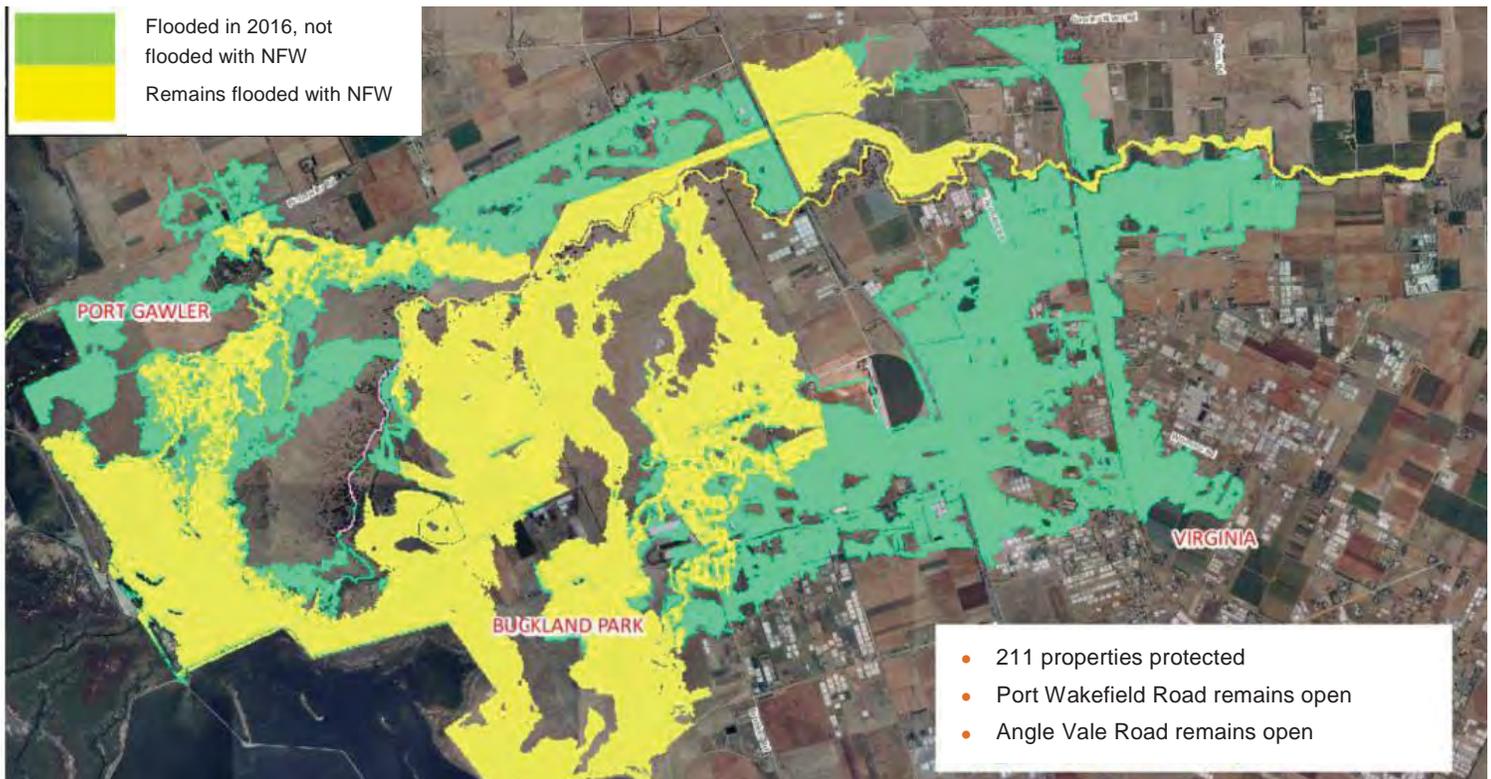
- *Protection of 211 of the 248 properties estimated to be flooded in 2016. Reduced flooding of another 10 properties. Similar protection is expected in the 50-year event.*
- Substantially reduced flood damages through the protection of the high value horticultural lands around Virginia.
- No flooding of the existing Virginia Township or re-zoned residential / deferred urban areas within the Virginia Growth Precinct.
- No overtopping of Port Wakefield Road, maintaining use of the critical A1 transport route.

- Reduced flood hazard and impacts on local emergency access and evacuation routes, such as Angle Vale Road.
- Improved biodiversity within the Gawler River channel system as a result of selected vegetation removal, revegetation with appropriate species and a planned regular maintenance program.

Further modelling will be required to quantify the benefits during other flood events.

Calculations needed to calculate the project's cost benefit ratio have not yet been undertaken to quantify the expected reduction in flood damages.

The reduced extent of flooding during the 2016 event, with the floodway works and upgraded levees in place, is illustrated below (flood free areas shown in green).



The 2016 flood event, modelled with and without the Northern Floodway works (from AWE 2017)

Note: this modelling assumes the Buckland Park development is not completed.

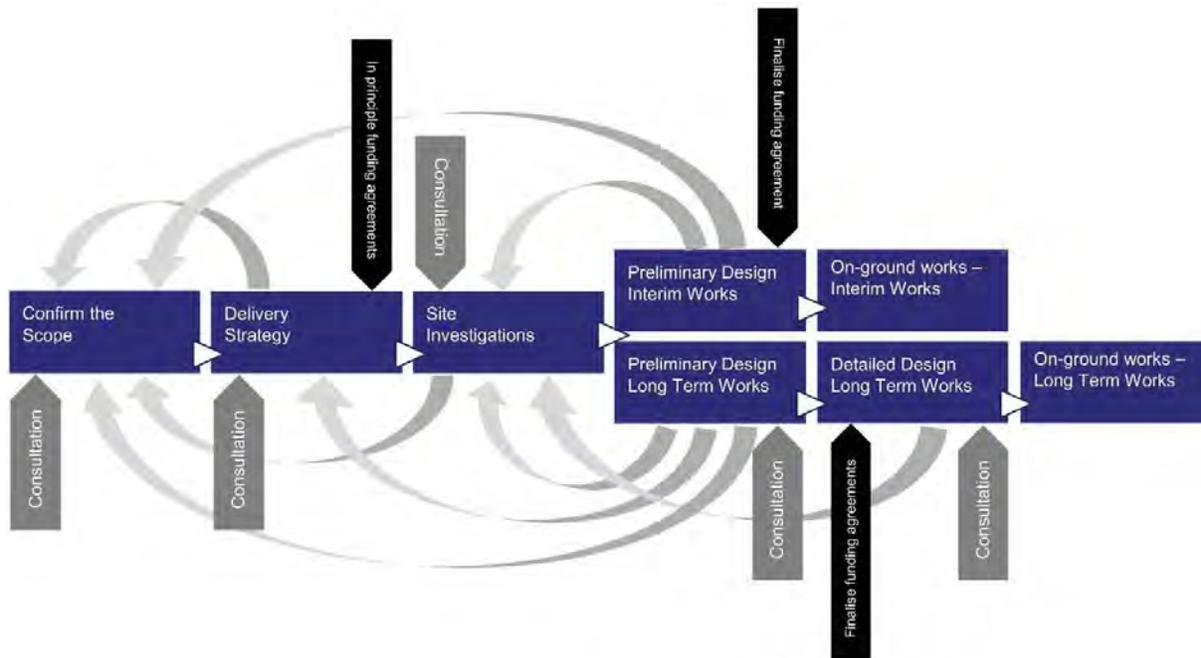
## How will the project progress?

To date a desktop only study has been completed to determine the feasibility, and effectiveness, of the Northern Floodway concept. This has relied upon the results of hydraulic modelling to inform the infrastructure requirements such as the need to upgrade existing levees, culverts and bridges, and the need for new levees and floodways. No site investigations have been undertaken to validate the project's feasibility and to date, stakeholder consultation has been limited to the Technical Assessment Panel and Northern Floodway Working Group.

*The current estimated project cost of \$27m has been estimated on the basis of the desktop investigation and modelling.*

In order to progress the implementation of the Northern Floodway works a number of key investigations and pieces of work will need to be undertaken.

Within this document, the proposed works are structured into a number of key project 'stages', as depicted below. The scope of works required for future stages will be reviewed throughout, or at least at the conclusion of each stage.



Key project development elements

It is proposed to progress the river condition and immediate levee repair works (referred to as 'immediate works') as a matter of priority, subject to funding, establishment of landholder access agreements and approvals to undertake the works. It is anticipated that the necessary funding and approvals could be gained within a shorter timeframe than the body of work required to enable commencement of on-ground works associated with the long-term Northern Floodway and levee replacement.

*Extensive consultation will be undertaken throughout all stages of the project's development, along with regular review of risks and review and updating of the project's estimated cost at key milestones.*

### Confirm the scope

A key first step in progressing both Recommendation 2 and 3 will be to confirm the scope of works necessary to achieve the desired level of flood mitigation. This will be achieved through a combination of additional modelling, site investigations and early engagement with stakeholders.

Tasks will include:

- Additional flood modelling (including climate change scenarios) and estimating reduction in damages (future flood damages avoided)
- Consideration of project staging
- Ground truthing / site walkovers:
  - Further inspection of existing levees (where feasible) to determine those sections in need of immediate remedial works
  - River condition survey, including vegetation assessments and identification of areas of silt build up

- Ground truthing of new levee and floodway proposals
- Redefining or confirming the project scope
- Early consultation / presentation of information
- Confirmation of preliminary cost estimates
- Determination of first order cost–benefit

### **Delivery strategy**

A clearly defined delivery strategy for such a complex project is a must to manage risks, capitalise on opportunities, keep the project on track from a time and budget perspective, and ensure that the support of stakeholders and the broader community is firstly gained, and then maintained over the long term.

Mapping out a framework for delivery of the project will include:

- Clearly defining the project objectives
- Setting the project governance and project management framework
- Appointment of a Project Manager
- Investigating options for access to land for site investigations and immediate works, ownership of assets and land tenure, including property acquisition
- Determining and mapping out planning requirements and approvals
- Investigating procurement options and determining delivery model(s)
- Risk planning and management
- Setting a consultation strategy
- Project execution planning, including development of an implementation plan aligned to project funding.

### **Site investigations**

A range of site investigations will be undertaken at the preliminary design stage to further confirm the scope of works and cost estimates. Whilst some investigations could be deferred to the detailed design phase, undertaking these investigations at preliminary design stage will assist in the management of key project risks such as scope and budget.

Site investigations will require some clearance of vegetation on existing levee banks to allow access for the following:

- Engineering and cadastral survey
- Geotechnical investigations
- Heritage surveys
- Service locating and deepthing.

### **Preliminary design – immediate river condition and levee works**

The site walkovers, vegetation assessments and levee surveys are expected to largely inform the scope of works required for the immediate works to improve river condition (vegetation and silt removal and revegetation program) and immediate repair works to prevent failure of levees during the next flood event.

It is anticipated that preliminary level design should provide sufficient information for the works to be procured via a 'design and construct' contract, with considerations such as temporary works to be determined by the contractor.

### **Preliminary design Northern floodway – long term flood mitigation works**

Preliminary design of the Northern Floodway, including new levee banks, will achieve notionally 70% design documentation, sufficient to more accurately determine the physical scope of works and footprint, and develop more accurate cost estimates.

The preliminary design will be based largely upon the outcomes of the scope confirmation, and reflective of the site investigations, together with feedback received through the consultation process and any other investigations undertaken as part of the development of the delivery strategy.

Documentation will include preliminary design drawings suitable for cost estimation by a Quantity Surveyor.

### **Detailed design**

Detailed design will include final design activities, any additional site investigations required and documentation of the works to enable tender and construction. Final approvals will be gained throughout the detailed design phase.

At the completion of the detailed design, pre-tender cost estimates will be prepared by a Quantity Surveyor.

### **Procurement**

Extensive documentation will be required, including consideration of staging of the works to suit the available budget. This stage involves preparation of documentation through to award of contracts.

### **How much will it cost to progress the project to on-ground works?**

As summarised above, there is a significant amount of planning, investigative and design work to be done prior to undertaking any on-ground works.

Indicative costs associated with the major stages of work are summarised below.

<b>Stage</b>	<b>Indicative cost</b>
Confirm the Scope	\$165,000
Delivery Strategy	\$145,000
Project Management (assuming full time resource, 2-year contract)	\$240,000-\$300,000
Site investigations	\$395,000
Preliminary Design – immediate works	\$120,000
Preliminary Design – long term works	\$195,000
Detailed Design – long term works	\$255,000
Contractor Procurement – long term works	\$100,000

### **How much will the Northern Floodway cost?**

Order of magnitude estimates for the cost to implement the Northern Floodway works, including the immediate river and levee remedial works, were prepared as part of the 2016 Flood Review project.

The estimate included allowance for design (concept and detailed), tender and administration, land acquisition and construction. A 30% contingency was allowed on the total, reflective of the feasibility level of work that has been undertaken to date.

The current estimate is summarised below. 'Detailed Design' costs differ from the cost provided above (\$125,000 vs. \$255,000) due to additional inclusions in the above design cost estimate.

Element	Indicative cost *
Concept Design	\$350,000
Detailed Design	\$125,000
Tender and administration	\$100,000
Land acquisition	\$9,170,000
Construction	\$11,182,684
<b>Sub-total</b>	<b>\$20,927,684</b>
Contingency	\$6,278,305
<b>Total</b>	<b>\$27,000,000</b>

\* From AWE (2017)

Excluding design (concept and detailed) and tender and administration costs, the capital construction cost is \$14.5m, plus \$11.9m land acquisition, including a 30% contingency allowance.

The above costs are for the implementation of immediate works as well as long term works. No breakdown of the costings is available, nor has any consideration been given to staging of the works.

A key step in progressing the implementation of the works will be updating the capital cost estimates (including land acquisition) at a number of milestones, including the scope confirmation stage, agreement on land tenure options (acquisition / compensation costs), preliminary design and detailed design / pre-tender.

At preliminary design stage, the services of a suitably qualified quantity surveyor will be engaged to prepare cost estimates for the various elements of the works. The services of a property consultant will be engaged to assist with the estimation of costs associated with securing the required access to land for the purposes of implementing the on-ground works.

## Floodway maintenance

Ongoing maintenance of the Gawler River channel, levees and floodway will be required to maintain the new system to fulfil its intended flood mitigation function. Annual or scheduled maintenance is likely to come at significant cost to maintain the levees in good repair, and prevent the river returning to an overgrown state. Maintenance of the floodway system will be the responsibility of the GRFMA.

Maintenance costs, especially those related to levee maintenance, are likely to be driven by the extent of work undertaken during the construction phase. For example, if all levees are cleared and reconstructed with safe, trafficable crests, maintenance will be far easier and cheaper than maintaining levees with irregular cross sections not able to be safely accessed by vehicle. This is principally because it will enable maintenance tasks (level survey, inspections, weed spraying, repairs) to be undertaken by vehicle, rather than on foot.

Operations and maintenance costs will be estimated following confirmation of the project scope, and again following completion of the preliminary designs.

## Implementation Schedule

Following the flood event of 2016, there is a renewed urgency to progress works that will afford a greater level of flood protection to properties in the lower Gawler River floodplain.

Whilst the new Northern Floodway and long-term levee upgrades are generally considered to be the major component of work associated with the overall proposal, the works to be undertaken as part of Recommendation 2 will provide some improved flood conveyance in the short term, at least during smaller events. It is therefore proposed to progress the river condition and immediate repair levee works as a matter of priority, subject to funding, establishment of landholder access agreements and approvals to undertake the works. It is anticipated that the necessary funding and approvals could be gained within a shorter timeframe than the body of work required to enable commencement of on-ground works associated with the Northern Floodway and levee replacement.

Construction may need to be undertaken in stages based on priority of works, legal issues and access availability and available budget. A detailed implementation plan will be prepared as part of the development of the delivery strategy.

### Consulting with stakeholders and the community

*From a community and landholder perspective there is likely to be a range of opinions and varying degrees of acceptance of the proposal presented. Effective engagement with stakeholders and the broader community will be key to the successful implementation of the project and managing the risk of project delays and cost overruns.*

The consultation process will commence early, immediately following the additional modelling and clarification of the project scope. Consultation activities will be tailored to suit the intended audience, noting that these will range from those directly affected by the works to those with an interest in the proposal and from local and state government agencies to general members of the public. The level of support and eagerness to see the proposal implemented will vary due to factors such as reduced flooding, residual flooding (flooding not solved by the Northern Floodway) and impacts to property.

A range of stakeholders will be consulted at various stages throughout the project. These will include:

- Constituent Councils, in particular Adelaide Plains Council and the City of Playford, where the works are located.
- State and federal government agencies, as required to gain approvals
- Emergency services agencies responsible for flood warning and response
- Property owners directly affected by the works
- Property owners currently affected by flooding (but not by the works)
- Wider community / ratepayers
- Commercial developers with an interest in the works
- Other special interest groups that may be identified as part of the development of the consultation strategy.

The consultation strategy to be developed for the project will identify the specific consultation and engagement methods to be employed for each target audience. Owners of land on which construction works are likely to be proposed are a distinct group of the community who deserve special consultation attention.

### Next Steps

The GRFMA are committed to progressing the Northern Floodway project development, as a matter of priority. In particular, there is a strong desire to commence works on vegetation and silt removal within the river channel, combined with immediate levee repairs and a strategic revegetation program within the next 12-18 months.

To facilitate the project's progression, the following immediate next steps are required, subject to commitment of funding:

- Confirmation of the project objectives
- Confirmation of the project scope, including vegetation assessments, assessment of existing levee condition and ground truthing of proposed infrastructure alignments
- Further modelling of additional flood scenarios, including an estimate of future damages avoided to inform a benefit cost assessment
- Early consultation with key stakeholders and the wider community via information release
- Review of project cost estimates
- Appointment of a Project Manager

Following this work and commitment to funding the immediate works, the necessary site investigations and approvals can be obtained to prepare concept designs of the immediate river condition and levee works, to enable tendering of the works.

An immediate budget commitment in the order of \$165,000 for the scoping stage and \$120,000-\$150,000 for the first 12-month of Project Management support is required.

Future costs associated with developing the delivery strategy, site investigations, preliminary and detailed designs has been outlined elsewhere.



## Part 2 Supporting Document





# 1 The Gawler River Floodplain Management Authority

The Gawler River catchment has historically experienced significant flooding, both within the Gawler Township and areas downstream. Flooding has occurred with reasonable regularity, on average every 10 years dating back to the earliest records in the mid-1850's.

