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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

Monday, 18 September 2017 at 6.30 PM

.....
James Miller
CHIEF EXECUTIVE OFFICER

AGENDA

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Adelaide Plains Council	**2 MINUTES**
Monday 18 September 2017	

Items:

2.1 Confirmation of Council Minutes – Ordinary meeting held 21 August 2017

RECOMMENDATION

"that the minutes of the Ordinary Council meeting held on Monday 21 August 2017 (MB Folios 13593 to 13616, 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, 21 August 2017

Subject to

The Deputy Mayor, Councillor Lawrence as Presiding Member, formally declared the meeting open at 6.30pm.

1. ATTENDANCE RECORD

1.1 Present:

Cr Melville Lawrence (Deputy Mayor)

Cr S M (Marcus) Strudwicke

Cr Terry-Anne Keen

Cr Eddie Stubing

Cr Stephen Jones

Cr P D (Joe) Daniele

Cr Karen McColl

Also in Attendance:

Chief Executive Officer	Mr James Miller
General Manager, Governance and Communications	Ms Sheree Schenk
General Manager, Infrastructure	Mr Martin Waddington
General Manager, Finance and Economic Development	Mr Rajith Udugampola
Acting General Manager, Development and Community	Mr Brendon Schulz
Planning Officer	Ms Megan Lewis
Governance Support Officer	Mr Rob Adam
Minute Secretary	Ms Andrea Post

1.2 Apologies:

Mayor A J (Tony) Flaherty OAM JP

Cr Carmine Di Troia

1.3 Not Present / Leave of Absence:

Nil

Subject to Confirmation

2. CONFIRMATION OF MINUTES

2.1 Moved Cr Jones Seconded Cr Stubing **2017/ 230**

"that the minutes of the Ordinary Council meeting held on Monday 17 July 2017 (MB Folios 13576 to 13592, inclusive), be accepted as read and confirmed."

CARRIED

Cr McColl called a Point of Order as the Presiding Member, before declaring if the motion is carried or lost, is to also seek clarification as to which members voted against the motion.

The Presiding Member accepted the Point of Order.

3. BUSINESS ARISING

No Business Arising

4. ADJOURNED BUSINESS

4.1 Review of Council's Delegations

Moved Cr Strudwicke Seconded Cr McColl **2017/ 231**

1. "that Council, having considered Item 4.1 – *Review of Council's Delegations*, dated 21 August 2017, receives and notes the report and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

1. REVOCATIONS

1.1 Hereby revokes immediately except where otherwise specified its previous delegations to the Chief Executive Officer of those powers and functions under the following:

1.1.1 Community Titles Act 1996;
1.1.2 Development Act 1993 and Development Regulations 2008;
1.1.3 Dog & Cat Management Act 1995 (to take effect from 1 July 2017)
1.1.4 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010;
1.1.5 Expiation of Offences Act 1996;
1.1.6 Fences Act 1975;
1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005;
1.1.8 Food Act 2001;
1.1.9 Freedom of Information Act 1991;
1.1.10 *Deliberately left blank;*

Subject to Confirmation

1.1.11 Land & Business (Sale and Conveyancing) Act 1994;
1.1.12 Liquor Licensing Act 1997;
1.1.13 Local Government Act 1999;
1.1.14 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005;
1.1.15 Roads (Opening & Closing) Act 1991;
1.1.16 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;
1.1.17 South Australian Public Health Act 2011 the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013;
1.1.18 Supported Residential Facilities Act 1992;
1.1.19 Unclaimed Goods Act 1987;
1.1.20 Work Health and Safety Act 2012;
1.1.21 Safe Drinking Water Act 2011;
1.1.22 Water Industry Act 2012 and Water Industry Regulations 2012;
1.1.23 Real Property Act 1886;
1.1.24 Strata Titles Act 1988;
1.1.25 Heavy Vehicle National Law (South Australia) Act 2013;
1.1.26 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014;
1.1.27 Electronic Conveyancing National Law (South Australia) Act 2013;
1.1.28 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017; and
1.1.29 Planning, Development and Infrastructure Act 2016."

CARRIED

4.1 Moved Cr Strudwicke Seconded Cr Jones **2017/ 232**

"that Council, having considered Item 4.1 – *Review of Council's Delegations*, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

2. DELEGATIONS MADE UNDER *LOCAL GOVERNMENT ACT 1999*

2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified

Subject to Confirmation

in the proposed Instruments of Delegation contained in Appendices 1-25 (each of which is individually identified as indicated below) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer to take immediate effect except where otherwise specified subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

2.1.1 Community Titles Act 1996 (Appendix 1)

2.1.2 Dog & Cat Management Act 1995 (to take effect from 1 July 2017) (Appendix 2)

2.1.3 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 3)

2.1.4 Expiation of Offences Act 1996 (Appendix 4)

2.1.5 Fences Act 1975 (Appendix 5)

2.1.6 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 6)

2.1.7 Freedom of Information Act 1991 (Appendix 7)

2.1.8 *Deliberately left blank*

2.1.9 Land & Business (Sale & Conveyancing) Act 1994 (Appendix 8)

2.1.10 Liquor Licensing Act 1997 (Appendix 9)

2.1.11 Local Government Act 1999 (Appendix 10)

2.1.12 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 11)

2.1.13 Roads (Opening and Closing) Act 1991 (Appendix 12)

2.1.14 Work Health and Safety Act 2012 (Appendix 13)

2.1.15 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 14)

2.1.16 Unclaimed Goods Act 1987 (Appendix 15)

2.1.17 South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 (Appendix 16)

2.1.18 Safe Drinking Water Act 2011 (Appendix 17)

2.1.19 Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 18)

2.1.20 Real Property Act 1886 (Appendix 19)

2.1.21 Strata Titles Act 1988 (Appendix 20)

2.1.22 Heavy Vehicle National Law (South Australia) Act 2013

Subject to Confirmation

(Appendix 21)

2.1.23 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 22)

2.1.24 Electronic Conveyancing National Law (South Australia) Act 2013 (Appendix 23)

2.1.25 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017 (Appendix 24)

2.1.26 Planning, Development and Infrastructure Act 2016 (Appendix 25).

2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation."