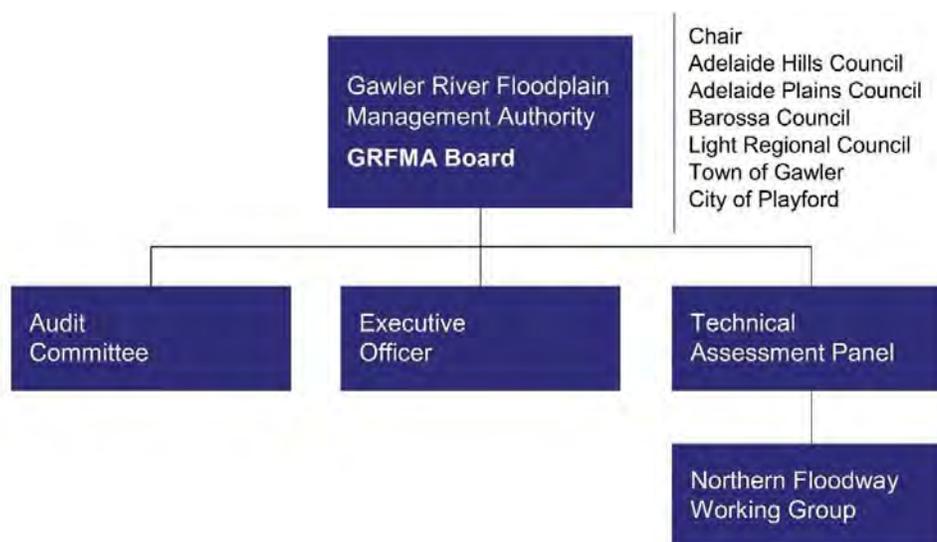
In recognition of this, the Gawler River Floodplain Management Authority (GRFMA) was formed in 2002 as a Regional Subsidiary under Section 43 and Schedule 2 of the Local Government Act 1999, principally to manage the implementation of a strategy to mitigate flooding. Its purpose is to:

- co-ordinate the construction, operation and maintenance of flood mitigation infrastructure in the Gawler River area ('the Floodplain')
- raise finance for the purpose of developing, managing and operating and maintaining flood mitigation works within the Floodplain
- provide a forum for the discussion and consideration of topics relating to the Constituent Councils' obligations and responsibilities in relation to management of flood mitigation within the Floodplain
- enter into agreements with Constituent Councils for the purpose of managing and developing the Floodplain.

Six constituent Councils form the Regional Subsidiary, including Adelaide Hills Council, Adelaide Plains Council, the Barossa Council, Light Regional Council, Town of Gawler and the City of Playford. The Authority is governed by a Board.

The GRFMA Charter sets down the powers, functions, safeguards and accountabilities and a framework for the financial commitments of the GRFMA and each Constituent Council. The Charter provides for one independent person to be appointed as Chair of the Board, along with two representatives from each constituent Council, being the Chief Executive Officer (or delegate) plus one elected member. Each Council can also appoint a deputy board member. The GRFMA employs an Executive Officer to manage the business of the Authority and coordinate the activities undertaken on behalf of the GRFMA.

A Technical Assessment Panel has been appointed to support the decision making process of the Board, with delegated powers to provide advice and manage the technical aspects of the design, assessment and construction of the various parts of the Scheme. The assessment panel comprises representatives from Councils, DPTI, SA Water and DEWNR, along with the Chair of the Board and the Executive Officer.



**Figure 1.1 Existing Gawler River Flood Management Authority structure**

Three significant flood events have occurred in the recent past, including 1992 (three separate floods), 2005 and 2016. Following the 2005 flood event, funding was approved to progress the works described in the GRFMA 2003 business plan, which included:

- The construction of a flood control dam on the North Para River near Turretfield.
- The modification the South Para Reservoir dam wall and spillway to provide 100-year flood control storage on top of full reservoir storage.
- The formalisation of controlled flow paths for floodwaters along the lower reaches of the Gawler River.

Significant works have been completed to date, including the flood mitigation dam on the North Para River (Bruce Eastick North Para Flood Mitigation Dam, completed in 2007) and alterations to the South Para Reservoir spillway (completed in 2012).

More recently, the 2017-2020 Business Plan identified the following priorities:

- Commissioning of a 'fatal flaw screening assessment' for the potential raising of the Bruce Eastick North Para Flood Mitigation Dam by up to 10 metres to provide additional flood protection for a 100-year Average Recurrence Interval (ARI) event to the township of Gawler and further downstream.
- Completion of a review of the 2016 flood event, including recommendations for addressing flooding within the lower reaches of the Gawler River.

Both of these studies were completed in 2017.

The Gawler River 2016 Flood Review report provides the following recommendations for works to be undertaken and provides first order indicative costs of \$27 million:

- proposed Gawler River Northern Floodway
- upgrade and maintenance of the levee system
- management of silt and pest vegetation.

The GRFMA resolved to progress the report recommendations in 2017. Additionally, the GRFMA has resolved not to facilitate any further consideration of raising the height of the existing Bruce

Eastick North Para Flood Mitigation Dam until initiatives recommended in the Gawler River 2016 Flood Review are implemented and outcomes considered.

This document forms a key step in progressing the works recommended in the 2016 Flood Review Report, described throughout as the Northern Floodway.

## **1.1 Northern Floodway funding model**

The GRFMA is committed to progressing the Northern Floodway Project as a priority, subject to The Federal and State Governments confirming a commitment to fund all capital costs, including further design and development costs, associated with the Northern Floodway Project. The GRFMA acknowledges that ongoing operational and maintenance costs associated with the Northern Floodway will be its responsibility.

The GRFMA has sought formal commitment from all constituent Councils on progressing the Northern Floodway Project on this funding principle.



## 2 The Gawler River

The Gawler River is a river system of the Northern Adelaide Plains, which flows in a generally westerly direction from the confluence of the North and South Para Rivers at Gawler to Gulf St Vincent at Port Gawler. It is a perched river system and thus receives little inflow from adjacent land as it makes its way towards its outfall. Key features of the river and its catchment are shown on Figure 2.1.

Prior to development within the floodplain, flows would have frequently broken out of the river channel and inundated the broader floodplain, giving rise to the fertile soils within the region. Today, much of the river is flanked by levees. In some areas these are naturally formed (a natural feature of perched river systems), in other areas the levees are either man-made, or have been re-engineered in an attempt to prevent flooding of adjacent lands. In many cases, the levees are in poor condition and are prone to breaching and leakage.

The capacity of the river diminishes markedly from east to west, with a capacity of around 400 m<sup>3</sup>/s near Gawler, to around 70 m<sup>3</sup>/s at Port Wakefield Road and less than 10 m<sup>3</sup>/s near Buckland Park lake, adjacent the coast. This diminishing capacity leads to flooding of the lower Gawler River<sup>2</sup> and its floodplain on a relatively regular basis.

Given the very limited catchment downstream of Gawler, flooding within the Gawler River is mostly driven by flows from the upstream catchments of the South Para and North Para Rivers, which join immediately downstream of the town of Gawler. The upstream catchment is substantial, with an area in excess of 1000 km<sup>2</sup>.

The catchments of the North and South Para River are largely rural in nature, other than the townships of the Barossa Valley and other smaller population centres.

Within the lower Gawler River, on the northern side of the river is the Adelaide Plains Council, including the township of Two Wells and rural living area of Lewiston. Landuse within the flood prone area is characterised by a mixture of rural living, intensive animal husbandry and horticulture with anticipated population growth around Two Wells as part of the 30-year Growth Plan for Greater Adelaide.

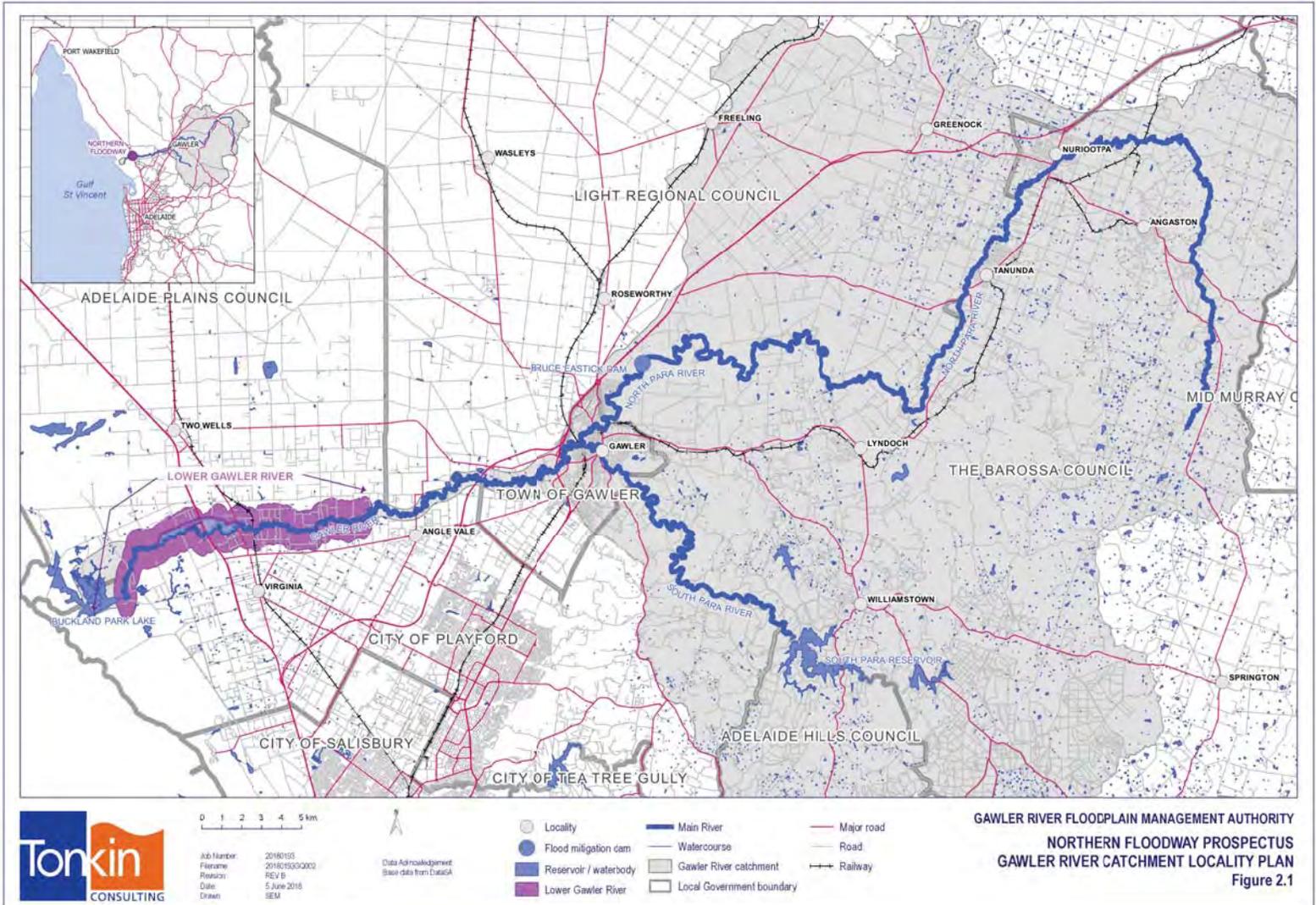
South of the river, in the City of Playford, are the townships of Angle Vale and Virginia. The area comprises intense residential and commercial development in the townships, with broad acres predominantly horticulture and farming with associated hot houses, residential dwellings, outbuildings and other structures. Angle Vale and Virginia are also expanding substantially as part of the 30-year Growth Plan for Greater Adelaide.

In addition to residential, commercial and industrial expansion, the 30-year plan also maintains a strong commitment to growing the State's food industry and protecting areas of primary production significance, further reinforced by the recent Northern Food Bowl Protection Areas Development Plan Amendment.

Given the significance of the flood prone areas both north and south of the river for future residential, commercial, industrial and high value horticultural development, the potential cost of damages associated with major flooding events has increased over time, and is expected to continue to do so if no effective flood mitigation works are implemented.

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<sup>2</sup> The lower Gawler River is generally regarded as being downstream of Boundary Road, or the boundary of Light Regional Council and Adelaide Plains Council.



## 2.1 Flood history

The Gawler River has been subject to major flooding on average every 10 years over the past 160 years. Earliest accounts date back to the mid-1800s with reports of the North and South Para and Gawler Rivers becoming “*sweeping torrents*” and washing away several houses at Buchesfeld (west of Gawler township). Whilst the incidence of major flooding has declined since construction of the South Para reservoir (1958) and an increase in the number of farm dams in the North Para catchment, these have not prevented major floods in very wet years when multiple large rainfall events have occurred. In recent history, major events have occurred in 1992 (September, October, December), November 2005 and October 2016.

The largest of these events, in October 1992, was estimated at 290 m<sup>3</sup>/s at Gawler, with an Average Recurrence Interval (ARI)<sup>3</sup> of around 35 years. An estimated 200 homes were damaged during this event (The Advertiser October 29, 2012).

Although no homes were damaged when the Gawler River broke its banks in November 2005, around \$40 million worth of crops were lost along with significant damage to public infrastructure such as roads.

Most recently, the Gawler River catchment experienced significant rainfall between late September and early October 2016 with falls ranging typically between 100 to 140 mm in the upper North and South Para River catchments. Due to the timing of the storm event, and the wet build up, the falls coincided with high water levels in the South Para Reservoir resulting in reservoir spill, compounding flows downstream within the Gawler River.

This resulted in a major flood event in the lower reaches of the Gawler River, with an estimated ARI of 20 years.

Although no homes were flooded, approximately 250 private properties along with local and state government infrastructure were severely affected by resultant flooding. Extensive loss of horticultural production and a significant damages repair bill reported to be in the order of \$50 million resulted from this event.

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<sup>3</sup> The average recurrence interval (ARI) of a flood event is the number of years on average within which a given flood will be equalled or exceeded. For example, a 100-year ARI event may occur on average once in 100 years. Refer to Section 9 for further details.



**Figure 2.2 Flooding adjacent Port Wakefield Road, Virginia – October 2016**

The 2016 event was the first major flood since completion of the flood mitigation dam on the North Para River and works on the South Para reservoir to improve flood storage. The estimated peak flow at Gawler was in the order of 130 m<sup>3</sup>/s, compared to around 270 m<sup>3</sup>/s had the dam not been constructed.

## 2.2 Previous studies and investigations

Numerous studies have been undertaken since 1990 aimed at quantifying the extent of the flooding problem, mapping flood risk and assessing potential flood mitigation options for the Gawler River.

Following the flood event of 1992 a Flood Management Plan was prepared for the Gawler River, which outlined a number of options for flood mitigation, including works on the South Para River and a flood mitigation dam on the North Para River, upstream of Gawler (BC Tonkin and Associates 1994).

Following several revisions to the hydrology of the Gawler River catchment, including a major revision in 2007 (DTEI 2007) which predicted a significantly higher 100-year flood peak to that predicted by earlier work, a floodplain mapping study was undertaken which took advantage of more recent advances in aerial survey, hydraulic modelling and mapping techniques (AWE 2008). The study (updated in AWE 2015) produced flood inundation, depth and hazard maps for the Gawler River floodplain for the 50, 100 and 200-year Average Recurrence Interval events.

In 2016 a study of flood mitigation options was completed (AWE 2016) providing a long list and short list of potential structural flood mitigation options.

More recently, following the major flooding event of 2016, alternative flood mitigation options were investigated and form the basis of the current Northern Floodway proposal (AWE 2017).

The key recommendations of this report included:

Recommendation 1: *“River and levee maintenance should be the responsibility of a single authority that has the necessary resources and access rights to maintain the river in good condition from a flood conveyance as well as biodiversity perspective.”*

Recommendation 2: *“River condition and levee maintenance repair work should be undertaken as a matter of high priority.”*

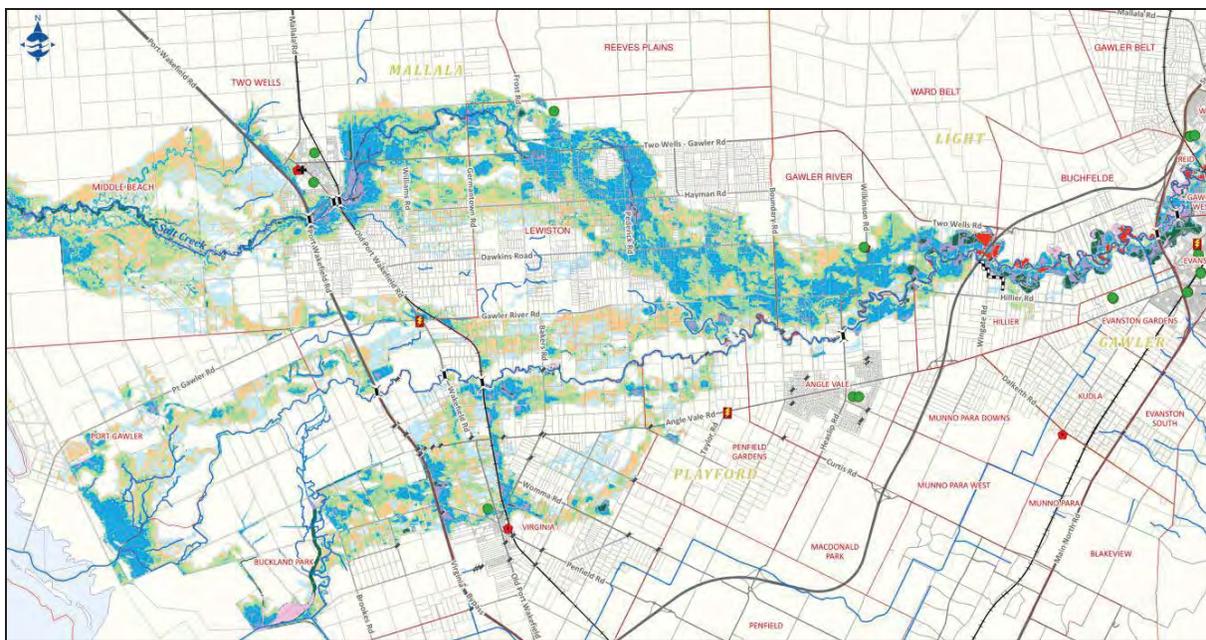
Recommendation 3: “The GRFMA proceed with developing concept designs for the establishment of a Northern Floodway, in addition to the construction of a new river levee system so that consultation with affected landholders can proceed.”

Recommendations 2 and 3 are the subject of this prospectus document.

### 2.3 Quantifying flood risk and the economic cost of flooding

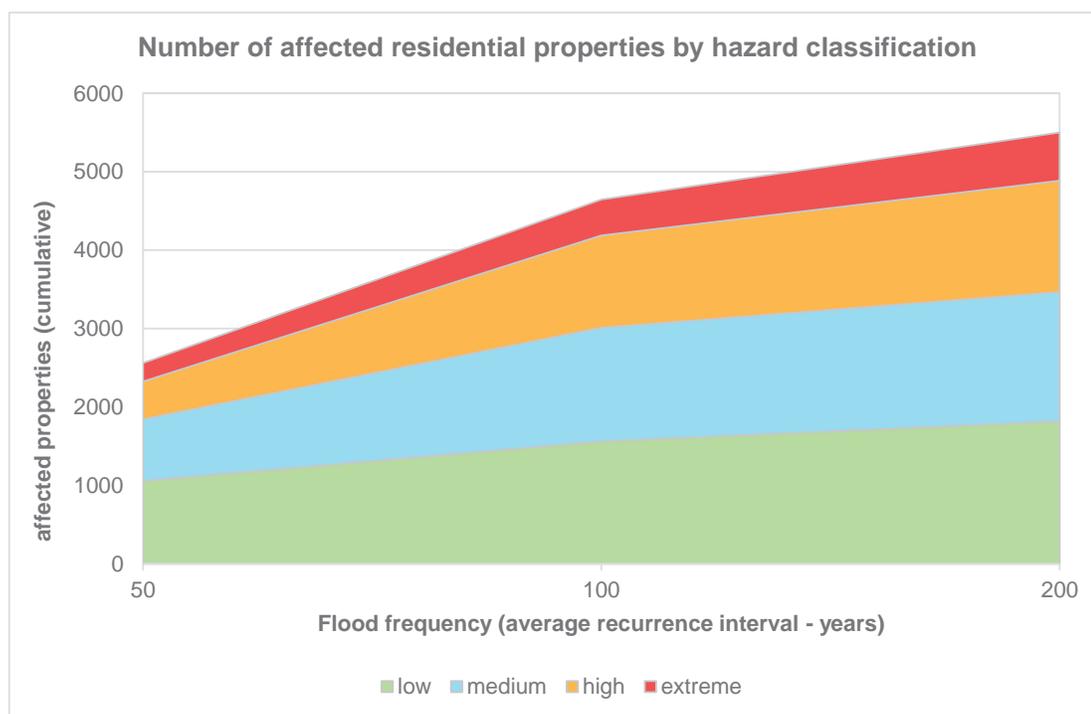
Historically, major overtopping of the banks of the Gawler River occurred for much of the river’s length for events larger than a 10-year ARI. Significant flooding commences within the Gawler township from both the North and South Para Rivers (AWE 2016). For the 100 year ARI event, flooding within Gawler itself can be expected, but is largely contained within the river valley. Downstream of Gawler, major breakouts commence immediately downstream of the Northern Expressway.

The 2015/16 modelling of the 100-year ARI flood, depicted on Figure 2.3, indicates a series of major breakouts occur around Boundary Road, where a significant proportion of floodwaters spill to the north towards Lewiston and Two Wells. Further, smaller breakouts occur downstream of Boundary Road, including spill to the south which will impact the Virginia township and associated growth precinct. Floodwaters overtop the major A1 transport route, Port Wakefield Road, before flowing around the proposed Buckland Park development area to the sea.



**Figure 2.3 100 year ARI inundation (AWE 2015)**

Flood hazard assessments undertaken in 2016 quantified the flood risk across the floodplain as low, medium, high or extreme flood risk. Hazard is the product of depth and flow velocity, and can be used to describe the direct risk to people presented by flooding. Figure 2.4 provides an indication of the number of flood affected residential properties classified according to flood risk.



**Figure 2.4** Affected residential areas by hazard classification (data from AWE 2015)

Much of the floodplain area is prime horticultural and agricultural land, which continues to expand and forms part of the Northern Food Bowl. The population centres of areas of Angle Vale, Two Wells and Virginia will also continue to grow under the 30-year growth plan for Adelaide, with growth in some areas, including Virginia, currently limited by flood risk.

Flood damage estimates for the existing floodplain condition were prepared in 2016, following construction of the Bruce Eastick North Para Flood Mitigation Dam, which has reduced the impacts of flood events less than the 50-year ARI event, particularly within the Gawler township. These estimates are summarised in Table 2.1.

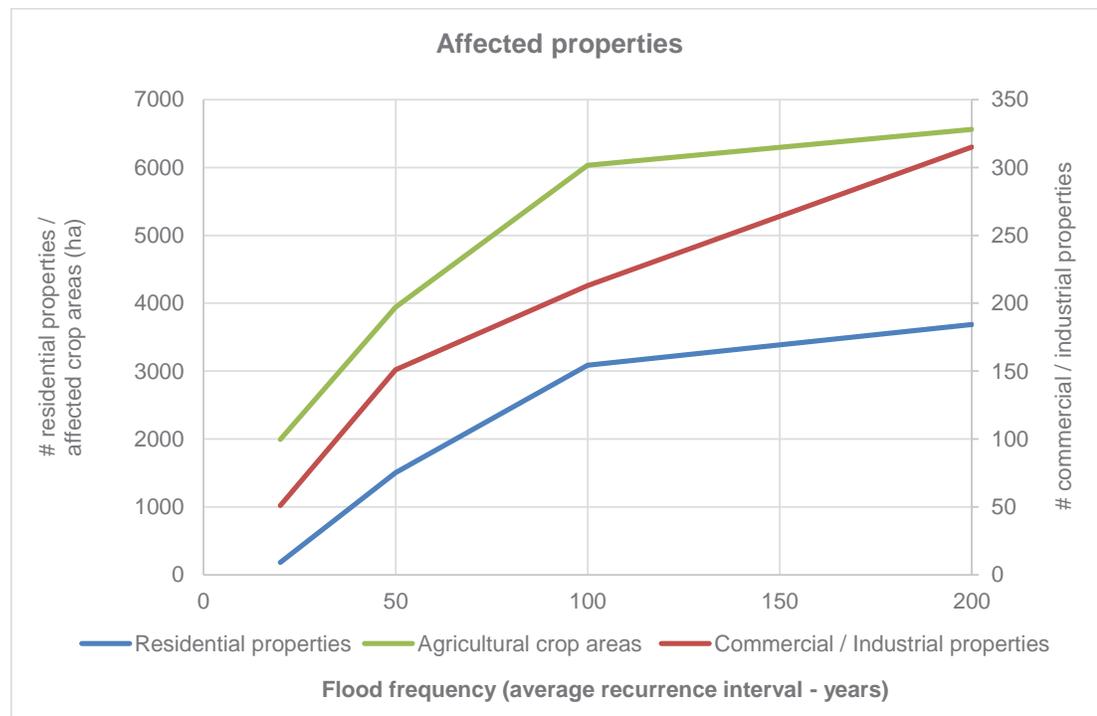
**Table 2.1** Estimated flood damages (AWE 2016)

Flood frequency (ARI)	Estimated damage
10 years	\$15m
20 years	\$24m
50 years	\$102m
100 years	\$182m
200 years	\$212m
Probable maximum flood	\$450m (assumed)

The average annual damage was calculated at \$7.4m, with the present value damages at \$109m.

The costs include direct tangible costs including damage to buildings and contents, public infrastructure, export crops and grazing land; and indirect tangible costs including emergency response, relief costs and grants, clean up and emergency accommodation. Intangible costs such as the value of lost business or social/emotional damage are not included, and therefore the true cost of floods is likely to be greater.

The damage assessment also provided an indication of the number of properties (allotments) affected by floods of various magnitudes as summarised in Figure 2.5. This includes those properties which experience over floor flooding only.



**Figure 2.5** Estimated number of properties affected by over-floor flooding (data from AWE 2015)

These estimates are based on the existing catchment development state, and do not take into account potential damages associated with the expanding residential, commercial and industrial development associated with the 30-growth plan for Adelaide, nor expanding primary production, horticultural and rural lands associated with the Northern Food Bowl. It also only values loss to export crops, and therefore including local crops increases the damage estimates.

## 2.4 Managing flood risk

Flood protection, or the management of flood risk within the Gawler River catchment cannot be achieved by any single infrastructure solution, principally due to the significantly diminishing capacity of the river channel heading west across the floodplain, and limits on the size of flood mitigation storage that can be constructed upstream.

Flood mitigation within the overall catchment is based upon a number of elements, some of which are part of the overall flood management plan for the Gawler River, and some which pre-date these plans or have been constructed privately. Works generally fall into the category of:

- Upstream, catchment scale flood mitigation, as part of the Gawler River Flood Mitigation Scheme Mark I (and potential future works):
  - North Para River flood mitigation works – Bruce Eastick North Para Flood Mitigation Dam
  - South Para River flood mitigation works – amendments to the reservoir spillway
- Localised flood mitigation
  - Gawler township – minor works in and around Gawler township
  - Existing lower Gawler River flood levees.

- Lower Gawler River flood mitigation works, as part of the Gawler River Flood Mitigation Scheme Mark II – currently under consideration as the Northern Floodway proposal.
- Non-structural flood management – including development controls and other measures such as flood forecasting and flood warning systems.

### **North Para flood mitigation works**

The Bruce Eastick North Para Flood Mitigation Dam was constructed in 2007, providing detention storage on the North Para River. It currently provides significant detention capacity for events up to a 40-year ARI, but has limited effect on events of 50-year ARI magnitude and greater. The 2016 flood event demonstrated the effectiveness of the dam for a 20-year ARI event, reducing the flood peak at Gawler from an estimated 270 m<sup>3</sup>/s (no dam) to 130 m<sup>3</sup>/s (with dam). It is expected that serious flooding through Lewiston and further downstream towards Two Wells could have been expected without the dam.

An assessment by AWE (2016) indicated that raising the existing dam crest by around 10 m, and thereby increasing the dam's capacity, would significantly improve the flood protection within Gawler and some distance downstream in a 100-year ARI event.

A feasibility investigation has been undertaken (AECOM 2017) by the original dam designers, which found that there are no technical fatal flaws identified with raising the dam wall by 10 m, however there are a number of challenges to be addressed.

Whilst the dam will provide substantial flood protection to Gawler and for some distance downstream, it is not anticipated that the dam will provide 100-year ARI flood protection along the entire length of the river. Similarly, the northern floodway will not provide flood protection to upstream areas including Gawler and Two Wells.

Notwithstanding this, further investigations into the dam enlargement have been deferred, pending the outcome of the Northern Floodway project.

### **South Para flood mitigation works**

The South Para Reservoir embankment and spillway was not designed originally for flood attenuation, but for water storage. One of the key recommendations of the 1994 flood management plan was to modify the embankment and spillway to provide active flood storage on top of the reservoir storage.

These works were completed in 2012, and provide 100-year flood storage for the South Para River within the reservoir. The 2016 event was the first major flood event since completion of the works. The works proved effective, with discharge from the reservoir less than would have occurred prior to the spillway works.

### **Gawler township**

A significant length of levees exist within the Gawler township which have been constructed in a piecemeal fashion over time in an attempt to resolve localised flooding issues. The condition and effectiveness of these levees varies.

As part of the Northern Expressway construction, a localised levee system was constructed on the southern side of river, in the vicinity of Wingate Road, aimed at 'funneling' floodwaters towards the main Gawler River crossing and thereby managing flooding impacts that may otherwise have been caused by the expressway embankment. A side spillway on the northern side of the river, flood bypass channel and second bridge opening also assists in managing floodwaters in the 100-year event at this location. Whilst a secondary consideration, the levee system has resulted in some localised reduction of flooding on the southern side of the river, upstream of the expressway.

## Lower Gawler River

Much of the lower Gawler River is flanked by levees, either naturally formed or manmade/re-engineered to provide flood protection to floodplain properties. These levees are generally in a poor state of repair and are prone to breach and/or failure during significant events such as 1992, 2005 and 2016.

An inspection of the levees on the southern side of the river between Heaslip Road and Old Port Wakefield Road was attempted in 2016, following the flood event (Tonkin Consulting 2016). The state of disrepair was such that only around 45% of the roughly 12.5 km of levees were able to be traversed, due to a combination of dense vegetation, lack of access and general safety concerns.

## Non-structural measures

Catchment-wide flood management within the Gawler River catchment will ultimately include a combination of structural and non-structural flood mitigation measures.

Non-structural measures such as a total flood warning system and more effective and consistent planning measures to manage new development are the most cost effective non-structural mitigation solutions.

### *Flood preparedness*

Flood preparedness is a key non-structural means of reducing damages as a result of a flood. Flood preparedness involves making people aware of flood risk and how to best respond. There are four key elements to flood preparedness, or a *total flood warning system*:

- **flood awareness:** community awareness programs to enable landholders, residents and business owners to effectively respond to the onset of flooding
- **flood warning:** there is currently an effective flood monitoring system in place for the Gawler River catchment, managed by the Bureau of Meteorology (BOM). This consists of a series of automatic rain gauges and water level recorders, with data accessible in real time via the web. The BOM issue flood watch and flood warning services for the Gawler River catchment. Typically, 12 hours or more of warning can be provided for an impending flood.
- **flood response:** response of emergency services agencies, Councils and the general community during a flood which can impact on flood damages.
- **flood recovery:** assistance to flood-affected residents and businesses once the floodwaters have receded. The recovery phase post flood is critical to reducing social disruption and long lasting health issues associated with trauma.

### *Development / planning controls*

Planning controls typically involve setting floor heights above the predicted flood level for the design flood. If applied correctly this measure will not substantially change the flood behaviour across the floodplain. Increased resilience can be achieved by incorporating a freeboard allowance above the design flood level; the higher the freeboard the greater the resilience.

Development and planning controls are implemented within each Council's development plan.



## 3 What is the Northern Floodway?

### 3.1 The proposal

The Northern Floodway concept, and associated works were investigated following the flooding of 2016. The Gawler River 2016 Flood Review Project Report (AWE 2017) made the following recommendations:

Recommendation 1: *“River and levee maintenance should be the responsibility of a single authority that has the necessary resources and access rights to maintain the river in good condition from a flood conveyance as well as biodiversity perspective.”*

Recommendation 2: *“River condition and levee maintenance repair work should be undertaken as a matter of high priority.”*

Recommendation 3: *“The GRFMA proceed with developing concept designs for the establishment of a Northern Floodway, in addition to the construction of a new river levee system so that consultation with affected landholders can proceed.”*

Recommendations 2 and 3 collectively form the ‘Northern Floodway’ proposal.

There are three primary elements forming part of the overall concept:

- Levee improvements (immediate and long term) and ongoing maintenance
- River channel works – including strategic sediment and vegetation removal and revegetation – and ongoing maintenance
- A new levee and Northern Floodway system downstream of Old Port Wakefield Road.

Recommendation 2 acknowledges that there are immediate issues that could be addressed to reinforce the levee system and reinstate channel capacity at known problem locations whilst the longer-term, more significant mitigation strategy is progressed. Whilst the channel works forming part of Recommendation 2 are not considered effective at mitigating large-event flooding in their own right, it is expected that these would provide an immediate benefit during smaller, more frequent events. Recommendation 2 and 3 are complementary, with the investigation and implementation work associated with Recommendation 2 forming the early stages of Recommendation 3.

#### Levee improvements

Existing levees are mostly in very poor condition due to either poor construction originally, or a lack of maintenance over time. Sections of levee banks have failed during historical floods, including 1992, 2005 and 2016.



**Figure 3.1** *Levee breach during 2016 flood event*

In the short term, as part of Recommendation 2, the works will involve repairs to damaged levees (which in some areas may require complete replacement), and those sections of levees considered to be most vulnerable to failure during the next flood.



**Figure 3.2** *Example of levees in need of immediate repair*

In the longer term, the majority of levees between Pederick Road and the Railway bridge (and potentially upstream of Pederick Road) will need complete replacement with appropriately engineered flood levees of sufficient height and cross section to fulfil their intended flood mitigation function, whilst also being accessible for safe long-term maintenance.

Ongoing maintenance will include managing weed growth, erosion and bank stability. It is recommended that these actions rest with a single authority with the responsibility and resources necessary.

### **Channel works**

As part of Recommendation 2, the “no regrets” actions anticipated to provide some immediate benefit in terms of reducing flood risk include:

- Sensitive removal of pest and nuisance plants and revegetation as necessary with appropriate native plants species that will not unnecessarily impede flood flows.
- Sensitive removal of accumulated sediment around key structures such as the Railway bridge, Baker Road crossing, Old Port Wakefield Road Bridge and the Port Wakefield Road highway bridges that is impairing the capacity of these crossings to convey flow through them.

Whilst simple in nature, these works are somewhat complicated by the fact that the river is currently under private ownership with property boundaries (and the local government boundary) being near the centre of the river.

Consideration will also need to be given to the effect that weed and silt removal will have on short and long-term bed and stream bank stability. Successful revegetation with appropriate species will be key to long-term management of this potential issue.

### **New levee and northern floodway works**

The new levee and floodway works referred to as the Northern Floodway is comprised of the following:

- Levee Bank improvements from Pederick Road (and potentially further upstream) to the Rail Bridge east of Old Port Wakefield Road
- A side spillway on the northern bank of the Gawler River upstream of Old Port Wakefield Road to divert water into the floodway
- New culverts under Old Port Wakefield Road to provide sufficient capacity for floodway flows. This includes raising a section of Old Port Wakefield Road to the north.
- A new levee system to contain flows within a designated flow path on the northern side of the river to Port Wakefield Road.
- A second spillway on the levee upstream of Port Wakefield Road to allow overtopping further to the north in large events, but preventing flooding north of Gawler River Road.
- A new levee system on the floodplain to the west of Old Port Wakefield Road to contain flows within a designated flow path north of the river, then directing flows back towards the main river channel towards the western extent of the Buckland Park development area.
- Flows will spread out through the floodplain from this point, or be guided through the Buckland Park residential development, should it be developed.

The proposed works are illustrated in Figure 3.3.



### 3.2 Why is the floodway needed?

Due to the naturally diminishing capacity of the Gawler River channel as it flows west, it is not feasible to rely on any single flood mitigation solution to control flooding for the river's entire length during significant flood events.

Whilst flood control dams are very effective at reducing flood peaks, there is a limit to their size, and therefore the extent to which they can mitigate flows.

The existing Bruce Eastick North Para Flood Mitigation Dam on the North Para River is extremely effective at reducing flood peaks, at least for events up to and including a 20-year ARI event. This was demonstrated during the 2016 flood in which the estimated flood peak at Gawler was reduced from 270 m<sup>3</sup>/s to 130 m<sup>3</sup>/s. Despite this substantial reduction, the 2016 flood also demonstrated that even the reduced flood peak of a 20-year ARI event can cause substantial flooding in the lower reaches of the river.

The effect of increasing the capacity of the Bruce Eastick North Para Flood Mitigation Dam by raising the dam wall by 10 m was investigated in 2016 (AWE 2016). The modelling indicated that in a 100-year ARI event the flood peak could be reduced from 635 m<sup>3</sup>/s to 170 m<sup>3</sup>/s at Gawler. Whilst this has a substantial benefit to the Gawler Township and properties and townships on the northern side of the river, breakouts still occur on the southern side of the river near Virginia and horticultural areas will be subject to flooding, presumably in a similar manner to that which occurred in 2016. The peak discharge from the enlarged dam in a 20-year event would not change substantially, and therefore these works would not have prevented the flooding which occurred in 2016.

This indicates that even with a larger upstream flood mitigation dam, supplementary flood mitigation works are required in the lower reaches of the river to prevent flooding of property, closure of roads and potential damage to infrastructure.

The Northern floodway has been assessed as the preferred means of achieving the desired flood protection.

### 3.3 Are there any alternatives?

A number of possible flood mitigation solutions for the Gawler River have been investigated since the original Flood Management Plan completed in 1994.

In addition to those works already completed (South Para Reservoir works and North Para flood control dam), a summary of the options identified is provided below. Some have been examined in detail by way of modelling and costing, others were discounted early on the basis of expected triple bottom line implications.