CARRIED

4.1 Moved Cr Strudwicke Seconded Cr McColl **2017/ 233**

"that Council, having considered Item 4.1 – *Review of Council's Delegations*, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

3. DELEGATIONS MADE UNDER DEVELOPMENT ACT 1993

3.1 In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation to the Chief Executive Officer under the *Development Act 1993, Development (Development Plans) Amendment Act 2006* and *Development Regulations 2008* and marked Appendix 26) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*."

Subject to Confirmation

CARRIED

4.1 Moved Cr McColl Seconded Cr Strudwicke **2017/ 234**

"that Council, having considered Item 4.1 – *Review of Council's Delegations*, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

4. DELEGATIONS MADE UNDER FOOD ACT 2001

4.1 In exercise of the powers contained in Section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation under the *Food Act 2001* and marked Appendix 27) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the *Food Act 2001*), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.

4.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*."

CARRIED

4.1 Moved Cr Strudwicke Seconded Cr Jones **2017/ 235**

"that Council, having considered Item 4.1 – *Review of Council's Delegations*, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

5. DELEGATIONS UNDER SUPPORTED RESIDENTIAL FACILITIES ACT 1992

5.1 In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation under the *Supported Residential Facilities Act 1992* and marked Appendix 28) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying

Subject to Confirmation

the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*."

CARRIED

4.1 Moved Cr Strudwicke Seconded Cr Jones **2017/ 236**

"that Council, having considered Item 4.1 – *Review of Council's Delegations*, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

6. AUTHORISATIONS AND SUBDELEGATION UNDER THE ROAD TRAFFIC ACT 1961

6.1 In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

Martin Waddington

Paul Cleghorn

6.2 In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following persons are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

Martin Waddington

Paul Cleghorn

6.3 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the *Road Traffic Act 1961* and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Subdelegation

Subject to Confirmation

(annexed to the Report dated 21 August 2017 and entitled Subdelegation to the Chief Executive Officer under the *Road Traffic Act 1961* made in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure and marked Appendix 29) (distributed under separate cover) is hereby sub-delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer of the Council subject to:

(i) the conditions contained in the Instrument; and

(ii) any conditions contained in this Resolution or in the Instrument of Subdelegation; and

(iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.

6.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of traffic management Plans:

Martin Waddington

Paul Cleghorn"

CARRIED

4.1 Moved Cr Strudwicke Seconded Cr McColl **2017/ 237**

"that Council, having considered Item 4.1 – *Review of Council's Delegations*, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

7. DELEGATIONS UNDER SAFE DRINKING WATER ACT 2011 (OF ENFORCEMENT AGENCY)

7.1 In exercise of the power contained in Section 43 of the *Safe Drinking Water Act 2011* the powers and functions of the Council as a relevant authority under the *Safe Drinking Water Act 2011* contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation under the *Safe Drinking Water Act 2011* and marked Appendix 17) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

Subject to Confirmation

7.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*."

CARRIED

4.1 Moved Cr Strudwicke Seconded Cr McColl **2017/ 238**

"that Council, having considered Item 4.1 – *Review of Council's Delegations*, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

8. DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES ACT 2005 TO A FIRE PREVENTION OFFICER

8.1 In exercise of the power contained in Section 93 of the *Fire and Emergency Services Act 2005* the powers and functions under the *Fire and Emergency Services Act 2005* contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation to Fire Prevention Officer(s) under the *Fire Emergency Services Act 2005* and marked Appendix 30 (distributed under separate cover) are hereby delegated this 21 August 2017 to the person appointed Fire Prevention Officer of the Council under the *Fire and Emergency Services Act 2005* subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005*.

8.2 Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005*."

CARRIED

Subject to Confirmation

The Presiding Member sought and was granted leave of the meeting to deal with Item 4.2 – *Sale of Land for Non-Payment of Rates* after item 20 - Urgent Business.

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

Cr Keen declared a perceived conflict for Item 14.6 – *Draft Northern Food Bowl Protection Areas – Development Plan Amendmen*t. Cr Keen is employed by Department of Communities and Social Inclusion and they are one of the consultants.

6. OPEN FORUM

The Presiding Member sought and was granted leave of the meeting to suspend Part 2 of the *Local Government Act (Procedures at Meetings) Regulations 2013*, for a period of 20 minutes to facilitate *'Open Forum'.* The meeting was suspended at 6.42 pm.

The following speakers addressed Council in relation to Open Forum:

Neil Tiller *Mallala*

Margaret Tiller *Mallala*

The meeting resumed at 6.55 pm.

7. MAYOR'S REPORT

7.1 Meetings and Discussions

21 July 2017

Meeting with Light Regional Council Deputy Mayor, Chief Executive Officer and Chief Executive Officer Adelaide Plains Council

Meeting - McArthurs

24 July 2017

Meeting with Resident/Ratepayer

26 July 2017

Meeting with Resident/Ratepayer

27 July 2017

Mayor / Deputy Mayor / Chief Executive Officer Meeting

28 July 2017

Mayor / Chief Executive Officer Meeting - Adelaide

31 July 2017

Informal Gathering – Elected Member Workshop - Summary of Code of Practice & Meeting Procedures / Draft Strategic Plan / Food Bowl DPA

Subject to Confirmation

1 August 2017

Meeting with Resident/Ratepayer

14 August 2017

Chief Executive Officer Review Committee Meeting

Informal Gathering – Elected Member Workshop – Rubble Raising and Crushing / Section 41 Committee Review Workshop

15 August 2017

Mayor / Chief Executive Officer

Audit Committee Meeting

Agenda Finalisation – Mayor / CEO / EA to CEO

21 August 2017

Ordinary Council Meeting

Note: Many meetings with ratepayers discussing issues and phone calls regarding Council.

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

9.1 Crystal Molloy

As the spokesperson for the surrounding residents of the proposed Alinta Energy Power Station site, Ms Molloy addressed concerns from the community members including:-

- pollution;
- noise;
- lights;
- lack of consultation;
- devaluation of property; and
- country lifestyle being turned into an industrial area.

9.2 John Lush

As the spokesperson for Adelaide Plains Ratepayers Association, Mr Lush addressed:-

- establishing a Business Council for the Adelaide Plains; and
- living on the flood plain:
  - interpretation of the rules; and
  - conflicting compliance issues.

Subject to Confirmation

9.2 Moved Cr Keen Seconded Cr Stubing **2017/ 239**

"that the correspondence and hard copy deputation presentation from Mr John Lush be received."

CARRIED

10. PRESENTATIONS / BRIEFINGS

10.1 Gawler River Floodplain Management Authority – Chairman, Ian Baldwin and Executive Officer, David Hitchcock

11. PETITIONS

No Petitions

12. COMMITTEE RECOMMENDATIONS

12.1 Mallala and Districts Historical Committee – meeting held 5 July 2017

Moved Cr Strudwicke Seconded Cr Keen **2017/ 240**

"that Council receives and notes the minutes of the Mallala and Districts Historical Committee meeting held 5 July 2017."

CARRIED

12.2 Chief Executive Officer Review Committee – meeting held 14 August 2017

Moved Cr Strudwicke Seconded Cr McColl **2017/ 241**

"that Council receives and notes the minutes of the Chief Executive Officer Review Committee meeting held 14 August 2017."

CARRIED

The Presiding Member sought and was granted leave of the meeting to deal with Item 12.2 – *Chief Executive Officer Review Committee – meeting held 14 August 2017* after Item 4.2 – *Sale of Land for Non-Payment of Rates*.

13. ASSOCIATED ORGANISATIONS

Nil

Subject to Confirmation

14. REPORTS FOR DECISION

14.1 Policy Review – Code of Practice – Meeting Procedures

Moved Cr Strudwicke Seconded Cr Daniele **2017/ 242**

"that Council, having considered Item 14.1 – *Review of Code of Practice – Meeting Procedures*, dated 21 August 2017, receives and notes the report and in doing so:-

1. **Endorses the updated Code of Practice – Meeting Procedures (as set out in Attachment 1) with the following amendments:-**
   a. **11.1 and 11.2 Deputations as noted;**
   b. **the deletion of Public Open Forum point 3; and**
   c. **the insertion at clause 15 of a new sub-clause between subclauses (11) and (12) stating that '*a member may seek leave of the meeting to remain seated while addressing the meeting*';**
2. **Authorises the Chief Executive Officer to make any necessary final amendments to the document."**

CARRIED

14.2 Policy Review – Public Consultation Policy

Moved Cr Strudwicke Seconded Cr Daniele **2017/ 243**

"that Council, having considered Item 14.2 – *Policy Review – Public Consultation Policy*, dated 21 August 2017, receives and notes the report and in doing so adopts the revised Public Consultation Policy – Attachment 1."

CARRIED

14.3 Proposed Road Closure and Disposal – Portion of Old Port Wakefield Road Two Wells

Moved Cr Daniele Seconded Cr Jones **2017/ 244**

"that Council, having considered Item 14.3 - *Proposed Road Closure and Disposal – Portion of Old Port Wakefield Road Two Wells* dated 21 August 2017 receives and notes the report and in doing so:-

1. **Council make a Road Process Order in accordance with the *Roads (Opening and Closing) Act 1991* to close the said portion of road marked "A" on Preliminary Plan 17/0038 for the purpose of *Agreement for Transfer* to OTR 137 Pty Ltd for the consideration of $60,000.00 (excluding GST) for merging with the adjoining Allotment 179 Filed Plan 162528 in Certificate of Title Volume 5306 Folio 163;**
2. **A Final Plan be prepared based on Preliminary Plan 17/0038 with no amendments;**

Subject to Confirmation

3. **Pursuant to Section 38 and 44 of the *Local Government Act 1999,* Council authorise the Mayor and Chief Executive Officer to sign and affix Council's seal to the necessary documents to give effect to the Road Process Order; and**

4. **That Council reaffirms it position that all costs associated with this project shall be borne by OTR 137 Pty Ltd."**

CARRIED

14.4 Strategic Plan 2017-2020

Moved Cr Strudwicke Seconded Cr McColl **2017/ 245**

"that Council, having considered Item 14.4 – *Strategic Plan 2017 – 2020,* dated 21 August 2017, received and notes the report and in doing so endorses the Strategic Plan 2017 – 2020 as presented in Attachment 1 to this report."

CARRIED

14.5 Gawler Community Plan 2017 – 2027

Moved Cr Keen Seconded Cr Strudwicke **2017/ 246**

"that Council, having considered Item 14.5 – *Gawler Community Plan 2017-2027*, dated 21 August 2017, receives the report and in doing so, endorses the proposed feedback to Town of Gawler as set out in Attachment 1."

CARRIED

14.6 Draft Northern Food Bowl Protection Areas – Development Plan Amendment

Moved Cr Strudwicke Seconded Cr Keen

"that Council, having considered Item 14.6 – *Draft Northern Food Bowl Protection Areas Development Plan Amendment – Statutory Consultation,* dated 21 August 2017, receives and notes the report and in doing so:-

1. **authorises the Chief Executive Officer to release the Draft Northern Food Bowl Protection Areas Development Plan Amendment for concurrent Agency and Public Consultation pursuant to Section 25 (8)(b) of the *Development Act 1993*, subject to minor technical amendments as requested by DPTI; and**

2. **authorises the Chief Executive Officer to coordinate a meeting open to the public to hear community representations (if required) on 30 October 2017 at 5.30pm at the Adelaide Plains Council Chambers, Redbanks Road, Mallala and provide advice to Council in respect to this matter pursuant to Section 25 (11) (b) of the *Development Act 1993*."**

Subject to Confirmation

Amendment

Moved Cr Daniele Seconded Cr Stubing **2017/ 247**

"That the following be removed:

- **"*at the Adelaide Plains Council Chambers, Redbanks Road, Mallala*";**

and changed to:

- **"*that some respect is given to the people of Two Wells and Lewiston having to travel to Mallala, and hold the meeting in the Two Wells Community Centre, Old Port Wakefield Road, Two Wells; or failing this, at the Two Wells Catholic Church Hall*"**

LOST

14.6 Moved Cr Strudwicke Seconded Cr Keen **2017/ 248**

"that Council, having considered Item 14.6 – *Draft Northern Food Bowl Protection Areas Development Plan Amendment – Statutory Consultation,* dated 21 August 2017, receives and notes the report and in doing so:-

1. **authorises the Chief Executive Officer to release the Draft Northern Food Bowl Protection Areas Development Plan Amendment for concurrent Agency and Public Consultation pursuant to Section 25 (8)(b) of the *Development Act 1993*, subject to minor technical amendments as requested by DPTI; and**
2. **authorises the Chief Executive Officer to coordinate a meeting open to the public to hear community representations (if required) on 30 October 2017 at 5.30pm at the Adelaide Plains Council Chambers, Redbanks Road, Mallala and provide advice to Council in respect to this matter pursuant to Section 25 (11) (b) of the *Development Act 1993*."**

CARRIED

Councillor Daniele called for a **division**:

The Presiding Member declared the vote set aside.

Members voting in the affirmative: Councillors Strudwicke, Keen, Stubing, Jones and McColl.

Members voting in the negative: Councillor Daniele.

The Presiding Member declared the motion CARRIED

Subject to Confirmation

14.7 Successful Grant Update - Light, Gilbert and River Catchments for an Advanced Monitoring and Alert System

Moved Cr Keen Seconded Cr Strudwicke **2017/ 249**

"that Council, having considered Item 14.7 – *Successful Grant Update - Light, Gilbert and River Catchments for an Advanced Monitoring and Alert System*, dated 21 August 2017 receives and notes the report and in doing so:-

1. **Adopts the required funding contributions in partnership with the four participating councils for the installation of a regional flood monitoring and warning/alert system for the Light and Wakefield River catchments;**
2. **Allocates $4,500 towards the project through reallocations identified in the 2017-2018 Q1 budget review; and**
3. **Allocates $16,500 towards the project in 2018-2019 plus maintenance costs thereafter of approximately $2,000 to $3,000 per annum."**

CARRIED

15. REPORTS FOR INFORMATION

15.1 Council Resolutions/Actions Report

Moved Cr McColl Seconded Cr Strudwicke **2017/ 250**

"that Council, having considered Item 15.1 – *Council Resolutions/Action Report*, dated 21 August 2017, receives and notes the report."

CARRIED

15.2 Gawler River Floodplain Management Authority Membership Review – Status Update

Moved Cr Strudwicke Seconded Cr McColl **2017/ 251**

"that Council, having considered Item 15.2 – *Gawler River Floodplain Management Authority Membership Review – Status Update*, dated 21 August 2017, formally receives and notes the report."

CARRIED

Subject to Confirmation

15.3 Dog and Cat Management – Board Membership Nominations

Moved Cr Strudwicke Seconded Cr McColl **2017/ 252**

"that Council, having considered Item 15.3 – *Dog and Cat Management – Board Membership Nominations*, dated 21 August 2017, receives and notes the report."

CARRIED

15.3 Moved Cr McColl Seconded Cr Jones **2017/ 253**

"that Council, having considered Item 15.3 – *Dog and Cat Management – Board Membership Nominations*, nominates Councillor Keen to put forward an application to the LGA for the Board Member position."

CARRIED

16. QUESTIONS ON NOTICE

16.1 Rates Income versus Expenditure for Hundred of Port Gawler, Hundred of Dublin and Hundred of Grace

Councillor Daniele gave notice of his intention to ask the following questions:	
Preamble	As a lot of ratepayers have questioned me about where Ratepayers money has been sent – my question is about the Hundred of Port Gawler, the Hundred of Dublin and finally the Hundred of Grace:-
Question 1:	**How much rate revenue from each of the Hundred has been raised in each once since 2010 up tho this year 2017?**
Answer:	The Council does not maintain details of rates income by Hundred. However, rates information can be provided by ward.
Question 2:	**How much has been spent in each Hundred since 2010 up to this year 2017?**
Answer:	The Council does not maintain details of expenditure by Hundred. Council maintain expenditure on individual roads if it is either sealed, cat 1 or cat 2 but not for cat 3 or 4 roads. For cat 3 & 4 data is not captured at the road name level instead lumped together.

16.2 Rates Income versus Operational Expenditure for Unsealed Roads – Two Wells

Councillor Daniele gave notice of his intention to ask the following questions:	
Preamble	For the past several years I have continually requested the sealing of the following roads:- • Buckland Park Road (from Halstead Road to Highway One)

Subject to Confirmation

	• Glover Road (Williams Road to Germantown Road) • Tatura Avenue (Buckland Park Road to Highway One) • Middle Beach Road (Full Length) • Coats Road (Williams Road to Germantown Road)
Question 1:	**How many properties are there all inclusive, on each road?**
Answer:	Buckland Park Road = 35 assessments Glover Road = 22 assessments Tatura Road = 27 assessments Middle Beach Road = 23 assessments Coats Road = 27 assessments
Question 2:	**How much rate revenue has been collected from all since 2010?**
Answer:	$1,234,825.41
Question 3:	**How much has been spent on the upkeep of these roads?**
Answer:	The only 2 roads with tracked costs are Buckland Park road with $35,812 for the period 2010-2017 and Middle Beach Road with $125,449 for the same period 2010-2017.

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 Road Upgrade Assessment Tool

Moved Cr Jones Seconded Cr Strudwicke **2017/ 254**

"that Council requests a report that addresses road upgrades in the context of Council's Asset Management Plan, and seeks to reintroduce a multi-criteria selection process broadly based on the existing '*Roads Matrix*', with improvements that take into consideration the various purposes of road candidates, that if upgraded would provide economic, environmental or aesthetic benefits together with funding considerations."

CARRIED

The Presiding Member sought and was granted leave of the meeting to bring forward Item 20.1 – *Legatus Group – Draft Business Plan 2017/2018*.