**Table 3.1** Flood mitigation alternatives explored over time

Option	Description
1994 Flood Management Plan (BC Tonkin & Associates)	
Parallel floodway between Gawler and Port Wakefield Road.	Construction of levees both sides of the river to create a 450 m wide floodway on the northern side of the river. Deemed to have high cost due to major earthworks and unacceptable environmental impacts.
Channel enlargement (to either 200 or 400 m <sup>3</sup> /s)	Deemed to have high cost due to major earthworks and unacceptable environmental impacts.

Option	Description
Off-stream storage	<p>Storage on northern side of river upstream of Heaslip Road with low flow discharge to Salt Creek.</p> <p>Would not achieve 100 year ARI standard, unless combined with a second option such as channel widening. Therefore, not considered feasible due to high costs.</p>
2016 Mitigation Options investigation (AWE 2016).	
Channel modifications	<p>Modelling was used to determine the effectiveness of removing dense vegetation from within the river channel. The effect on flood conveyance was found to be minimal.</p> <p>As part of the same exercise, consideration was given to increasing the channel capacity by widening the base and steepening banks. This option was not considered further due to anticipated costs and the environmental impacts.</p>
Flood bypass	<p>Two flood bypass options were identified:</p> <ul style="list-style-type: none"> <li>• Following the main breakout flowpath through to Salt Creek.</li> <li>• Following an alignment alongside the main river channel for the full length. This option is similar to that investigated in 1994.</li> </ul> <p>These options were not considered further due to the substantial earthworks required and the expected social and environmental impacts on properties.</p>
Levees	<p>Whilst strategic levees to protect higher density areas of residential and horticultural development were considered further (refer below), widespread levees along the entire length of the river were not considered further due to the upstream flooding impacts they can cause, risk of failure and flooding impacts caused outside the flood zone when overtopped.</p>
Retarding basin downstream of Gawler	<p>No considered a viable option due to the large land area required, high costs and high social and environmental disruption.</p>
Strategic levees in the lower Gawler River floodplain to protect higher density residential and horticultural development (Gawler, Two Wells, Virginia)	<p>A shortlisted option as part of the 2016 study.</p> <p>Involved three sets of strategic levees to protect areas of higher density development whilst minimising upstream or downstream impacts. The levees targeted Gawler, Two Wells and Virginia.</p> <p>Whilst protecting higher density areas, with a specific focus on residential development, the levees would do little to prevent flooding of agricultural, grazing and horticultural areas.</p> <p>This is a less costly, but less effective option to the Northern Floodway.</p>
2016 Flood Review Report (AWE 2017)	
Channel widening and levee improvement works to contain peak flows within the main river channel between Gawler and Port Wakefield Road.	<p>Investigated in detail by modelling.</p> <p>Similar to options identified previously.</p> <p>To provide 100 year ARI standard, solution involves widening the channel to 20 m between Baker Road and Old Port Wakefield Road, and to 30 m downstream of Old Port Wakefield Road.</p> <p>Also requires levee improvement works.</p> <p>Costs expected to be excessive (four times the Northern Floodway) with significant environmental and cultural impacts.</p>

Option	Description
Desilting and vegetation removal within the river channel and construction of a new outlet channel from Buckland Park lake to the sea.	<p>Similar to that identified in 2016.</p> <p>Involves deepening the river bed by 1 m over a 15 km length, clearing vegetation and constructing a new outlet channel downstream of Buckland Lake.</p> <p>This option was found (by modelling) to have limited effectiveness during large flood events.</p>
Northern Floodway	Preferred option, as identified above.

The two options investigated in detail as part of the most recent work (AWE 2017) both provide a similar level of flood protection, improving flood protection to over 230 properties. The Northern Floodway option provides a similar degree of protection to the channel widening, but can be achieved at a much reduced cost and without the significant environmental, cultural heritage and social implications associated with channel widening.

It is acknowledged that the Northern Floodway is not the preferred option for all parties, however on the balance of the assessments undertaken it provides significant benefits whilst managing cost, environmental and social consequences.

### 3.4 What are the benefits?

To date the Northern Floodway has only been analysed in detail for the 2016 flood event, estimated to represent roughly a 20-year ARI event. Although not tested under larger flood events (50 or 100 years) it is assumed that the floodway will also perform well in a 50-year ARI event.

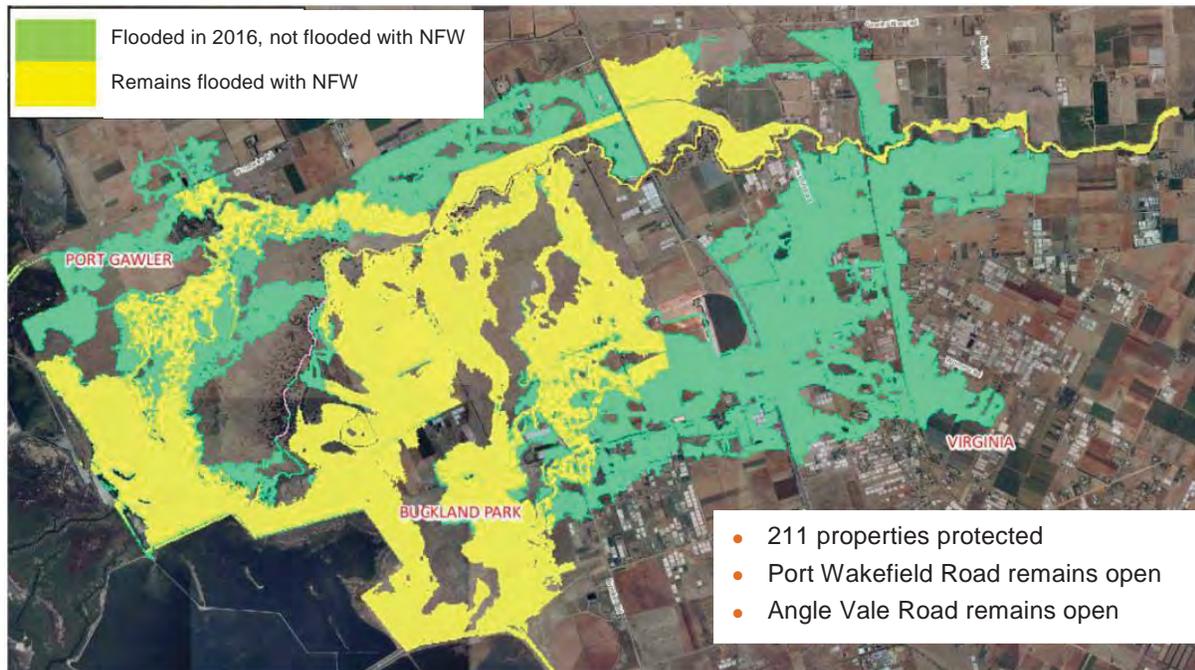
Future modelling is expected to confirm whether, with minor amendments, the floodway is capable of achieving a 100-year standard, and if so it is anticipated that this level of protection would be a significant selling point for securing community support (AWE 2017). It is acknowledged that no community consultation has been undertaken to date, and so there is no clear understanding of the community's expectations of flood immunity.

Damage calculations have not yet been undertaken to quantify the expected reduction in average annual flood damages or the post-mitigation present value of damages needed to calculate the cost benefit ratio. In non-monetary terms, purely on the basis of the modelling undertaken for the 2016 flood event, the following benefits are anticipated to result from the Northern Floodway implementation:

- Protection of 211 of the 248 properties estimated to be flooded in 2016. Reduced flooding in a further 10 properties. Similar protection is expected in the 50-year event.
- Substantially reduced flood damages through the protection of the high value horticultural lands around Virginia.
- No flooding of the existing Virginia Township or re-zoned residential / deferred urban areas within the Virginia Growth Precinct.
- No overtopping of Port Wakefield Road, maintaining the critical A1 transport route.
- Reduced flood hazard and impacts on local access and emergency evacuation routes, such as Angle Vale Road, through reduced flooding.
- Improved biodiversity within the Gawler River channel system as a result of selected vegetation removal, replanting with native species and a planned regular maintenance program.

The above benefits relate to the 2016 flood event, of estimated 20-year ARI magnitude. Further modelling will be required to quantify the benefits during other flood events and residual risks for larger events. It is noted that Port Wakefield Road also overtops further north, near Two Wells, during larger flood events.

The expected reduced extent of flooding for the 2016 event with the Northern Floodway constructed is illustrated in Figure 3.4. The areas expected to be flood free are shown in green.



**Figure 3.4** *Expected reduced extent of flooding for 2016 event with floodway constructed (Note: this modelling assumes the Buckland Park development is not completed.)*

## 4 Progressing the project

### 4.1 How will the project progress?

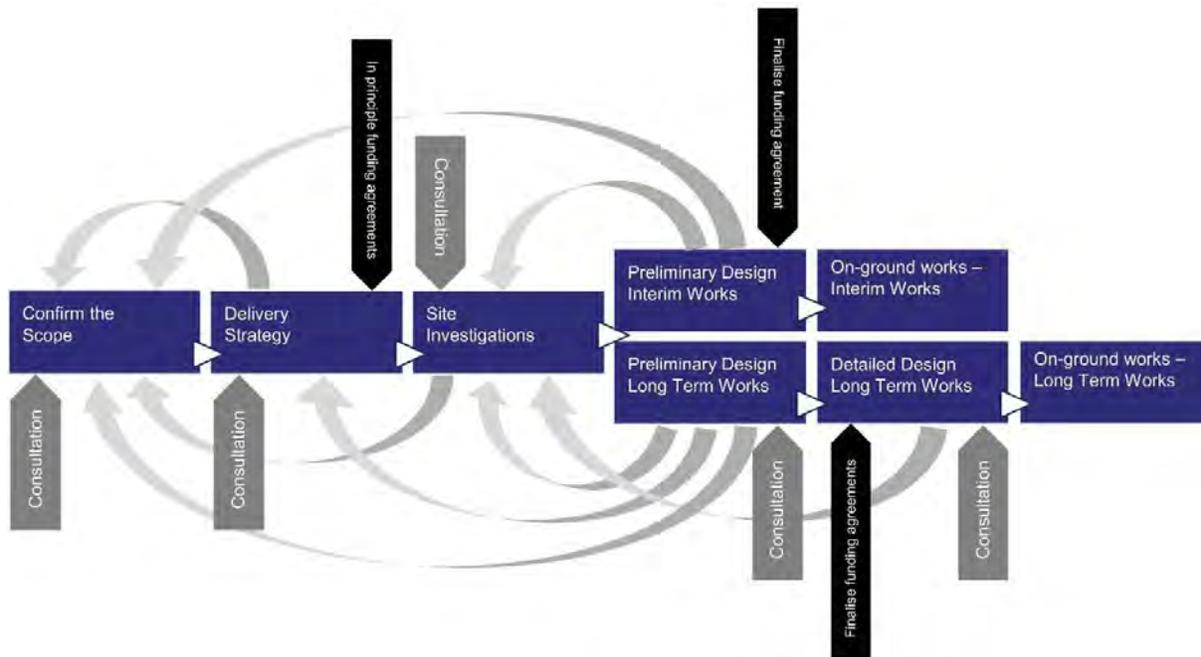
To date a desktop only study has been completed to determine the feasibility and effectiveness of the Northern Floodway concept. This has relied upon the results of hydraulic modelling to inform the infrastructure requirements such as the need to upgrade existing levees, culverts and bridges, and the need for new levees and floodways. No site investigations have been undertaken to validate the project's feasibility, and to date stakeholder consultation has been limited to the Technical Assessment Panel and Northern Floodway Working Group.

The current estimated project cost of \$27m has been estimated on the basis of the desktop investigation and modelling (AWE 2017).

In order to progress the implementation of the Northern Floodway works (Recommendations 2 and 3) a number of key investigations and further work will be undertaken.

This section outlines this work, describing why it is needed and briefly what is required. It is likely that the need for additional studies or investigations may be identified as the project progresses.

The works are structured into a number of key project 'stages', as depicted in Figure 4.1. The scope of works required for future stages will be reviewed throughout, or at least at the conclusion of each stage. Figure 4.1 also indicates some of the key feedback loops likely to occur as the project progresses. The significance of the feedback loops is that it recognises that at points during the project things may be discovered that require some revisiting of previous work.



**Figure 4.1** Key project development elements

It is proposed to progress the river condition and immediate repair levee works (Recommendation 2) as a matter of priority, subject to funding, establishment of landholder access agreements and approvals to undertake the works. It is anticipated that the necessary funding and approvals for the immediate works could be gained within a shorter timeframe than

the work required to enable commencement of on-ground works associated with the Northern Floodway and levee replacement.

Notwithstanding this, it is expected that the scope confirmation / ground truthing phase will need to be completed, prior to progressing further with either recommendation.

Extensive consultation will be undertaken throughout all stages of the project's development, along with regular review of the risk profile and review and updating of the project's estimated cost at key milestones.

## 4.2 Confirm the scope

A key first step in progressing both Recommendation 2 and 3 will be to confirm the scope of works necessary to achieve the desired level of flood mitigation. This will be achieved through a combination of additional modelling, site investigations and early engagement with stakeholders.

Tasks will include:

- **Clearly defining the project objectives** – what standard of protection is the project aiming to achieve, and how does this relate to the overall flood mitigation plan for the wider catchment/floodplain. This will include determining stakeholder/community expectations for flood protection.
- **Additional flood modelling:** modelling of additional design flood events from 20-200 years. It is suggested these be modelled with and without the enlarged Bruce Eastick North Para Flood Mitigation Dam. Based on the outcomes of the 100-year ARI modelling, an assessment can be made as to what standard of flood immunity can be achieved with the current concept or minor additional works.
- **Climate change assessment:** current climate change predictive models estimate that whilst the climate is expected to become warmer and drier, the intensity of rarer rainfall and flood events is likely to increase. The additional modelling will include a sensitivity analysis of altering rainfall intensity to determine the impact this has on peak flows and the effectiveness of the flood mitigation solutions.
- **Consider staging:** Consideration will be given as to how the works can be staged such that implementation of some works does not increase the flood risk in other areas until such time as the whole of the works are completed.
- **Damage estimates:** The results of the modelling can be used to estimate the reduction in flood damages (per event, average annual, present value) by completing the works (future flood damages avoided). This will form a key input to the estimation of the project's benefit-cost ratio.
- **Ground truthing / site walkovers:** this will include:
  - **Further inspection of existing levees** (where feasible) to determine those sections in need of immediate remedial works to improve function and reduce the risk of failure and/or overtopping in the short term.
  - **River condition survey**, including vegetation assessments and identification of areas of silt build up. This will inform the scope of works for vegetation removal and silt removal.
  - Preparation of a spatial data layer documenting river and levee condition.
  - **Ground truthing** of new levee and floodway proposals to refine and/or confirm the conceptual alignments and infrastructure upgrade requirements.
- **Redefine/confirm scope** on the basis of the outcomes of the additional modelling and ground truthing.
- **Early consultation / presentation of information:** The approach to consultation is discussed further in Section 5. Prior to consulting in earnest with stakeholders, including the wider

community, it is considered important to achieve the right balance between having sufficient information on the proposed works (e.g. footprint, benefits) whilst consulting early enough such that the community feels that they have an opportunity to provide feedback. The additional modelling and ground truthing is expected to provide sufficient information to enable commencement of the detailed engagement process.

- **Adjust / confirm preliminary cost estimates:** Existing high level capital cost estimates will be refined following confirmation of the scope. This will include splitting the cost estimate in accordance with the proposed staging, in particular costs associated with the river condition works, levee improvements and Northern Floodway works.
- **Determine first order cost–benefit:** based on the outcomes of the additional modelling, damage estimates and revised cost estimates.

### 4.3 Delivery strategy

A clearly defined delivery strategy for such a complex project is a must to manage risks, capitalise on opportunities, keep the project on track from a time and budget perspective, and ensure that the support of stakeholders and the broader community is firstly gained, and then maintained over the long term.

#### Governance and project management framework

The GRFMA is currently undertaking a review of its Charter and Governance framework. This review will consider the cost sharing arrangements for the GRFMA operations and confirm the representation, roles and responsibilities of the various groups / panels.

A separate consultation process with Constituent Councils, outside the annual budget process, will be undertaken, as appropriate, by the GRFMA on the solution designs, costings and funding mechanisms required by Local, State and Federal Governments and other funding partners. Councils and the GRFMA will then subsequently agree the most appropriate process to recognise and achieve required contributions.

In order to manage the implementation of the Northern Floodway works, it is intended that a Project Management Group be established to direct the program of works, with a Project Manager appointed to facilitate implementation.

The draft proposed structure is shown in Figure 4.2.



Figure 4.2 Draft proposed GRFMA structure

## Ownership and land tenure

A critical aspect of progressing the project will be addressing land tenure considerations to enable the proposed works to be completed/constructed, and to enable the river and levees to be maintained long term in accordance with the endorsed recommendation of the 2016 Flood Review report.

In accordance with Recommendation 1 of the 2016 Flood Review project report “*River and levee maintenance should be the responsibility of a single authority that has the necessary resources and access rights to maintain the river in good condition from a flood conveyance as well as biodiversity perspective.*”

The works are expected to be located entirely within the Adelaide Plains Council and City of Playford local government areas. The local government boundary is approximately down the centre line of the river. Given that the works are split between two local government entities, it is proposed that the ownership and future management of the river and levees will rest with the GRFMA.

With the river currently under private ownership, a change to the land ownership and/or tenure will be required to afford the GRFMA these rights.

Options are likely to include:

- outright purchase and freehold tenure of the main river channel and land required for flood mitigation works (‘subject land’) with potential lease back options
- establishment of an easement over the subject land
- establishment of land management agreements over the subject land
- a combination of the above.

Outright purchase is likely to be the most costly option, but will afford the GRFMA the greatest control over the land long term. Conversely, establishment of a land management agreement whilst less costly, may not achieve the rights required by the GRFMA for long term management of the river and any associated assets.

Under the GRFMA’s Charter, the Authority does have the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969 for the purposes of flood mitigation. Whilst acquisition by negotiation is preferred over compulsory acquisition, it may be that right must be exercised in some cases.

The services of a land access, valuation and property consultant will be sought to examine options and provide recommendations for land access and acquisition. This will include assessment of affected properties (based on the expected footprint), extensive consultation and negotiation with affected landholders, land valuation and an estimation of the costs of acquisition or otherwise.

## Planning requirements and approvals

Planning and approval requirements will be determined early in the project to minimise the risk of delays to the project associated within gaining approvals.

It is unlikely that the immediate works will require approval under the *Development Act 1993*, assuming no regulated or significant trees will be removed. Approval is likely to be required under the *Natural Resources Management Act 2004*, with clearance of native vegetation approved under the *Native Vegetation Act 1991*.

The construction of the levee banks and spillway (long term works) is likely to require planning approval under the Development Act.

Given the development straddles local government zone boundaries, an option involves requesting the Planning Minister to have the application assessed by the State Commission Assessment Panel (SCAP). Alternatively, as the proposed development:

- Is not listed within Schedule 10 (Decisions by the Development Assessment Commission (now SCAP)) of the Development Regulations
- Is not captured by Section 49 (Crown development and public infrastructure) of the Development Act

each Council can assess (grant Development Plan Consent) the component of the proposed development that is relevant to its area.