Subject to Confirmation

20. URGENT BUSINESS

20.1 Legatus Group – Draft Business Plan 2017/2018

Moved Cr Strudwicke Seconded Cr Stubing **2017/ 255**

"that Council, having considered Item 20.1 – *Legatus Group – Draft Business Plan 2017/2018*, dated 21 August 2017, receives and notes the report and in doing so instructs the Chief Executive Officer to advise the Legatus Group that Adelaide Plains Council has no objections with the Draft Budget 2017/2018."

CARRIED

18.2 Rescind Motion (2017/227)

Moved Cr Strudwicke Seconded Cr Stubing **2017/ 256**

"that, under the provisions of Section 90(2) of the *Local Government Act 1999*, an order be made that the public with the exception of [Chief Executive Officer, General Manager – Infrastructure, Acting General Manager – Development and Community, General Manager – Governance and Communications, Minute Secretary] be excluded from attendance at the meeting of the Council in order to consider in confidence this item.

18.2 – *Rescind Motion (2017/227)*

The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:-

- **on the grounds provided by Section 90(3)(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 the third party; and

  (ii) would, on balance, be contrary to the public interest; and

- **on the basis that information within the report and attachments:-**

  - **contains information about the commercial information, constituting information relevant to the potential appointment and suitability for being awarded the Rubble Raising Services 2017 – 2023; and**

  - **it would be unreasonable to disclose this information as part of the confidential tender process.**

Subject to Confirmation

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential."

CARRIED

4.2 Sale of Land for Non-Payment of Rates

Moved Cr Jones Seconded Cr Strudwicke **2017/ 257**

"that Council, having considered Item 4.2 – *Sale of Land for Non-Payment of Rates*, dated 21 August 2017, adjourn the matter."

CARRIED

12.2 Chief Executive Officer Review Committee meeting – held 14 August 2017

Moved Cr Strudwicke Seconded Cr Jones **2017/ 258**

"that, under the provisions of Section 90(2) of the *Local Government Act 1999*, an order be made that the public with the exception of [Chief Executive Officer and Minute Secretary] be excluded from attendance at the meeting of the Council in order to consider in confidence this item.

12.2 – *Chief Executive Officer Review Committee meeting – held 14 August 2017*

The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:

- **on the grounds provided by Section 90(3)(a), information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and**
- **on the basis that information within the report and attachments:**
  - **contains information about the personal affairs of person, constituting information relevant to the sale of land for non-payment of rates; and**
  - **it would be unreasonable to disclose this information.**

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential."

CARRIED

Subject to Confirmation

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Subject to Confirmation

[redacted]

[redacted]

Sub

12.2 Moved Cr Keen Seconded Cr Strudwicke **2017/ 265**

"that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 12.2 – *Chief Executive Officer Review Committee meeting – held 14 August 2017* for the meeting of the Council held on 21 August 2017, was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the *Local Government Act 1999*, this meeting of the Council, does order that:-

(a) the agenda item, report, attachments and minutes, in relation to the matter remain confidential and not available for public inspection until further order of the Council."

CARRIED

19. MOTIONS WITHOUT NOTICE

Nil

21. CONFIDENTIAL ITEMS

Nil

22. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 9.38 pm.

Confirmed as a true record.

Mayor: .....

Date: ____/____/___

Subject to Confirmation

Adelaide Plains Council	**4 ADJOURNED BUSINESS**
Monday 18 September 2017	

Items:

CONFIDENTIAL

4.1 Sale of Land for Non-Payment of Rates

4.1 Sale of Land for Non-Payment of Rates

RECOMMENDATION

"that, under the provisions of Section 90(2) of the *Local Government Act 1999*, an order be made that the public with the exception of [insert positions of all Council staff to remain present in the room (including Minute Secretary and Chief Executive Officer)] be excluded from attendance at the meeting of the Council in order to consider in confidence this item.

4.1 – *Sale of Land for Non-Payment of Rates*:

The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:

- **on the grounds provided by Section 90(3)(a), information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and**
- **on the basis that information within the report and attachments:**
  - **contains information about the personal affairs of person, constituting information relevant to the sale of land for non-payment of rates; and**
  - **it would be unreasonable to disclose this information.**

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential."

4.1 **RECOMMENDATION**

"that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 4.1 – *Sale of Land for Non-Payment of Rates* for the meeting of the Council held on 18 September 2017, was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the *Local Government Act 1999*, this meeting of the Council, does order that:

(a) the attachment (Attachment 1) in relation to the matter remain confidential and not available for public inspection until further order of the Council;

(b) the confidentiality of the matter be reviewed once in each 12 months; and

(c) pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order."

Adelaide Plains Council	**9 DEPUTATIONS**
Monday 18 September 2017	

Items:

9.1 Alvin Jenkin

Spokesperson for the community in Port Parham and Webb Beach area, and the Port Parham Sports and Social Club Inc.

- To address the concerns with regards to the Proposal from Department of Environment, Water and Natural Resources (DEWNR) to resume community land at Port Parham.
- The proposal for DEWNR to resume community land which is leased to the Port Parham Sports and Social Club Inc (PPSSC) by Adelaide Plains Council
- The deputation will include the results of the public meeting held at the PPSSC clubrooms on Sunday 17 September 2017.

Adelaide Plains Council	**12.1**	**Audit Committee – meeting held 15 August 2017**
	Department: **Report Author:**	**Executive Office** **Chief Executive Officer**
Date: 18 September 2017	**Container No:** **Document No:**	**CON12/522** **D17/22088**

OVERVIEW

The purpose of this report is to facilitate the receiving and noting of the minutes from the 15 August 2017 Audit Committee Meeting, and endorse the recommendations of the committee to Council.

RECOMMENDATION 1

"that Council receives and notes the minutes of the Audit Committee meeting held 15 August 2017."

RECOMMENDATION 2

"that Council endorses the recommendation of the Audit Committee and that the Draft Asset Financial Management Policy, as presented in Attachment 1 to the report, subject to minor corrections as discussed at the meeting, be adopted at its September 2017 ordinary meeting."

RECOMMENDATION 3

"that Council endorses the recommendation of the Audit Committee and that the Draft Budget Management Policy, as presented in Attachment 1 to the report, subject to minor updates as discussed at the meeting, be adopted at its September 2017 ordinary meeting."

RECOMMENDATION 4

"that Council endorses the recommendation of the Audit Committee and that the Draft Funding Policy, as presented in Attachment 1 to the report, be adopted at its September 2017 ordinary meeting."

RECOMMENDATION 5

"that Council endorses the recommendation of the Audit Committee and that the Draft Prudential Management Policy, as presented in Attachment 1 to the report, be adopted at its September 2017 ordinary meeting."

RECOMMENDATION 6

"that Council endorses the recommendation of the Audit Committee and that the Draft Treasury Management Policy, as presented in Attachment 1 to the report, be adopted at its September 2017 ordinary meeting."

RECOMMENDATION 7

"that Council endorses the recommendation of the Audit Committee and acknowledge the progress made to complete the activities identified for the Audit Committee during 2017-2018 Financial Year."

Attachments

1. **Minutes of Audit Committee meeting held 5 June 2017**

References

Legislation

Not Applicable

Council Policies

Not Applicable

MINUTES

of

Audit Committee Meeting of the

Adelaide Plains Council

Pursuant to the provisions of section 88 (1) of the
Local Government Act 1999

HELD IN

Council Chambers
Old Port Wakefield Road
Two Wells

on

Tuesday, 15 August 2017

The Chairman formally declared the meeting open at 2.33 PM

1. ATTENDANCE

1.1 **Present**

Chairman John Comrie
Mr Peter Fairlie-Jones
Mayor A J (Tony) Flaherty OAM
Cr Stephen Jones
Cr Melville Lawrence

Also in attendance for the meeting:

Chief Executive Officer	Mr James Miller
General Manger – Finance & Economic Development	Mr Rajith Udugampola
General Manager - Infrastructure	Mr Martin Waddington
Finance Coordinator	Mr Gary Graham
WHS Officer	Ms Angie-Marie Fuss
Minute Secretary	Ms Vicki Weaver

1.2 **Apologies**

1.3 **Not Present / Leave of Absence**

2. CONFIRMATION OF MINUTES

2.1

Committee Resolution **2017/ 030**

Moved Cr Lawrence Seconded Mr Fairlie-Jones

"that the minutes of meeting held on Monday 5 June 2017 (MB Folios 50 to 55, inclusive), be accepted as read and confirmed."

CARRIED

3. BUSINESS ARISING

4. REPORTS FOR DECISION

4.1 Review of Council Investment and Borrowings 2016-2017

Committee Resolution	**2017/ 031**
Moved Mayor Flaherty	Seconded Mr Fairlie-Jones

"that the Audit Committee, having considered Item 4.1 – *Review of Council Investment and Borrowings 2016-2017*, dated 15 August 2017, receives and notes the report"

CARRIED

4.2 Risk Register Introduction

Committee Resolution	**2017/ 032**
Moved Mr Fairlie-Jones	Seconded Cr Lawrence

"that the Audit Committee, having considered Item 4.2 – *Risk Register Introduction*, dated 15 August 2017, receives and notes the report and in doing so, approves the Risk Register Template as attached with minor edits as discussed at the meeting."

CARRIED

4.3 Fleet and Asset Management

Committee Resolution	**2017/ 033**
Moved Mr Fairlie-Jones	Seconded Mayor Flaherty

"that the Audit Committee, having considered Item 4.3 – *Fleet and Asset Management*, dated 15 August 2017, receives and notes the report and a further body of work be undertaken including addressing the issues highlighted in the resolutions of 18 April 2016 and 30 May 2016 Audit Committee Meetings, including but not limited to rubble crushing, to the next ordinary meeting."

CARRIED

4.4 Asset Financial Management Policy Review

Committee Resolution	**2017/ 034**
Moved Mayor Flaherty	Seconded Mr Fairlie-Jones

"that the Audit Committee, having considered Item 4.4 – *Asset Financial Management Policy Review*, dated 15 August 2017, receives and notes the

report and in doing so recommends to the Council that the Draft Asset Financial Management Policy as presented in Attachment 1 to this report, subject to minor corrections as discussed at the meeting, be adopted at its September 2017 ordinary meeting".

CARRIED

4.5 Budget Management Policy Review

Committee Resolution **2017/ 035**

Moved Cr Lawrence Seconded Mayor Flaherty

"that the Audit Committee, having considered Item 4.5 – *Budget Management Policy Review*, dated 15 August 2017, receives and notes the report and in doing so recommends to the Council that the Draft Budget Management Policy as presented in Attachment 1 to this report, be adopted at its September 2017 ordinary meeting, subject to minor updates as discussed at the meeting."

CARRIED

4.6 Funding Policy Review

Committee Resolution **2017/ 036**

Moved Cr Lawrence Seconded Mayor Flaherty

"that the Audit Committee, having considered Item 4.6 – *Funding Policy Review*, dated 15 August 2017, receives and notes the report and in doing so recommends to the Council that the Draft Funding Policy as presented in Attachment 1 to this report, be adopted at its September 2017 ordinary meeting".

CARRIED

4.7 Prudential Management Policy Review

Committee Resolution **2017/ 037**

Moved Mayor Flaherty Seconded Mr Fairlie-Jones

"that the Audit Committee, having considered Item 4.7 – *Prudential Management Policy Review*, dated 15 August 2017, receives and notes the report and in doing so recommends to the Council that the Draft Prudential Management Policy as presented in Attachment 1 to this report, be adopted at its September 2017 ordinary meeting".

CARRIED

4.8 Treasury Management Policy Review

Committee Resolution	**2017/ 038**
Moved Mr Fairlie-Jones	Seconded Cr Lawrence

"that the Audit Committee, having considered Item 4.8 – *Treasury Management Policy Review*, dated 15 August 2017, receives and notes the report and in doing so recommends to the Council that the Draft Treasury Management Policy as presented in Attachment 1 to this report, be adopted at its September 2017 ordinary meeting".