The approvals pathway, and full list of approvals required will be determined as part of a planning study to be completed in the early stages of the project.

#### *Existing zoning*

A 50 m Conservation zone within Adelaide Plains Council exists on the northern side of the river (from river centre line), along with a 100 m Metropolitan Open Space System (MOSS) zone within the City of Playford on the southern side of the river (from the river centre line). Outside of the conservation zones, the northern floodway will be constructed within land zoned Primary Production within Adelaide Plains Council.

In each of these zones, land division is allowed for the purposes of flood mitigation works.

#### **Procurement options**

As part of the project planning and determination of the delivery framework, procurement options for the on-ground delivery of works will be considered.

Options include:

- Traditional design, tender, construct
- Design and Construct
- Early Contractor Involvement

Different packages of work may be delivered via different procurement models, for example detailed design of immediate works may not be required. The works may be better procured via a design and construct contract, working to a defined scope of works and performance/technical specification. This depends on the potential for innovative approaches in method to improve project value vs. potential additional costs associated with the transferral of risk.

Regardless of the procurement approach adopted for the Northern Floodway works, given the challenges associated with some elements of the work (for example, levee replacement) there would be benefit to seeking input from a construction contractor to address constructability issues and how these might influence the design or project costs. This will be subject to effective management of any potential probity issues.

A part of the procurement investigation, consideration will be given to staging based on priority areas, access limitations, any legal issues associated with land purchase or access and budget availability. Availability of materials for levee construction within the region may also require consideration.

#### **Risk planning and management**

The success of such a significant project will be dependent upon effective management of project risks and opportunities. In the early stages of the project a risk planning workshop will be undertaken with a range of project stakeholders to identify key risks and opportunities, and how these will be managed to reduce the likelihood of risks jeopardising the project's success, along with how the design can capitalise on any opportunities.

A risk register will be prepared which will be maintained and updated throughout the project's lifecycle.

Key risks and opportunities are likely to include:

- **Stakeholder / community acceptance:** Extensive consultation will be essential to gain stakeholder and community support for the proposal. Failure to gain this support may jeopardise the project's success.
- **Funding:** The project cost is significant, and will require financial support from all tiers of government (local, state, federal). In particular, the cost apportionment and local government's capacity to fund is considered a key project risk, should the necessary support not be gained from state and federal governments.
- **Project Costs:** To date very high level project cost estimates have been prepared, based upon very limited design detail. As the design is developed to a greater level of detail, estimates will be updated to gain further confidence in the project costs. There is a risk that as further detail is added to the estimates, the cost of the project may increase, placing pressure on any funding commitments.
- **Constructability:** Full consideration of the scope of works required, safe construction methodologies and the availability of materials within the region may influence project cost and overall schedule.
- **Access:** Much of the river and Northern Floodway alignment is under private ownership. In order to progress the project, including immediate works and site investigations, access to private property will need to be negotiated.
- **Land acquisition:** As above. The success of the long-term solution will require some property acquisition for construction of the works and effective ongoing maintenance. Negotiating property acquisition represents a real risk to the project budget and schedule.
- **Scope creep:** It is possible that a range of challenges and complexities may arise as the designs progress. Scope creep will place pressure on the project budget, and if not effectively managed may result in the need to down-scope to reduce project costs, which may in turn reduce the effectiveness of the solution.
- **Funding for ongoing maintenance:** Long-term flood mitigation within the lower Gawler River will be dependent upon effective maintenance of the river channel and levee systems. This will require an ongoing, annual commitment by each of the GRFMA's constituent Councils to fund the necessary maintenance.
- **Level of flood protection:** Optioneering to improve the level of flood protection provided, without substantially increasing costs, should be explored.

### Consultation strategy

As part of the project delivery strategy, a Consultation Strategy will be prepared by an independent consultant on behalf of the GRFMA. This document will outline the target audiences for consultation, the planned methods of engagement and consultation, and the key stages at which the consultation will occur.

Further details on the intended consultation is provided in Section 5.

### Project execution plan

A Project Execution Plan will be developed for each major package of works, prior to commencing with the design activities. These documents will serve as a guiding document throughout the project's implementation.

## 4.4 Site investigations

A range of site investigations will be undertaken at the preliminary design stage to further confirm the scope of works and cost estimates. Whilst some investigations could be deferred to the detailed design phase, undertaking these investigations at preliminary design stage will assist in the management of key project risks such as scope and budget.

### Levee clearance

As a first step some clearance of dense vegetation along the alignment of existing levee banks will be undertaken, subject to approval, to enable access for surveys and site investigations. Rather than complete clearance, it is anticipated that sufficient slashing be undertaken to enable safe traverse by foot for the purposes of top of levee survey, visual inspection of levee condition and cultural heritage surveys. By minimising clearance to just that necessary to facilitate access for surveys, any immediate impacts on levee stability due to loss of vegetation will be managed.

More substantial clearance of vegetation will be undertaken as part of the reconstruction works, and at this stage consideration will need to be given to the effect that this may have on bank stability.

### Engineering survey

A two stage approach to survey will be implemented.

**Existing Levee banks:** initially, unless sufficient information can be gained from the current digital elevation model, survey of top of bank levels will be undertaken to determine any sections of levee bank most at risk overtopping in the short term. Ultimately, survey of the levee banks' existing cross section will be undertaken to inform the detailed design of the longer term remedial works.

**Alignment of new levee banks:** Full engineering and cadastral survey of new levee bank alignments to inform the design process. Subject to funding, this could be deferred to the preliminary design stage.

### Geotechnical investigations

Geotechnical investigations will be required for the long-term levee replacement and construction of new levees to determine the suitability of local materials for reconstruction of levees. Any levees deemed to not require significant reconstruction may also need testing to ascertain their structural integrity.

### Heritage surveys

A cultural heritage investigation will be undertaken to determine any constraints and/or areas requiring management during construction. The services of a cultural heritage consultant will be utilised to initially undertake a desktop assessment, followed by any site investigations that may be deemed necessary.

It is acknowledged that the Kaurna people have recently been officially recognised as the traditional owners of the Adelaide Plains (and beyond), with native title rights granted over parcels of land not under freehold between Myponga Beach in the south and Redhill in the north. This ruling is unlikely to affect the Northern Floodway works, however will be considered as part of the cultural heritage study.

### Service locating and deepthing

A services investigation to determine the location of public and private services will be undertaken to identify any significant service clashes that will require attention during the detailed design stage. Early identification of potential service clashes will enable timely engagement with service authorities and management of potential time and cost implications.

Dependent upon an initial Dial Before You Dig Search, physical service locating and deepthing may be undertaken.

## 4.5 Preliminary design – immediate river condition and levee works

### Immediate river condition works

The site walkovers, vegetation assessments and documentation of river condition are expected to largely inform the scope of works required for the interim works to improve river condition (vegetation and silt removal).

Preliminary design tasks will include:

- Documentation of the scope of works – extent of vegetation clearance and silt removal, extent of revegetation and species selection
- Consideration of the effect that weed and silt removal will have on short and long-term bed and stream bank stability and identification of management actions (revegetation or engineered solutions).
- Preparation of a technical specification
- Agreement on access requirements and provisions
- Documenting safety in design considerations
- Preparation of cost estimates, by Quantity Surveyor.

It is anticipated that this should provide sufficient information for the works to be procured via a 'design and construct' contract, with considerations such as temporary works to be determined by the contractor.

### Immediate levee repair works

The scope of repair works required immediately to reduce the risk of failure during the next flood will be determined by physical inspection and top of levee survey. Repair works are likely to focus on significant low points, existing failures and locations where obvious defects indicate potential failure in the short term. The best chance of identifying high risk areas will be to undertake some clearance of vegetation on the levees to enable the whole length of levees (both sides) to be walked.

Similar to the river condition works, preliminary design will include:

- Documentation of the scope of works – extent of levee repairs required
- Preparation of a technical specification
- Agreement on access requirements and provisions
- Documenting safety in design considerations
- Preparation of cost estimates, by Quantity Surveyor.

It is anticipated that this should provide sufficient information for the works to also be procured via a 'design and construct' contract, with considerations such as temporary works and sourcing of material to be determined by the contractor.

## 4.6 Preliminary design Northern floodway – long term flood mitigation works

Preliminary design of the Northern Floodway, including new levee banks, will achieve notionally 70% design documentation, sufficient to more accurately determine the physical scope of works and footprint, and develop more accurate cost estimates.

The preliminary design will be based largely upon the outcomes of the scope confirmation, but reflective of the site investigations, feedback received through the consultation process and any other investigations undertaken as part of the development of the delivery strategy.

Documentation will include preliminary design drawings suitable for cost estimation by a Quantity Surveyor.

At preliminary design stage, any options for staging of the works, such as commencement of the new Northern Floodway works ahead of the existing levee upgrade works will be investigated in detail such that they can be considered in the context of project funding and management of any interim flooding implications.

#### **4.7 Detailed design**

Detailed design will include final design activities, any additional site investigations required and documentation of the works to enable tender and construction.

Final approvals will be gained throughout the detailed design phase.

At the completion of the detailed design, pre-tender cost estimates will be prepared by a Quantity Surveyor.

#### **4.8 Procurement**

Tender documentation, management of the tender process and tender review through to contract award will be required along with consideration of staging and risk allocation.



## 5 Early and ongoing consultation

From a community and landholder perspective there is likely to be a range of opinions and varying degrees of acceptance of the proposal presented.

Effective engagement with stakeholders and the broader community will be key to the successful implementation of the project and managing the risk of project delays and cost overruns.

The consultation process will commence early, immediately following the additional modelling and clarification of the project scope. Consultation activities will be tailored to suit the intended audience, noting that these will range from those directly affected by the works to those with an interest in the proposal and from government agencies to general members of the public. The level of support and eagerness to see the proposal implemented will vary due to factors such as reduced flooding, residual flooding (flooding not solved by the Northern Floodway) and impacts to property.

### 5.1 The stakeholders

A range of stakeholders will be consulted at various stages throughout the project. These will include:

- Constituent Councils, in particular Adelaide Plains Council and the City of Playford, where the works are located
- State and federal government agencies, as required to gain approvals
- Emergency services agencies responsible for flood warning and response
- Property owners directly affected by the works
- Property owners currently affected by flooding (but not by the works)
- Wider community / ratepayers
- Other special interest groups that may be identified as part of the development of the consultation strategy
- Commercial developers (e.g. Buckland Park).

The consultation strategy to be developed for the project will identify the specific consultation and engagement methods to be employed for each target audience.

### 5.2 Consultation activities undertaken to date

To date, no formal consultation with affected landholders or the broader community has been undertaken on the Northern Floodway concept specifically.

During completion of the 2016 Flood Review, a Working Group was established to assist the Technical Assessment Panel throughout the project (referred to as the Northern Floodways Working Group). The group comprised members of the Technical Assessment Panel plus seven landholders.

The terms of reference for the Working Group were as follows:

- Promote dialogue between landholders and the GRFMA's Technical Assessment Panel
- Contribute to the identification of flood mitigation options to be assessed for the lower Gawler River and presented to the GRFMA
- Provide feedback on the merit of the options assessed

- Identify a preferred option (or provide a short list of preferred options up to three) for presentation to the GRFMA
- Have its views and decisions noted and included within the study report.

Consultation with the Working Group throughout the development of options as part of the 2016 Flood Review indicated the following:

- It is anticipated that the Working Group would collectively agree with Recommendation 2 (immediate works)
- It is anticipated that the majority of the Working Group would agree with Recommendation 3 (long term Northern Floodway works), but some landholder members of the group would not.

### 5.3 Planned consultation

The stakeholder and community consultation process will be developed and facilitated by an independent consultant on behalf of the GRFMA. Following the initial consultation process, focussed on providing a summary of the project, including how and when people will be able to provide feedback, a consultation strategy will be developed for roll-out during the project development and implementation stages.

Broadly, the consultation process will aim to:

- Provide information to stakeholders and the broader community on the Northern Floodway proposal, including:
  - Flooding risk within the lower Gawler River, and why is action needed
  - Options identified previously and why the Northern Floodway is the preferred option
  - What the proposal is
  - How can interested parties provide feedback on the proposal
- Seek feedback on the proposal from key stakeholders and the broader community on:
  - Expectations for flood protection (e.g. level of protection)
  - Level of support for the Northern Floodway proposal
- Seek additional feedback from owners of properties directly affected by the works regarding their specific concerns and perceived opportunities
- Collate and summarise feedback for use during subsequent stages of the project.

The consultation process will likely entail:

- Preparation and distribution of information materials and feedback forms
- Briefings, meetings (both one-on-one and in group settings as appropriate) and open days
- Fact sheets and updates addressing key aspects of the proposal, and progress over time
- Maintenance of a project website.

The early stages of consultation, at the scope confirmation stage will focus on preparation and distribution of information, and seeking of initial feedback. As the project progresses, the nature of consultation will become more detailed and focussed, particularly in regards to landholders and stakeholders directly affected by the works.

## 6 Implementation schedule

### 6.1 Proposed staging

Following the flood event of 2016, there is a renewed urgency to progress works that will afford a greater level of flood protection to properties in the lower Gawler River floodplain.

Whilst the new Northern Floodway works and long-term levee upgrades is generally considered to be the major component of work associated with the overall proposal, the works to be undertaken as part of Recommendation 2 will provide some improved flood conveyance, at least during smaller events. It is therefore proposed to progress the river condition and immediate repair levee works as a matter of priority, subject to funding, establishment of landholder access agreements and approvals to undertake the works. It is anticipated that the necessary funding and approvals could be gained within a shorter timeframe than the body of work required to enable commencement of on-ground works associated with the Northern Floodway and levee replacement (Recommendation 3).

This is reflected in the scheduling diagram provided in Section 6.2.

Options to stage the implementation of the new Northern Floodway and long-term levee upgrades will need to be considered in further detail to ensure that any interim flood impacts can be adequately managed. It is generally recommended that works be constructed commencing at the downstream end of the system.

### 6.2 Project scheduling

A representation of the tasks to be undertaken in order to progress to on-ground works, is provided below. The graphic indicates that a number of tasks can be undertaken in parallel, and that it should be possible to commence immediate river and levee works well ahead of the more substantial Northern Floodway works.

The schedule does not show:

- Negotiating and securing funding
- Sourcing of materials
- Resolution of legal issues
- Iterations to the design process as a result of feedback, access issues, funding shortfalls and the like.

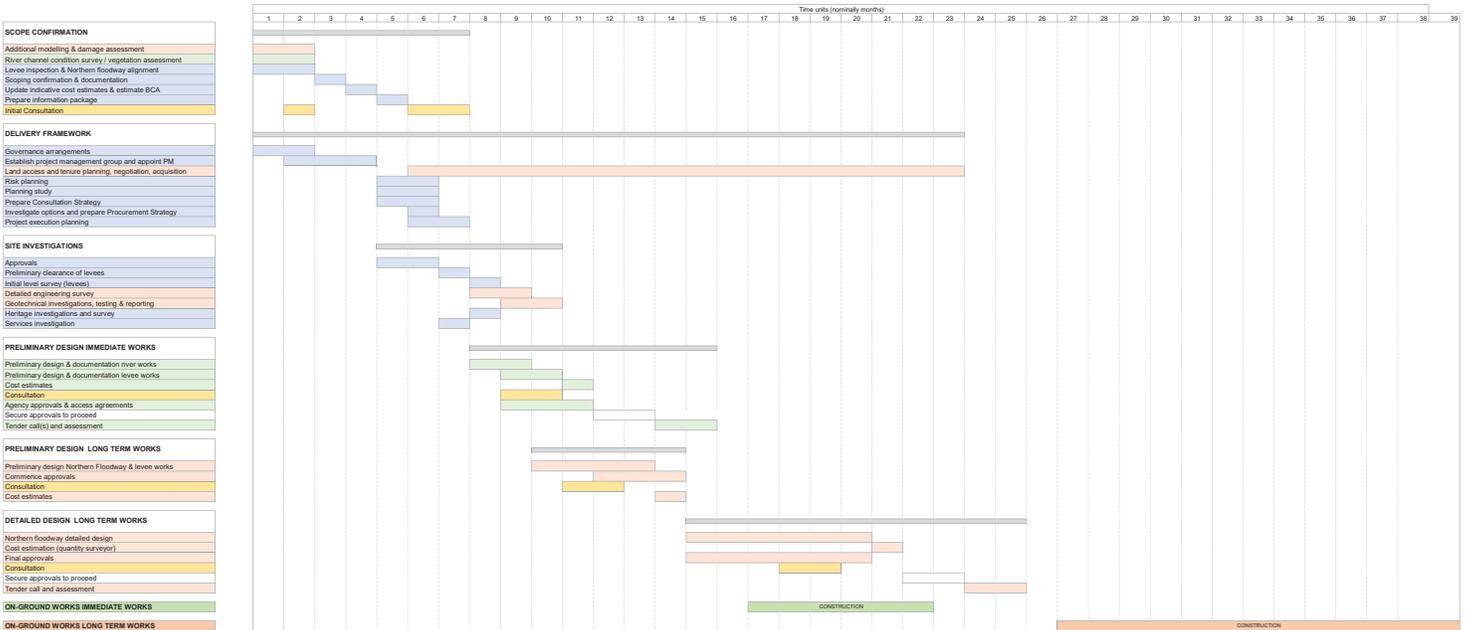


Figure 6.1 Draft Implementation Plan

## 7 Implementation costs

### 7.1 Project development – how much will this work cost?

Table 7.1 summarises the indicative (order of magnitude) costs for major elements of work (identified in this report) required to progress to on-ground works.

The scope of investigations and services required, along with associated costs, will be reviewed and updated as the project progresses.