CARRIED

5. REPORTS FOR INFORMATION

5.1 Committee Resolutions

Committee Resolution	**2017/ 039**
Moved Mayor Flaherty	Seconded Mr Fairlie-Jones

"that the Audit Committee, having considered Item 5.1 – *Committee Resolutions*, dated 15 August 2017, receives and notes the report."

CARRIED

5.2 Update on Audit Committee Annual Work Program 2017-2018

Committee Resolution	**2017/ 040**
Moved Mayor Flaherty	Seconded Cr Lawrence

"that the Audit Committee, having considered Item 5.2 – *Update on Audit Committee Annual Work Program 2017-2018*, dated 15 August 2017, receives and notes the report and in doing so recommends to the Council that the Council acknowledges the progress made to complete the activities identified for Audit Committee during 2017-2018 Financial Year".

CARRIED

5.3 Annual Work Program Self Assessment 2016-2017

Committee Resolution	**2017/ 041**
Moved Mayor Flaherty	Seconded Cr Lawrence

"that the Audit Committee, having considered Item 5.3 – *Annual Work Program Self Assessment 2016-2017*, dated 15 August 2017, receives and

notes the report Annual Work Program Self Assessment 2016-2017 and that a survey be undertaken of Committee members to assess the performance of the committee for consideration at the next meeting."

CARRIED

5.4 Updated Financial Analysis – Application of a Separate Rate – Liberty and Eden Residential Development

Committee Resolution **2017/ 042**

Moved Mayor Flaherty Seconded Cr Lawrence

"that the Audit Committee, having considered Item 5.4 – *Updated Financial Analysis – Application of a Separate Rate – Liberty and Eden Residential Developments*, dated 15 August 2017, receives and notes the report."

CARRIED

6. CONFIDENTIAL ITEMS

7. GENERAL BUSINESS

8. NEXT MEETING

8.1 Special Meeting – Monday 11 September 2017 at 11.00am

9. CLOSURE

There being no further business, the Chairman declared the meeting closed at 4.12pm.

Confirmed as a true record.

Chairman: .....

Date: 11/9/17

Adelaide Plains Council	**12.2**	**Audit Committee – meeting held 11 September 2017**
	Department: **Report Author:**	**Executive Office** **Chief Executive Officer**
Date: 18 September 2017	**Container No:** **Document No:**	**CON12/522-2** **D17/22091**

OVERVIEW

The purpose of this report is to facilitate the receiving and noting of the minutes from the 11 September 2017 Audit Committee Meeting, and endorse the recommendations of the committee to Council.

Elected Members are advised that Mr David Hope of Skilmar Systems Pty Ltd has been cordially invited to address the meeting in relation to his report **(Attachment 2).**

In relation to Recommendation 8 below, following the meeting of the Audit Committee, it has been established that a risk management plan is currently in the early stages of development; as such Recommendation 8 is now considered superfluous.

RECOMMENDATION 1

"that Council receives and notes the minutes of the Audit Committee meeting held 11 September 2017."

RECOMMENDATION 2

"that Council endorses the recommendation of the Audit Committee, receives and notes the report and in doing so endorses the actions of the Chief Executive Officer to obtain independent advice from Mr David Hope of Skilmar Systems Pty Ltd."

RECOMMENDATION 3

"that Council endorses the recommendation of the Audit Committee and formally receives Mr Hope's report entitled *Some Considerations of the Proposal by Adelaide Plains Council to Withdraw from the Gawler River Floodplain Management Authority*, and in doing so acknowledges that in pursuing the notion of withdrawing from the GRFMA, Adelaide Plains Council will be exposed to a number of major risks, including but not limited to:-

1. **GRFMA ceases as an entity;**
2. **Loss of capacity to influence upstream works;**
3. **Adverse impact on the Northern Adelaide Plains food bowl;**
4. **Potential increased costs to the Adelaide Plains' ratepayers;**
5. **Adverse Ministerial response; and**
6. **Reputational risk."**

RECOMMENDATION 4

"that Council endorses the recommendation of the Audit Committee and in consideration of the report provided by Skilmar Systems Pty Ltd, and in consideration of the many risks associated with pursuing the withdrawal from the GRFMA, hereby elects to remain one (1) of six (6) constituent councils comprising the regional subsidiary."

RECOMMENDATION 5

"that Council endorses the recommendation of the Audit Committee and notes that Council Resolution 2017/121, adopted at its meeting held on 15 May 2017, called for Council staff to "*...immediately initiate the appropriate procedures to allow Adelaide Plains Council to withdraw from [the] Gawler River Floodplain Management Authority.*

Further, Council notes that Council Resolution 2017/152, adopted at its meeting held on 19 June 2017, formally acknowledged "*...that in order to progress the actions associated with Council Resolution 2017/121:-*

1. ***A report be provided to the Council outlining the financial costs and risk associated with proceeding with membership with the GRFMA or alternatively withdrawing from the GRFMA; and***
2. ***In consideration of the above, Council duly considers its position in respect of activating Clause 20 of the GRFMA Charter (Dispute Resolution) in regard to the GRFMA's apparent unwillingness to review Council contributions.***

In resolving not to exit the GRFMA, Council forms the view that this position is not at odds with earlier resolutions of Council and therefore does not require a Notice of Motion to rescind Council Resolution 2017/121."

RECOMMENDATION 6

"that Council endorses the recommendation of the Audit Committee and notes Minute GRB 17/061 from the August 2017 Ordinary Meeting of the 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."

RECOMMENDATION 7

"that Council endorses the recommendation of the Audit Committee and 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."

RECOMMENDATION 8

"that Council endorses the recommendation of the Audit Committee and instructs the Chief Executive Officer to prepare a report to the next meeting of the Audit Committee outlining the status of Council's Risk Management processes and whether or not there is indeed a Risk Management Plan and whether it needs to be updated."

RECOMMENDATION 9

"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."