**Table 7.1 Indicative cost of major elements of work required to progress the project**

Item	Indicative Cost
<b>1. CONFIRM THE SCOPE</b>	
Additional modelling & damage assessment	\$30,000
River channel condition / vegetation assessment	\$60,000*
Levee inspection	\$15,000
Scoping confirmation & documentation	\$10,000
Update indicative cost estimates & estimate BCA	\$15,000
Prepare information package	\$15,000
Initial Consultation	\$20,000
<b>Sub-total Confirm Scope</b>	<b>\$165,000</b>
<b>2. DELIVERY FRAMEWORK</b>	
Governance arrangements	Internal cost
Establish project management group and appoint Project Manager	Internal cost
Ongoing Project Management	\$120,000-\$150,000/year
Land access and tenure negotiations (property consultant)	\$100,000
Risk planning	\$10,000
Planning study	\$15,000
Prepare Consultation Strategy	\$10,000
Investigate options and prepare Procurement Strategy	\$10,000
Project execution planning	By Project Manager
<b>Sub-total Delivery Strategy</b>	<b>\$145,000 (excl. PM)</b>
<b>3. SITE INVESTIGATIONS</b>	
Preliminary clearance of levees	\$150,000
Initial level survey (levees)	\$15,000
Detailed engineering survey	\$100,000
Geotechnical investigations	\$100,000
Heritage investigations and survey	\$20,000
Services investigation	\$10,000
<b>Sub-total Site Investigations</b>	<b>\$395,000</b>

Item	Indicative Cost
<b>4. PRELIMINARY DESIGN IMMEDIATE WORKS</b>	
Preliminary design & documentation river works	30,000
Preliminary design & documentation levee works	50,000
Cost estimates	10,000
Consultation	20,000
Tender call(s) and assessment	10,000
<b>Sub-total Preliminary Design Immediate Works</b>	<b>\$120,000</b>
<b>5. PRELIMINARY DESIGN LONG-TERM WORKS</b>	
Preliminary design & documentation Northern Floodway & levee works	100,000
Consultation	80,000
Cost estimates	15,000
<b>Sub-total Preliminary Design Long term works</b>	<b>\$195,000</b>
<b>6. DETAILED DESIGN LONG TERM WORKS</b>	
Northern floodway detailed design & documentation	200,000
Cost estimation (quantity surveyor)	15,000
Final approvals	15,000
Tender call and assessment	25,000
<b>Sub-total Detailed Design long term works</b>	<b>\$255,000</b>
<b>7. CONSTRUCTION SUPERINTENDENCE</b>	<b>\$100,000</b>

\* *Cost will be dependent upon extent of vegetation assessments. Detailed assessment could be deferred to site investigations stage.*

## 7.2 Capital cost

Order of magnitude estimates for the cost to implement the Northern Floodway works, including the immediate river and levee remedial works, were prepared by AWE as part of the 2016 Flood Review project.

The estimate included allowance for:

- Concept Design
- Detailed Design
- Tender and administration
- Land acquisition
- Construction

A 30% contingency was allowed on the total, reflective of the feasibility level of work that has been undertaken to date.

The current estimate is summarised in Table 7.2.

**Table 7.2 Northern Floodway and levee improvements indicative cost estimate**

Element	Indicative cost *
Concept Design	\$350,000
Detailed Design	\$125,000**
Tender and administration	\$100,000
Land acquisition	\$9,170,000
Construction	\$11,182,684
<b>Sub-total</b>	<b>\$20,927,684</b>
Contingency	\$6,278,305
<b>Total</b>	<b>\$27,000,000</b>

\* From AWE (2017)

\*\* 'Detailed Design' costs differ from the cost provided in Table 7.1 (\$125,000 vs. \$255,000) due to additional inclusions in Table 7.1's design cost estimate.

Excluding design (concept and detailed) and tender and administration costs, the capital construction cost, including land acquisition is \$26,500,000, including a 30% contingency allowance.

The above costs are for the implementation of immediate works as well as long term works.

A key step in progressing the implementation of the works will be updating the capital cost estimates (including land acquisition) at a number of milestones, including:

- Scope confirmation stage
- Agreement on land tenure proposal (acquisition / compensation costs)
- Preliminary design
- Detailed design / pre-tender

At preliminary design stage, the services of a suitably qualified quantity surveyor will be engaged to prepare cost estimates for the various elements of the works. As discussed in Section 4.3 a property consultant will be engaged to assist with the estimation of costs associated with securing the required access to land for the purposes of implementing the on-ground works.

### 7.3 Operations and maintenance costs

Ongoing maintenance of the Gawler River channel, levees and floodway will be required to maintain the new system to fulfil its intended flood mitigation function. Ongoing maintenance will be the responsibility of the GRFMA.

A preliminary maintenance schedule and indicative costs are provided below.

**Table 7.3 Indicative maintenance schedule and costings**

Task	Frequency
<b>River channel maintenance</b>	
Inspection of river channel for weed growth, erosion, sediment accumulation and documentation of river condition	Annual
Weed control in priority areas	Annual

Task	Frequency
Additional weed removal	Annual or as budget permits
Additional revegetation	As required
Removal of debris and sediment accumulation – river bed	Biennial (2 yearly)
Removal of debris accumulation at bridge / culvert structures	As required (assume annual)
<b>Levees</b>	
Levee survey and record of settlement	Biannual (twice/year) for first two years, annually year 3-10 Frequency may be able to be reduced after year 10
Levee inspection for defects (rabbit holes, slumping, erosion, cracking)	Annual and following high flow events
Weed control (spraying / slashing)	Annual
Fence inspection and repair	Annual
Top up / repair of levees	As required
<b>Floodway</b>	
Floodway inspection	Annual
Weed control	Annual, dependent on land-use within floodway
Removal of debris accumulation at bridge / culvert structures	As required (assume annual)
Fence inspection and repair	Annual

Annual or scheduled maintenance is likely to come at significant cost to maintain the levees in good repair, and prevent the river returning to an overgrown state.

Maintenance costs, especially those related to levee maintenance, are likely to be driven by the extent of work undertaken during the construction phase. For example, if all levees are cleared and reconstructed with safe, trafficable crests, maintenance will be far easier and cheaper than maintaining levees with irregular cross sections not able to be safely accessed by vehicle. This is principally because it will enable maintenance tasks (level survey, inspections, weed spraying, repairs) to be undertaken by vehicle, rather than on foot.

Whilst costs have not yet been allocated against individual tasks, it is anticipated that the costs could be in the order of \$300,000/year. Operations and maintenance costs will be estimated following confirmation of the project scope, and again following completion of the preliminary designs.

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## 9 Glossary of terms

<b>Annual Exceedance Probability</b>	Annual Exceedance Probability (AEP) refers to the probability of a flood event occurring in any year, expressed as a percentage. For example, a large flood which may be calculated to have a 1% chance to occur in any one year, is described as 1% AEP. A 1% AEP flood event is equivalent to a 100-year ARI event.
<b>Average recurrence interval</b>	<p>Flood risk is often described in terms of Average Recurrence Interval (ARI). This is the number of years on average, within which a given flood will be equalled or exceeded. A 100-year ARI flood will be equalled or exceeded once in 100 years on average. It has a 1% probability of occurring in any given year. A 20-year ARI flood will be equalled or exceeded once in 20 years on average, and so on.</p> <p>Due to the random nature of floods, however, a 100-year flood need not occur in every 100 years and conversely, several floods which exceed the 100-year flood could occur within any one period of 100 years.</p> <p>The ARI of an event is <i>approximately</i> equivalent to the inverse of the AEP.</p>
<b>Average Annual Damage</b>	Depending on its size (or severity), each flood will cause a different amount of damage to a floodprone area. Large floods will cause more damage than small floods. The average annual damage is the average damage per year that would occur in a particular area from flooding over a very long period of time. In many years there may be no damage, in some years there will be minor damage (caused by small, relatively frequent flood events) and in some years there will be major damage (caused by large, rare flood events). Average annual damage provides the basis for comparing the economic effectiveness of different management measures against floods of all sizes, i.e. their ability to reduce the AAD.
<b>Catchment</b>	The surface area of land that collects and drains water into a river or other waterway. Catchments can include both rural and urban areas
<b>Flood control dam / flood mitigation dam</b>	A man-made reservoir connected to a waterway that provides a temporary storage for floodwaters, potentially reducing or delaying the likelihood or magnitude of downstream flooding.
<b>Flood damage</b>	“Flood damage” is the tangible and intangible costs of flooding. Tangible costs are quantified in monetary terms (e.g. damage to goods and possessions, loss of income or services in the flood aftermath). Intangible damages represent the increased levels of physical, emotional and mental health problems suffered by flood affected people and attributed to a flooding episode. Intangible damages are difficult to quantify in monetary terms.
<b>Flood hazard</b>	Potential loss of life, injury and economic loss caused by future flood events. The degree of hazard varies with the severity of flooding and is affected by flood behaviour (extent, depth, velocity, duration and rate of rise of floodwaters), topography, population at risk and emergency management.

<b>Floodplain</b>	Land adjacent to a waterway, subject to occasional flooding (up to and including the probable maximum flood). Floodplains can be narrow, steep, wide and/or flat, and can extend several kilometres from the waterway.
<b>Flood preparedness</b>	<b>Flood preparedness</b> refers to measures taken to prepare for and reduce the effects of floods.
<b>Flood warning</b>	Advice on impending flooding provided so people can take action to minimise its negative impacts.
<b>Present value damage</b>	In relation to flood damage, is the sum of all future flood damages that can be expected over a fixed period (e.g. 30 years) expressed as a cost in today's value.

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S P E C I A L M E E T I N G M I N U T E S

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Committee            **Gawler River Floodplain Management Authority**  
Held On                **Monday 12 November 2018 at 2pm**  
Location              **Town of Gawler, 43 High Street, Gawler East**

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**WELCOME**

*Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members and Observers and opened the 107<sup>th</sup> meeting of the Board.*

**PRESENT**

*Mr Ian Baldwin, Independent Board Member, Chair  
Mr Marc Salver, Adelaide Hills Council, Deputy Board Member  
Mr Gary Mavrinc, The Barossa Council, Board Member  
Cr Denis Davey, City of Playford Council, Board Member  
Mr Greg Pattison, City of Playford Council  
Mr James Miller, Adelaide Plains Council, Board Member  
Cr Mel Lawrence, Adelaide Plains Council, Board Member  
Mr Andrew Philpott, Light Regional Council, Deputy Board Member  
Cr William Close, Light Regional Council, Board Member  
Mr David Hitchcock, GRFMA Executive Officer*

**APOLOGIES**

*Mr. Bob Sloane, The Barossa Council, Board Member  
Mr Mal Hemmerling, City of Playford Council  
Cr Paul Koch, Town of Gawler, Deputy Board Member  
Cr Malcolm Herrmann, Adelaide Hills Council, Board Member  
Mr. Brian Carr, CEO Light Regional Council*

**GRB 18/80 Observers**

**Moved: Mr. J Miller    Seconded: Mr. A Philpott**

**That Cr Terry-Anne Keen (Deputy Board Member - Adelaide Plains Council) and Mr Sam Dilena, Town of Gawler Council, be appointed as Observers.**

**CARRIED**

The Chair advised that the intent of the meeting was to consider the merits or otherwise of the GRFMA submitting application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project.

## **Declarations of Interest**

The Chairperson noted the proposed item for discussion and sought any declarations of interest from members – Nil

## **Discussion**

The Chairperson provided a verbal update on recent progress in sourcing Federal and State Government funding for capital works associated with the Northern Floodway Project, estimated at a value of \$27 million.

Of particular note was that should the GRFMA make application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project: and be successful in obtaining the maximum grant, that the State Government would commit to contributing \$13.5M to the Project in support. The State contribution being subject to the Storm Water Management Authorities authorisation.

General discussion then ensued with Board Members and Observers on options for progressing the Northern Floodway Project.

Amongst matters of discussion the Board reaffirmed its view that capital costs of the Northern Floodway Project works should be funded on a 50/50 basis between the Federal and State Government.

<b>GRB 18/81 Northern Floodway Project – Funding Support (BBR Fund)</b>
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**Moved: Mr. J Miller**

**Seconded: Mr. M Salver**

**That the GRFMA Board:**

- 1. Receives and notes the Board Report from the Executive Officer titled “. Northern Floodway Project” as supplemented by the verbal update at the meeting from the Chairperson and Executive Officer;**
- 2. Seeks approval from the State Government to utilise a portion of their \$13.5M funding commitment to the Northern Floodway Project to enable the submission of a Building Better Regions (BBR) Fund - Infrastructure Projects Stream, to the Australian Government in order to develop the preliminary design for the Project as detailed in item 3. below;**
- 3. Delegates to the Executive Officer to make an initial application on behalf of the Authority to fund the preliminary design associated with the Northern Floodway Project and to cost up the works as identified in table 7.1 of the Northern Floodway Prospectus titled ‘Indicative costs of major elements of works required to progress the project (items 1-5)’ and duly submit the application to the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, based on the costs of these works on a 50/50 basis between the Federal and State Government; and**
- 4. Provides formal notification to each constituent council by close of business on 14 November 2018 regarding the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, Grant application and the basis of the cost contributions.**

**Closure of meeting** The Chairperson thanked Board Members for their considered discussion and contributions and also thanked the Town of Gawler Council for hospitality as host and noted the next Ordinary Board Meeting will be held held 9.45 am, Thursday 13 December 2018 at the City of Playford.

Meeting closed 3.34 pm.

**Confirmed Chairperson .....**

Gawler River Floodplain Management Authority  
266 Seacombe Road, Seacliff Park, SA 5049  
Telephone: 0407717368 Email: [davidehitchcock@bigpond.com](mailto:davidehitchcock@bigpond.com)  
Website: [www.gawler.sa.gov.au/grfma](http://www.gawler.sa.gov.au/grfma)

14/11/18  
James Miller  
Chief Executive Officer  
Adelaide Plains Council  
2a Wasleys Road  
MALLALA SA 5502  
By email [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)

Dear James,

I write regarding submission of an application by the GRFMA to the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, in order to develop the preliminary design for the Northern Floodway Project.

On the 12/11/2018 the GRFMA held a Special Meeting to consider the merits or otherwise of the GRFMA submitting application to the Australian Government's Building Better Regions (BBR) Fund - Infrastructure Projects Stream, for funding of \$10 Million for the Northern Floodway Project.

The special meeting was convened following discussion by Mr. Ian Baldwin, Chairperson GRFMA with the Office of The Hon David Speirs, Minister for Environment where Mr. Baldwin was advised that should the GRFMA make application to the BBR Fund, and be successful in obtaining the maximum grant, that the State Government would commit to contributing \$13.5 Million to the Project in support. The State contribution being subject to the Storm Water Management Authorities authorisation.

This would realise a total of \$23.5 Million external funding for the Northern Floodway Project leaving the GRFMA to raise the remaining \$3.5 Million from its constituent councils or other partners e.g., prospective developers.

Applications for the Building Better Regions Fund - Infrastructure Projects Stream close COB, 15 November 2018

In discussing this proposal, the Board reaffirmed its view that capital costs of the Northern Floodway Project works should be funded on a 50/50 basis between the Federal and State Government.

Subsequently the meeting passed the following resolution:

*That the GRFMA Board:*

- 1. Receives and notes the Board Report from the Executive Officer titled “. Northern Floodway Project” as supplemented by the verbal update at the meeting from the Chairperson and Executive Officer;*
- 2. Seeks approval from the State Government to utilise a portion of their \$13.5M funding commitment to the Northern Floodway Project to enable the submission of a Building Better Regions (BBR) Fund - Infrastructure Projects Stream, to the Australian Government in order to develop the preliminary design for the Project as detailed in item 3. below;*
- 3. Delegates to the Executive Officer to make an initial application on behalf of the Authority to fund the preliminary design associated with the Northern Floodway Project and to cost up the works as identified in table 7.1 of the Northern Floodway Prospectus titled ‘Indicative costs of major elements of works required to progress the project (items 1-5)’ and duly submit the application to the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, based on the costs of these works on a 50/50 basis between the Federal and State Government; and*
- 4. Provides formal notification to each constituent council by close of business on 14 November 2018 regarding the Building Better Regions (BBR) Fund - Infrastructure Projects Stream, Grant application and the basis of the cost contributions.*

I advise that actions have now been implemented to facilitate submission of a suitable BBR application to enable compliance with the submission closure date of 15 November 2018.

The application to be submitted will reflect the total of cost elements as identified Table 7.1 items 1 to 5 of the Northern Floodway Project Prospects, plus a price index escalator and contingency allowance.

These items include the major elements of preliminary works required to be undertaken first so that a more robust assessment of final project design and costs might be understood and considered prior to a further funding application (on the same 50/50 State and Federal Government funding contribution) for subsequent completion of the Project.

This effectively results in a total project cost of \$2 Million with the application seeking \$ 900,000 in BBR funding which is to be matched with a \$ 900,000 funding contribution (commitment) from the State Government. An in-kind GRFMA contribution of \$200,000 has also been included. There is to be no constituent council funding requirement.

It is likely, in event of a successful application, that completion of the preliminary design works and costings will take some time (12-14 Months) to implement.

Yours Sincerely



David Hitchcock  
Executive Officer Gawler River Floodplain Management Authority.

 <b>Adelaide Plains Council</b>	<b>16.5</b>	<b>Local Government Association – Annual General Meeting</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/53614</b>

## **OVERVIEW**

The purpose of this report is to advise Council of the outcomes from the recent Local Government Association (LGA) – Annual General Meeting (AGM) held on 26 October 2018.

Council, at its 20 August 2018 Ordinary meeting, resolved to submit the following motions to the LGA AGM for consideration:-

14.1 Moved Councillor Panella Seconded Councillor Stubing **2018/359**

**“that Council, having considered Item 14.1 – *Local Government Association 2018 Annual General Meeting – Council Notice of Motion and Voting Delegates*, dated 20 August 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to submit the following Notice of Motions to the Local Government Association for inclusion in the agenda for the Annual General Meeting to be held on 26 October 2018:-**

***“that the Annual General Meeting request the Local Government Association liaise with the State Government to commence a state wide asbestos identification, collection and rehabilitation program with particular focus on coastal areas known for the illegal dumping of asbestos materials.”***

**CARRIED**

14.1 Moved Councillor Keen Seconded Councillor Strudwicke **2018/360**

**“that Council, having considered Item 14.1 – *Local Government Association 2018 Annual General Meeting – Council Notice of Motion and Voting Delegates*, dated 20 August 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to submit the following Notice of Motions to the Local Government Association for inclusion in the agenda for the Annual General Meeting to be held on 26 October 2018:-**

***“that the Local Government Association lobby the State Government that the major northern gateway to Adelaide (Port Wakefield Highway) be cleaned up and***

*maintained, and monies be resourced from waste levies.”*

CARRIED

14.1 Moved Councillor Strudwicke Seconded Councillor Lawrence 2018/361

**“that Council, having considered Item 14.1 – Local Government Association 2018 Annual General Meeting – Council Notice of Motion and Voting Delegates, dated 20 August 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to submit the following Notice of Motions to the Local Government Association for inclusion in the agenda for the Annual General Meeting to be held on 26 October 2018:-**

*“that the Annual General Meeting requests that the Local Government Association liaise with the Natural Resources Adelaide and Mount Lofty Ranges to investigate the possibility of reimbursing Council for the unpaid NRM Levy on rateable properties.”*

*and*

*“that the Annual General Meeting requests that the Local Government Association liaise with the Office of the Valuer-General and propose finalising property valuation data by 31 March of each year to align with Council budget timelines, processes and adoption.””*

CARRIED

The above motions were subsequently submitted to the LGA AGM, which was held at the Adelaide Entertainment Centre on Friday 26 October 2018 and at which Adelaide Plains Council (APC) delegates were present.

Management is pleased to notify Council that all APC motions (with some slight amendments) were successfully adopted by the LGA member Councils. An extract from the Draft Minutes from the LGA AGM is provided below:-

**8.3 Northern Gateway Maintenance (Adelaide Plains)**

Moved Adelaide Plains Seconded Wakefield Regional that the Annual General Meeting requests the LGA to lobby the State Government that the major northern gateway to Adelaide (Port Wakefield Highway) be cleaned up and maintained, and monies be resourced from waste levies.

Carried

**8.4 State Wide Asbestos Strategy (Adelaide Plains)**

Moved Adelaide Plains Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to liaise with the State Government to commence a state wide asbestos identification, collection and rehabilitation program with particular focus on coastal areas known for the illegal dumping of asbestos materials.

Carried

8.7 **Improved Local Government Budget Processes (Adelaide Plains)**

Moved Adelaide Plains Seconded Murray Bridge that the Annual General Meeting requests the LGA to continue to advocate on behalf of local government to remove the requirement for councils to collect land levies via council rates in relation to both the existing Natural Resources Management Act 2004 and the proposed Landscapes SA legislation.

**Carried**

Moved Adelaide Plains Seconded Light Regional that the AGM requests the Secretariat to consult with councils to determine whether the LGA liaises with the Office of the Valuer-General in relation to finalising property valuation data by 31 March of each year to align with Council budget timelines, processes and adoption.

**Carried**

A full copy of the Draft Minutes of the LGA AGM is provided for as **Attachment 1** to this report for Council's information.

## **RECOMMENDATION**

***“that Council, having considered Item 16.5 – Local Government Association – Annual General Meeting, dated 21 November 2018, receives and notes the report.”***

---

## **Attachments**

1. Draft Minutes of the LGA Annual General Meeting held on Friday 26 October 2018.

## **References**

### Legislation

*Local Government Act 1999*

### Council Policies/Plans

Nil

Draft

## Draft Minutes of the LGA Annual General Meeting held on Friday 26 October 2018 at 11.15am at the Adelaide Entertainment Centre, 98 Port Road, Hindmarsh

### 1. Open & Welcome

The President opened the meeting at 11:15am and welcomed members and staff.

#### Present:

President Cr Sue Clearihan

#### *LGA Secretariat:*

Chief Executive Officer Matt Pinnegar

Executive Director Corporate & Member Services Kathy Jarrett

Executive Director Public Affairs Lisa Teburea

Executive Director Commercial Steve Nolis

Office Manager (Minutes) Jacqui Kelleher

Voting Scrutineers Andrew Wroniak & Ben Swan

#### *Member Councils (voting delegates):*

Adelaide City Council District Council of Copper Coast

Adelaide Hills Council District Council of Elliston

Adelaide Plains Council The Flinders Ranges Council

Alexandrina Council District Council of Franklin Harbour

The Barossa Council Town of Gawler

Barunga West Council Goyder Regional Council

Berri Barmera Council District Council of Grant

City of Burnside Holdfast Bay City Council

Campbelltown City Council Kangaroo Island Council

District Council of Ceduna District Council of Karoonda East Murray

City of Charles Sturt District Council of Kimba

Clare & Gilbert Valleys Council Kingston District Council

Coorong District Council Light Regional Council

District Council of Cleve District Council of Lower Eyre Peninsula

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District Council of Loxton Waikerie	Port Pirie Regional Council
City of Marion	City of Prospect
Mid Murray Council	Renmark Paringa Council
City of Mitcham	City of Salisbury
Mount Barker District Council	Southern Mallee District Council
City of Mount Gambier	District Council of Streaky Bay
District Council of Mount Remarkable	Tatiara District Council
Rural City of Murray Bridge	City of Tea Tree Gully
Naracoorte Lucindale Council	District Council of Tumby Bay
Northern Areas Council	City of Unley ( <i>from 12.05pm – Item 6.4</i> )
City of Norwood Payneham & St Peters	City of Victor Harbor
City of Onkaparinga	Wakefield Regional Council
District Council of Orroroo/Carrieton	Town of Walkerville
District Council of Peterborough	Wattle Range Council
City of Playford	City of West Torrens
City of Port Adelaide Enfield	City of Whyalla
Port Augusta City Council	Wudinna District Council
City of Port Lincoln	Yorke Peninsula Council

## 2. Apologies and Absences

District Council of Coober Pedy	District Council of Yankalilla
Municipal Council of Roxby Downs	District Council of Robe

## 3. Notices & Arrangements

The Executive Director Corporate & Member Services outlined the notices and arrangements for the meeting.

## 4. President's Address

The President provided a verbal report (copy attached).

Draft

Moved Port Adelaide Enfield Seconded West Torrens that the Annual General Meeting:

1. notes the verbal report; and
2. extends appreciation to Cr Clearihan for her excellent work and commitment during her term of office as President.

**Carried**

## **5. Minutes of Previous Meeting**

5.1 Minutes of the General Meetings held on 13 April and 13 July 2018

Moved Berri Barmera Seconded Lower Eyre Peninsula that the Annual General Meeting confirms the minutes of the meetings held on 13 April and 13 July 2018 as true and accurate records of the proceedings held.

**Carried**

5.2 Resolutions and Actions from Previous Meetings

Moved Mount Barker Seconded Goyder that the Annual General Meeting notes progress with resolutions resulting from the ordinary general meeting of 13 April and special general meeting of 13 July 2018 and outstanding resolutions from earlier general meetings.

**Carried**

## **6. Discussion Reports from the LGA Board**

6.1 LGA Policy Manual Endorsement

Moved Port Lincoln Seconded Northern Areas that the Annual General Meeting:

1. notes the report on outcomes of the sector-wide consultation on the updated content of the LGA Policy Manual; and
2. endorses the revised LGA Policy Manual to take effect from 26 October 2018.

**Carried**

6.2 Inclusive Representation in Local Government

Moved Alexandrina Seconded Naracoorte Lucindale that the Annual General Meeting:

1. notes the report;
2. notes the actions undertaken by the Local Government Association to support inclusive representation in local government in South Australia; and
3. encourages all councils in South Australia to implement strategies and actions to increase participation in local government by all members of the community.

**Draft** **Carried**

6.3 Ancillary Documentation

Moved Gawler Seconded Coorong that the Annual General Meeting adopts the Ancillary Documents (noting the correction to clause 4.3.4 of the SAROC Terms of Reference to change GAROC to SAROC) to the new LGA Constitution:

- a. Membership Proposition
- b. Terms of reference for the South Australian Regional Organisation of Councils (SAROC)
- c. Terms of reference for the Greater Adelaide Regional Organisation of Councils (GAROC)
- d. Terms of reference for the Audit & Risk Committee
- e. Terms of reference for the CEO Advisory Group
- f. Meeting procedure

**Carried**

6.4 LGA Board Director Remuneration

Procedural motion – Moved Marion that the meeting agree to adjourn item 6.4 *LGA Board Director Remuneration*, pending a copy of the consultant’s report referenced within the report, being provided to the membership in order for consideration to be given to the full content.

Following advice from the Executive Director Corporate & Member Services the procedural motion was **withdrawn** by Marion.

Moved Burnside Seconded Ceduna that the Annual General Meeting adopts the following remuneration structure for LGA Board Directors:

LGA President	\$47,982 (unchanged from the current allowance)
Directors (x 9 including the Immediate Past President)	\$4,291 (unchanged from the current allowance paid to Vice Presidents) plus reasonable expenses for directors to attend meetings

**Carried**

*12.05 pm Unley joined the meeting.*

A division was called by Marion.

For: Adelaide, Adelaide Plains, Alexandrina, Barossa, Berri Barmera, Burnside, Ceduna, Charles Sturt, Clare & Gilbert Valleys, Cleve, Corong, Copper Coast, Elliston, Flinders Ranges, Franklin Harbour, Gawler, Goyder, Grant, Holdfast

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Bay, Karoonda East Murray, Kimba, Kingston, Light, Lower Eyre Peninsula, Loxton Waikerie, Mid Murray, Mount Barker, Mount Gambier, Mount Remarkable, Murray Bridge, Naracoorte Lucindale, Onkaparinga, Orroroo Carrieton, Peterborough, Playford, Port Adelaide Enfield, Port Augusta, Port Lincoln, Port Pirie, Prospect, Renmark Paringa, Salisbury, Southern Mallee, Streaky Bay, Tatiara, Tea Tree Gully, Victor Harbor, Wakefield Regional, Walkerville, Whyalla, Yorke Peninsula.

Against Adelaide Hills, Barunga West, Campbelltown, Marion, Mitcham, Northern Areas, Norwood Payneham St Peters, Unley, Wattle Range, West Torrens, Wudinna

Absent: Kangaroo Island, Robe, Roxby Downs, Yankalilla

Abstained: Tumby Bay

The President confirmed the motion was **Carried**.

6.5 Annual Report 2017/18

Moved Mid Murray Seconded Victor Harbor that the Annual General Meeting receives and adopts the LGA of SA Annual Report for the year 2017/2018.

**Carried**

6.6 Financial Statements 2017/18

Moved Mount Barker Seconded Mid Murray that the Annual General Meeting receives and adopts the LGA of SA and controlled entities Financial Statements for the year 2017-18.

**Carried**

## 7. Information Reports from the LGA Board

7.1 LGA Advocacy Update

Moved Murray Bridge Seconded Naracoorte Lucindale that the Annual General Meeting notes the report on the LGA's advocacy activities.

**Carried**

7.2 Local Government Research and Development Scheme

Moved Alexandrina Seconded Victor Harbor that the Annual General Meeting notes the report.

**Carried**

7.3 Local Government Financial Indicators 2018

Moved Victor Harbor Seconded Port Adelaide Enfield that the Annual General Meeting notes the report.

**Carried**

Draft

7.4 LGA Schemes Review Update

Moved Mid Murray Seconded Northern Areas that the Annual General Meeting notes the report.

**Carried**

7.5 LGA Schemes Results Financial Year 2018 - LGA Workers Compensation Scheme & LGA Mutual Liability Scheme

Moved Loxton Waikerie Seconded Port Pirie that the Annual General Meeting notes the report.

**Carried**

7.6 LGA 2018 Value Proposition and Pricing Methodology

Moved Naracoorte Lucindale Seconded Goyder that the Annual General Meeting notes the report.

**Carried**

## 8. Council Notices of Motion

8.1 Commonwealth Home Support Program Funding (Marion)

Moved Marion Seconded Adelaide Hills that the Annual General Meeting requests the LGA to lobby the ALGA to continue campaigning for the Commonwealth Government to confirm funding for Local Government to provide services to older people within our local communities post June 2020 when the Commonwealth Home Support Program funding ceases.

**Carried**

8.2 Affordable Housing 'Deliberative Development' (Prospect)

Moved Prospect Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA investigate whether there is sufficient evidence across Local Government for a model of co-located affordable housing (new housing models including 'Deliberative development') which maintains existing streetscapes, including planning implications and funding opportunities.

**Carried**

8.3 Northern Gateway Maintenance (Adelaide Plains)

Moved Adelaide Plains Seconded Wakefield Regional that the Annual General Meeting requests the LGA to lobby the State Government that the major northern gateway to Adelaide (Port Wakefield Highway) be cleaned up and maintained, and monies be resourced from waste levies.

**Carried**

8.4 State Wide Asbestos Strategy (Adelaide Plains)

Moved Adelaide Plains Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to liaise with the State Government to

Draft

commence a state wide asbestos identification, collection and rehabilitation program with particular focus on coastal areas known for the illegal dumping of asbestos materials.

**Carried**

8.5 Commitment to Managing Recyclable Waste (Prospect)

Moved Prospect Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government for the establishment of a sector wide commitment that by 2025, local government in South Australia will fully participate in a circular economy in respect to waste management and will support waste processing which creates products for use by local government.

**Carried**

8.6 Increasing Procurement of Recyclable Waste (Prospect)

Moved Prospect Seconded Holdfast Bay that the Annual General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to:

- (a) significantly increase local governments' procurement of products made partially or wholly from recycled materials through a review of procurement policies and specifications and development of templates for use across the sector;
- (b) establish a sector wide Memorandum of Understanding for endorsement by Councils to commit to purchasing products made partially or wholly from recycled products as a demonstration of commitment and as a foundation for supporting the establishment and development of new industries within the State; and
- (c) focus the 2019 LGA Showcase meeting to be held in April on waste management and recycling.

**Carried**

8.7 Improved Local Government Budget Processes (Adelaide Plains)

Moved Adelaide Plains Seconded Murray Bridge that the Annual General Meeting requests the LGA to continue to advocate on behalf of local government to remove the requirement for councils to collect land levies via council rates in relation to both the existing *Natural Resources Management Act 2004* and the proposed Landscapes SA legislation.

**Carried**

Moved Adelaide Plains Seconded Light Regional that the AGM requests the Secretariat to consult with councils to determine whether the LGA liaises with the Office of the Valuer-General in relation to finalising property valuation data by 31 March of each year to align with Council budget timelines, processes and adoption.

Draft **Carried**

8.8 Citizen Notification Power for By-law Offences (Onkaparinga)

Moved Onkaparinga Seconded Coorong that the Annual General Meeting requests the LGA advocate for an extension of powers under the *Local Government Act 1999* to allow for citizen notification for a breach of by-law offences.

**Lost**

8.9 Increasing the maximum penalty that can be fixed for a breach of a by-law (section 246 of the *Local Government Act 1999*) (Onkaparinga)

Moved Onkaparinga Seconded Renmark Paringa that the Annual General Meeting requests the LGA to advocate for an amendment to section 246(3)(g) of the *Local Government Act 1999* to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiation fee that can be fixed under section 246(5) of the Act.

**Carried**

8.10 Fee for Lodgement of a Section 270 Complaint (Mitcham)

Moved Mitcham Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to request that the Government consider placement of a small "lodgement fee" on all section 270 complaints made to various councils. Should a complaint be upheld then the fee would be refunded in full.

**Carried**

8.11 Timing of Local Government Elections (Norwood Payneham & St Peters)

Moved Norwood Payneham St Peters Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to lobby the State Government to investigate the merits of State Government and Local Government elections being held two (2) years apart from each other, as opposed to the current arrangement of being held in the same year.

**Lost**

8.12 Suspension of Allowances during State or Federal Elections (Mitcham)

Moved Mitcham Seconded Port Adelaide Enfield that the Annual General Meeting the *Local Government Act 1999*, be amended such that any local government elected member on nomination, endorsement or declaration of candidacy for any position in State or Federal Parliament shall for the duration of the Election cycle have all allowances suspended. This should include provision of motor vehicle and other support. The LGA will liaise with the Minister for Local Government to determine any further detail that makes the intent of this motion acceptable and enforceable.

**Amendment** Moved Prospect Seconded Adelaide that the Annual General Meeting the *Local Government Act 1999*, be amended such that any local government elected member on nomination, endorsement or declaration of

Draft

candidacy for any position in State or Federal Parliament shall for the period of suspension to only be from when the nominations are lodged and accepted to the election outcome and that the elected member take leave of absence during this time and have all allowances suspended. This should include provision of motor vehicle and other support. The LGA will liaise with the Minister for Local Government to determine any further detail that makes the intent of this motion acceptable and enforceable.

The Amendment become the motion was **Carried**

The motion as amended was put and was **Carried**

#### 8.13 Newstart Allowance (Onkaparinga)

Moved Onkaparinga Seconded Prospect that the Annual General Meeting requests the LGA to endorse motion 64, passed at the 2018 ALGA National General Assembly, and that the LGASA actively lobby, and work with, ALGA and our federal and state parliamentary colleagues to facilitate an increase to the Newstart allowance as a matter of urgency.

Moved Mitcham that the motion be put.

**Carried**

The motion was put and was **Lost**

A division was called by Onkaparinga.

For: Adelaide, Adelaide Hills, Alexandrina, Barossa, Berri Barmera, Burnside, Clare & Gilbert Valleys, Coorong, Grant, Lower Eyre Peninsula, Loxton Waikerie, Mount Barker, Mount Gambier, Murray Bridge, Northern Areas, Onkaparinga, Playford, Port Adelaide Enfield, Prospect, Renmark Paringa, Salisbury, Tatiara, Tea Tree Gully, Victor Harbor, Wakefield Regional, Walkerville, Whyalla, Wudinna

Against Adelaide Plains, Barunga West, Campbelltown, Ceduna, Cleve, Copper Coast, Elliston, Flinders Ranges, Gawler, Goyder, Holdfast Bay, Karoonda East Murray, Kimba, Kingston, Light, Marion, Mid Murray, Mitcham, Mount Remarkable, Naracoorte Lucindale, Norwood Payneham St Peters, Orroroo Carrieton, Peterborough, Port Augusta, Port Lincoln, Port Pirie, Southern Mallee, Streaky Bay, Tumby Bay, Unley, Wattle Range, Yorke Peninsula.

Absent: Coober Pedy, Charles Sturt, Franklin Harbor, Kangaroo Island, Robe, Roxby Downs, Yankalilla

Abstained: West Torrens

The President confirmed the motion was **Carried**.

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8.14 Statewide Industrial Relations (Marion)

Moved Marion that the Annual General Meeting requests the LGA to take the lead on managing industrial relations and negotiate 1 statewide agreement within indoor staff ie ASU and 1 statewide agreement with outdoor staff ie AWU.

**The Motion lapsed for want of a seconder**

**9. Late Reports**

Nil.

**10. Next Meeting**

An Ordinary General meeting will be held on Friday 12 April 2019 at the Adelaide Entertainment Centre, 98 Port Road, Hindmarsh.

**11. Close**

The meeting was declared closed at 1.28 pm.

**Minutes confirmed**

.....

Chairperson – Cr Susan Clearihan

Date .....

## 2018 LGA AGM President's Speech

This has been a big year for local government, and it's an honour to provide the President's Report to the meeting this morning.

It's been my privilege to hold this position for the past four months.

From today, a new chapter will begin as our next President – Mayor Sam Telfer – begins his tenure.

I would like to begin by thanking former President Mayor Rosenberg for her service during the current term of the Board.

Mayor Rosenberg guided the LGA through an important period with passion and commitment, advocating strongly for our sector.

Under her leadership, we commenced work on a significant reform agenda that will re-shape and strengthen local government for years to come.

I would also like to thank the outgoing Board members for their service.

It's been a privilege working with you to provide valuable leadership to our sector.

I wish you all the best, and know that you will continue to serve your communities - be it through council, or other worthy organisations.

Giving back to the community is part of our DNA.

Over the past year, we have achieved a lot – including our new Constitution which was endorsed at our OGM in April.

This Constitution supports our priorities of less process and more outcomes, stronger policy engagement and increasing value for members.

Since our OGM, you've helped to bring this Constitution to life, taking part in workshops and giving your feedback on the ancillary documents.

Today we will be seeking endorsement of these new documents, enabling them to come into effect at the same time as our new Constitution.

When I look back at the past six months, the most significant challenge we have faced has been rate capping.

Standing united as a sector, we were able to protect our communities from a policy that has hurt communities in NSW and Victoria, and presented a real risk to South Australia.

Labor have announced their own plans for local government reform, and introduced a Bill containing these reforms into Parliament earlier this week.

Their Bill has in-principle support from the Greens and SA-BEST, who have stood beside Labor in opposing rate capping.

Some of these alternative reform proposals are consistent with what the LGA has previously proposed, or are already looking to implement, while other proposals will need careful scrutiny by the LGA and the sector.

The LGA will be examining the proposed legislation carefully, and consulting with members before forming a final position.

However, at the crux of this issue, is the need for local government reform.

This is something that all parties – and the LGA – agree on.

We want to work hand-in-hand with the State Government and the Parliament on this reform. We can't do it alone.

The Minister for Local Government, Stephan Knoll, has committed to working with our sector on reform, and we look forward to consultation over the coming months.

What we need is change that will support continued improvement in councils.

Reforms like benchmarking for councils, standardising our council auditing procedures, improving our code of conduct and finding ways to diversify our revenue streams will enable us to become more efficient and better serve our communities.

One example of how we are already driving our reform agenda is the recent launch of our new commercial services arm.

Through LGASA Commercial Solutions, there is a significant opportunity to remove duplications across councils, drive down costs and improve the way we operate as a sector.

In mid-September, a new legal services partnership with HWL Ebsworth was announced, which is predicted to save councils more than \$2 million a year.

This is money that can be invested back into our communities.

The agreement with HWL includes a free legal hotline, providing councils with access to a network of experienced legal practitioners across Australia.

We've also launched a travel partnership with Corporate Traveller, and an energy audits partnership with LGA Queensland.

Another highlight from the past six months has been completing the review and restructure of our Mutual Liability and Workers Compensation Schemes.

This review has not only addressed recommendations made by the Auditor-General, but is also projected to save ratepayers at least \$43 million over the next ten years.

This is in addition to the \$28 million in savings delivered by the Schemes to councils every year.

Looking to the challenges of the coming year, a key focus will undoubtedly be determining a path forward in the wake of China's National Sword Policy.

Alongside Green Industries SA, we have been running workshops to examine how councils can become part of the solution.

Ultimately, this new policy also presents also an opportunity to strengthen our recycling industry and develop a circular economy, which will have a positive environmental and economic impact.

Planning will also remain a focus, as the LGA works with both councils and the State Government on the transition to South Australia's new planning system.

Federally, we know that an election is imminent, and we will work with ALGA to advocate for a better deal for South Australian councils and communities.

This will include pushing for increases to Financial Assistance Grants, and hopefully securing ongoing supplementary road funding for South Australia.

In real terms, the total pool of FAGs funding has fallen from around 1% of taxation in 1996 to 0.55% today.

This is a trend we need to reverse.

Councils collect just 4% of taxation, and we need fair funding to maintain the billions of dollars of assets we provide for communities.

Securing ongoing supplementary road funding for SA is another priority, and I would like to acknowledge the other state LGAs and ALGA for standing behind us on this.

South Australia has 11% of Australia's local road network, and 7% of its population, but receives just 5.5% of Identified Local Roads Grant funding.

The supplementary road funding we receive to make up for this anomaly will run out at the end of this current financial year, and we'll be pushing for it to be extended, and ultimately made permanent.

I would like to close with the subject that is most pertinent at the moment – the 2018 council elections.

This year we've seen a 20 year high in nominations – including an all-time record in nominations from women – and I couldn't be prouder of this result.

The LGA has worked closely with councils on a campaign to increase diversity in our sector, and the record number of nominations from women shows the message is getting through.

Ballot papers went out earlier this week, and now it's up to the South Australian voters to determine the candidates that best represent their views and needs.

It is an incredible privilege to serve as a member of a council, and as a sector we should hold ourselves to the highest standards in how we interact with each other, council staff, and community members.

Communities put more trust and faith in us when we treat each other with respect and work together to achieve great outcomes for South Australia.

We all need to do our part to create an environment where everyone in local government feels safe, included and supported – even when we might disagree with each other.

The LGA has advocated for changes to the Code of Conduct that would better equip councils to deal with serious issues of harassment and bullying when they occur, and working with the Government on these changes remains a priority.

In recent weeks the LGA has held its own elections, to appoint a new President, and new members to SAROC and GAROC.

I would like to congratulate all of you who were appointed to these positions, and in particular our new President, Tumby Bay Mayor Sam Telfer.

This was the first time in a number of years where we had numerous candidates for the position of President, and it is great to see so much interest in this role.

There's much to be done in local government.

Our sector is the most efficient, and most transparent sphere of government, but we should always be looking for opportunities to get better.

I look forward to handing over the reigns to Mayor Telfer at the end of our meeting today, and have every confidence that Sam – and the new LGA Board – will lead our sector towards an even brighter future.

Thank you.

Attachment

 <b>Adelaide Plains Council</b>	<b>16.6</b>	<b>Gawler River Floodplain Management Authority – Audit Committee</b>
	<b>Department:</b>	<b>Executive Office</b>
	<b>Report Author:</b>	<b>Chief Executive Officer</b>
<b>Date: 21 November 2018</b>	<b>Document Ref:</b>	<b>D18/54800</b>

## **OVERVIEW**

The purpose of this report is to inform Members that the Gawler River Floodplain Management Authority (GRFMA) is seeking registrations of interest from constituent council Elected Members for nomination for appointment to the GRFMA Audit Committee.

Presented as **Attachment 1** to this report is a copy of correspondence from the GRFMA Executive Officer dated 16 November 2018.

A copy of the Notice calling for Registrations of Interest is presented as **Attachment 2** to this report.

Suitably qualified Members may choose to register their interest in relation to this appointment.

## **RECOMMENDATION**

**“that Council, having considered Item 16.6 – *Gawler River Floodplain Management Authority – Audit Committee*, dated 21 November 2018, receives and notes the report.”**

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## **Attachments**

1. Copy of letter from GRFMA Executive Officer dated 16 November 2018.
2. Copy of notice calling for Registrations of Interest.

## **References**

### Legislation

*Local Government Act 1999*

### Council Policies/Plans

Nil

Gawler River Floodplain Management Authority  
266 Seacombe Road, Seacliff Park, SA 5049  
Telephone: 0407717368 Email: [davidehitchcock@bigpond.com](mailto:davidehitchcock@bigpond.com)  
Website: [www.gawler.sa.gov.au/grfma](http://www.gawler.sa.gov.au/grfma)

16/11/18

James Miller  
Chief Executive Officer  
Adelaide Plains Council  
2a Wasleys Road  
MALLALA SA 5502  
By email [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)

Dear James,

I am writing to seek registrations of interest from constituent council Elected Members for nomination for appointment to the GRFMA Audit Committee.

A vacancy now exists following retirement of the previously appointed GRFMA Audit Committee member who was the constituent councils Elected Member representative.

Nominations are sought from members (who may be a GRFMA Board Member or a member of a constituent Council) who have financial experience relevant to the functions of the GRFMA Audit Committee.

Section 13 of Schedule 2 Part 1 of the Local Government Act requires that the functions of an audit committee (for a regional subsidiary) include—

- Reviewing annual financial statements to ensure that they provide a timely and fair view of the state of affairs of the subsidiary; and
- Liaising with external auditors; and
- Reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

It is expected that the committee will meet not less than four times per year.

See attached for the Nomination Form (to be completed as appropriate) and the GRFMA Audit Committee Terms of Reference.

I would be pleased to receive nominations by 5pm on 7 December 2018.

Following nomination and GRFMA Board endorsement the Constituent Councils must then approve the appointment of members of a regional subsidiary audit committee.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'D. Hitchcock', with a long horizontal flourish extending to the right.

David Hitchcock  
Executive Officer Gawler River Floodplain Management Authority.

### Gawler River Floodplain Management Committee Audit Committee Registrations of Interest

Registrations of Interest are sought from Constituent Council elected members (who may be a GRFMA Board Member or a member of a constituent Council) who have financial experience relevant to the functions of the audit committee. Following nomination and GRFMA Board endorsement the Constituent Councils must then approve the appointment of members of a regional subsidiary audit committee. It is expected that the committee will meet not less than four times per year. Section 13 of Schedule 2 Part 1 of the Local Government Act requires that the functions of an audit committee (for a regional subsidiary) include—

(a) Reviewing annual financial statements to ensure that they provide a timely and fair view of the state of affairs of the subsidiary; and (b) Liaising with external auditors; and (c) Reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

See attached for the GRFMA Audit Committee Terms of Reference.

#### Please complete electronically

Full Name	
Residential address	
Telephone	
Email	
Council Role/Experience	
Financial experience relevant to the functions of an audit committee	
Skills that you would bring to the committee	
Any other comments you would like considered	

To be considered for this position, please complete electronically and return to [davidehitchcock@bigpond.com](mailto:davidehitchcock@bigpond.com) by 5pm on 7 December 2018

Inquiries to David Hitchcock Executive Officer GRFMA, mob 0407717368 email [davidehithcock@bigpond.com](mailto:davidehithcock@bigpond.com)

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## GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

### AUDIT COMMITTEE- TERMS OF REFERENCE

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Strategic Reference	
File reference	GRFMA, Audit Committee Terms of Refence
Responsibility	Executive Officer
Revision Number	2
Effective date	10 December 2018
Last revised date	21 April 2011
Minutes reference	
Next review date	December 2019
Applicable Legislation	Local Government Act 1999 Section 30 Schedule 2, Part 2,
Related Policies	
Related Procedures	

## **1. Introduction and Context**

The GRFMA Audit Committee will provide an important role between the Authority, its management and its constituent Councils. One of the primary roles of the committee is to provide suggestions and recommendations to the GRFMA Board about actions to be taken to enhance financial and operational governance, considered to be in the best interests of the subsidiary and its constituent Councils.

## **2. Terms of Reference**

The principle functions and extent of authority for the GRFMA Audit Committee are consistent with the minimum statutory functions as set out in Section 30 Schedule 2, Part 2, of the Local Government Act 1999. The committee has key responsibilities in overseeing and monitoring the GRFMA's financial reporting process, the approaches to business risks, corporate and financial governance responsibilities and legal compliance. Specifically, the committee shall take a lead role in:

### **2.1 Financial reporting**

- 2.1.1 The committee shall monitor the integrity of the financial statements of the GRFMA, including its annual report, reviewing significant financial reporting issues and judgments which they contain.
- 2.1.2 The committee shall review and challenge where necessary:
  - 2.1.2.1 The consistency of, and /or any changes to, accounting policies;
  - 2.1.2.2 The methods used to account for significant or unusual transactions where different approaches are possible;
  - 2.1.2.3 Whether the GRFMA has followed appropriate accounting standards and made appropriate estimates and judgments, taking into account the views of the external auditor;
  - 2.1.2.4 The clarity of disclosure in the GRFMA's financial reports and the context in which statements are made; and
  - 2.1.2.5 All material information presented with the financial statements, such as the operating and financial review and any corporate governance statements (insofar as it relates to the audit and risk management).

### **2.2 Internal controls and risk management systems**

The committee shall:

- 2.2.1 Keep under review the effectiveness of the GRFMA's internal controls and risk management systems; and
- 2.2.2 Review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management. management plans to manage and mitigate this business risk.

### **2.3 Whistle blowing**

- 2.3.1 The committee shall review the GRFMA's arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters. The committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

### **2.4 External audit**

The committee shall:

- 2.4.1 Develop and implement a policy on the supply of non-audit services by the external auditor, taking into account any relevant ethical guidance on the matter;
- 2.4.2 Consider and make recommendations to the GRFMA, in relation to the appointment, re-appointment and removal of the GRFMA's external auditor. The committee shall oversee the selection process for new auditors and if an auditor resigns the committee shall investigate the issues leading to this and decide whether any action is required;
- 2.4.3 Oversee the GRFMA's relationship with the external auditor including, but not limited to:
  - 2.4.3.1 Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
  - 2.4.3.2 Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
  - 2.4.3.3 Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of GRFMA's relationship with the auditor, including the provision of any non-audit services;
  - 2.4.3.4 Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the GRFMA (other than in the ordinary course of business);
  - 2.4.3.5 Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
  - 2.4.3.6 Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee's own internal quality procedures);
- 2.4.4 Meet as needed with the external auditor. The committee shall meet the external auditor at least once a year, without the Executive Officer being present; to discuss the external auditor's report and any issues arising from the audit;
- 2.4.5 Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following:
  - 2.4.5.1 A discussion of any major issues which arose during the external audit;
  - 2.4.5.2 Any accounting and audit judgments; and
  - 2.4.5.3 Levels of errors identified during the external audit. The committee shall also review the effectiveness of the external audit.
- 2.4.6 Review any representation letter(s) requested by the external auditor before they are signed by management; (Note that these representation letters are a standard practice of any audit and provide the auditor confirmation from management, in particular the Chief Financial Officer) that, amongst other matters, accounting standards have been consistently applied, that all matters

that need to be disclosed have been so disclosed and that the valuation of assets has been consistently applied.

- 2.4.7 Review the management letter and management's response to the external auditor's findings and recommendations.

The GRFMA Board may also refer to the committee issues of a strategic nature, or other issues as deemed relevant, from time to time.

### **3. Membership**

In accordance with part 4A(3) of the Local Government (Financial Management) regulations, a regional audit committee: must have between 3 and 5 members (inclusive); must include at least 1 person who is not a member of the board of management of the regional subsidiary and who is determined by the constituent councils to have financial experience relevant to the functions of the audit committee; may include members who are members of a constituent council and must not include, as a member, the auditor of the subsidiary under Part 5 of the Local Government Act 1999.

Accordingly, membership to the GRFMA Audit Committee shall comprise:

1. Membership of three persons
2. One person who is an independent person, and who is determined by the constituent councils to have financial experience relevant to the functions of the audit committee. This person shall also be the Committee Chair.
3. Two persons who may be a GRFMA Board Member or a member of a constituent Council or an officer of a constituent council and have experience relevant to the functions of the audit committee.

### **4. Appointment to Committee**

The process for appointment of Officers to the committee and filling of casual vacancies will be through a call for written nominations from suitable individuals with skills, interest and experience relevant to the committee.

The Board will assess all nominations against the membership criteria.

The Board will recommend persons who meet the membership criteria for approval to form, and fill casual vacancies, to membership of the Committee.

The Board will submit recommendations to the constituent councils for approval pursuant to Section 30(3) Section 2 Part 2 of the Local Government Act 1999.

The Board may remove a member from the Committee on the grounds that he or she has been absent without leave from three or more consecutive meetings, or is not performing duties as required within the purpose of this Committee.

### **5. Term of Office**

Members shall be appointed for a two-year term and may be reappointed.

### **6. Committee Support**

The GRFMA Executive Officer shall provide executive support to the committee.

The committee may seek representation or advice from other specialists on an adhoc basis as required.

### **7. Meeting Conduct and Procedures**

In accordance with the principles of open, transparent and informed decision making, committee meetings shall be conducted in a place open to the public. The agenda and minutes of the committee meetings, subject to any items that are discussed in confidence under the Local Government Act 1999 and subsequently retained as confidential under the Act, are also required to be made available to the public.

- 7.1 The meetings of the Committee shall be held in accordance with the Local Government (Procedures at Meetings) Regulations 2000.
- 7.2 Meetings shall be held at least four (4) times per year, or at other times as determined by the Committee. Meetings should be held a minimum of two weeks prior to a GRFMA Board meeting. All minutes and recommendations of the committee shall be presented to the next available meeting of the GRFMA Board.
- 7.3 The GRFMA's external auditors may be invited to attend meetings of the Committee (but not as voting members)
- 7.4 Ordinary meetings of the Committee shall be held at the discretion of the GRFMA Board, or subject to a decision of the GRFMA Board, or the Committee. A special meeting of the committee may be called in accordance with the Act.
- 7.5 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the committee and observers, no later than 3 clear days before the date of the meeting. Supporting papers shall be sent to committee members (and to other attendees as appropriate) at the same time.
- 7.6 No Committee Member shall vote or take part in debate who has an interest in any matters before the Committee that would contravene Sections 73, 74 and 75 of the Local Government Act, 1999.
- 7.7 The Committee shall keep or cause to be kept minutes of all meetings, which shall include a record of the names of members present at each meeting. Minutes of meetings shall be circulated within five (5) days after a meeting to all members of the committee. Draft (or confirmed) minutes will be placed on the subsequent GRFMA Board agenda for information of both GRFMA Board Members and public.
- 7.8 The Minute Book of the Committee shall be produced for inspection to the GRFMA Board.
- 7.9 The Committee shall furnish to the GRFMA Board such information concerning the Committee's proceedings and activities as may be required.
- 7.10 Only members of the committee are entitled to vote in committee meetings.
- 7.11 The quorum necessary for the transaction of business shall be 50% of the number of members of the committee plus one.

## **8. General**

- 8.1 The activities of the Committee shall be regulated by such directions as may be made from time to time by the Constituent Councils and by such Terms of Reference as may be made by the Committee, and ratified by the GRFMA Board.
- 8.2 The Committee will have no delegated authority, acting in an advisory capacity only under direction from the GRFMA Board.
- 8.3 The Presiding Member shall be responsible to the GRFMA Board for the proper observance of these Terms of Reference. However, no member shall be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made

in good faith. However, Committee members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.

- 8.4 The GRFMA Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions
- 8.5 In the event of there being any dispute, which cannot be resolved by the Committee, the matter in question is to be referred to the GRFMA Board for resolution.
- 8.6 The Terms of Reference may be amended by the GRFMA Board.
- 8.7 Notwithstanding anything in these Terms of Reference, all rights under the Local Government Act 1999, shall be observed.
- 8.8 Members of the committee who are not elected Council members are not required to complete a Register of Interest Return pursuant to Section 64 of the Local Government Act 1999.
- 8.9 Members are expected to:
  - act honestly and within the law at all times;
  - act in good faith and not for improper or ulterior motives;
  - act in a reasonable, just and non discriminatory manner;
  - undertake their role with reasonable care and diligence;
  - conduct their ongoing relationship with fellow GRFMA Board Members, GRFMA contractors and or employees, Council Members, Council employees and the public with respect, courtesy and sensitivity;
  - use information in a careful and prudent manner.

**References:**

LGA Information Paper 3 - Audit Committees

LGA Information Paper 14 – Model Work Program For Council Audit Committees

 Adelaide Plains Council	22.1 CONFIDENTIAL ITEM
21 November 2018	

22.1 Audit Committee – Terms of Reference and Appointment of Members

22.1 Audit Committee – Terms of Reference and Appointment of Members

**RECOMMENDATION**

“that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, General Manger – Governance and Communications, General Manager – Development and Community, Acting General Manager – Infrastructure and Environment, General Manager – Finance and Economic Development, Governance Officer and Executive Assistant be excluded from attendance at the meeting of the Council for Agenda Item 22.1 – *Audit Committee – Terms of Reference and Appointment of Members*;
2. Council is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item 22.1 – *Audit Committee – Terms of Reference and Appointment of Members* concerns information of a confidential nature the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person, constituting information relevant to the applicants’ potential appointment and suitability for a position on Council’s Audit Committee and it would be unreasonable to disclose this information as part of the confidential recruitment process; and
3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”





















































## **RECOMMENDATION**

**“that Council, having considered the matter of Agenda Item 22.1 – *Audit Committee – Terms of Reference and Appointment of Members* in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that:-**

- 1. The staff report and the minutes pertaining to Agenda Item 22.1 – *Audit Committee – Terms of Reference and Appointment of Members* remain confidential and not available for public inspection until all the applicants for positions on the Audit Committee have been advised of the outcome of their application;**
- 2. Attachments 2 and 3 to Agenda Item 22.1 – *Audit Committee – Terms of Reference and Appointment of Members* remain confidential and not available for public inspection until further order of Council;**
- 3. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and**
- 4. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”**