Attachments

1. **Minutes of Audit Committee meeting held 11 September 2017.**
2. **Report and Attachments – Item 4.1 –** ***Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority.***

References

Legislation

Not Applicable

Council Policies

Not Applicable

MINUTES

of

Audit Committee Meeting of the

Pursuant to the provisions of section 88 (1) of the
Local Government Act 1999

HELD IN

Council Chambers
Redbanks Road
Mallala

on

Monday, 11 September 2017

Subject to confirmation

The Chairman formally declared the meeting open at 11.03am

1. ATTENDANCE

1.1 Present

Chairman John Comrie
Mr Peter Fairlie-Jones
Mayor A J (Tony) Flaherty OAM

Also in attendance for the meeting:

Chief Executive Officer	Mr James Miller
General Manager – Infrastructure	Mr Martin Waddington
Finance Coordinator	Mr Gary Graham
Asset Management Officer	Mr Tom Jones
Minute Secretary	Ms Vicki Weaver
Skilmar Systems Pty Ltd	Mr David Hope

1.2 Apologies

Cr Melville Lawrence

1.3 Not Present / Leave of Absence

Cr Stephen Jones

2. CONFIRMATION OF MINUTES

2.1 **Committee Resolution** **2017/ 043**

Moved Mayor Flaherty Seconded Mr Fairlie-Jones

"that the minutes of meeting held on Tuesday 15 August 2017 (MB Folios 56 to 61, inclusive), be accepted as read and confirmed."

CARRIED

3. BUSINESS ARISING

4. REPORTS FOR DECISION

4.1 Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority

Committee Resolution **2017/ 044**

Moved Mayor Flaherty Seconded Mr Fairlie-Jones

"that the Audit Committee recommends to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority*, dated 11 September 2017 receives and notes the report and in doing so endorses the actions of the

Subject to Confirmation

Chief Executive Officer to obtain independent advice from Mr David Hope of Skilmar Systems Pty Ltd."

CARRIED

4.1 **Committee Resolution** **2017/ 045**

Moved Mayor Flaherty Seconded Mr Fairlie-Jones

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, formally receives Mr Hope's report entitled *Some Considerations of the Proposal by Adelaide Plains Council to Withdraw from the Gawler River Floodplain Management Authority*, and in doing so acknowledges that in pursuing the notion of withdrawing from the GRFMA, Adelaide Plains Council will be exposed to a number of major risks, including but not limited to:-

1. **GRFMA ceases as an entity;**
2. **Loss of capacity to influence upstream works;**
3. **Adverse impact on the Northern Adelaide Plains food bowl;**
4. **Potential increased costs to the Adelaide Plains' ratepayers;**
5. **Adverse Ministerial response; and**
6. **Reputational risk."**

CARRIED

4.1 **Committee Resolution** **2017/ 046**

Moved Mr Fairlie-Jones Seconded Mayor Flaherty

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, in consideration of the report provided by Mr Hope, and in consideration of the many risks associated with pursuing the withdrawal from the GRFMA, hereby elects to remain one (1) of six (6) constituent councils comprising the regional subsidiary."

CARRIED

4.1 **Committee Resolution** **2017/ 047**

Moved Mr Fairlie-Jones Seconded Mayor Flaherty

"that the Audit Committee recommends to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, notes that Council Resolution 2017/121, adopted at its meeting held on 15 May 2017, called for Council staff to *"...immediately initiate the appropriate procedures to allow Adelaide Plains Council to withdraw from [the] Gawler River*

Subject to Confirmation

Floodplain Management Authority.

Further, Council notes that Council Resolution 2017/152, adopted at its meeting held on 19 June 2017, formally acknowledged *"...that in order to progress the actions associated with Council Resolution 2017/121:-*

1. ***A report be provided to the Council outlining the financial costs and risk associated with proceeding with membership with the GRFMA or alternatively withdrawing from the GRFMA; and***
2. ***In consideration of the above, Council duly considers its position in respect of activating Clause 20 of the GRFMA Charter (Dispute Resolution) in regard to the GRFMA's apparent unwillingness to review Council contributions.***

In resolving not to exit the GRFMA, Council forms the view that this position is not at odds with earlier resolutions of Council and therefore does not require a Notice of Motion to rescind Council Resolution 2017/121."

CARRIED

4.1 **Committee Resolution** **2017/ 048**

Moved Mayor Flaherty Seconded Mr Fairlie-Jones

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, notes Minute GRB 17/061 from the August 2017 Ordinary Meeting of the 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

4.1 **Committee Resolution** **2017/ 049**

Moved Mr Fairlie-Jones Seconded Mayor Flaherty

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, 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."

CARRIED

Subject to Confirmation

4.1 **Committee Resolution** **2017/ 050**

Moved Mayor Flaherty Seconded Mr Fairlie-Jones

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, instructs the Chief Executive Officer to prepare a report to the next meeting of the Audit Committee outlining the status of Council's Risk Management processes and whether or not there is indeed a Risk Management Plan and whether it needs to be updated."

CARRIED

4.2 Waste Collection Service – Internal Cost Model

Committee Resolution **2017/ 051**

Moved Mayor Flaherty Seconded Mr Fairlie-Jones

"that the Audit Committee recommend to Council that Council, having considered Item 4.2 – *Waste Collection Service – Internal Cost Model* dated 11 September 2017, 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

5. REPORTS FOR INFORMATION

5.1 No reports for information

6. CONFIDENTIAL ITEMS

6.1 No Confidential Items

7. GENERAL BUSINESS

7.1 No General Business

8. NEXT MEETING

8.1 To be determined

Subject to Confirmation

9. CLOSURE

There being no further business, the Chairman declared the meeting closed at 12.07pm.

Confirmed as a true record.

Chairman: .....

Date: ____/____/___

Subject to Confirmation

Adelaide Plains Council	**4.1**	**Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority**
	Department:	**Executive Office**
	Report Author:	**Chief Executive Officer**
Date: 11 September 2017	**Container No:**	**CON12/314-2**
	Document No:	**D17/20410**

EXECUTIVE SUMMARY

- Council, at its June 2017 ordinary meeting, adopted a recommendation from the Audit Committee meeting held on 5 June 2017 which called for a report to be provided to Council outlining the financial costs and risks associated with proceeding with membership of the Gawler River Floodplain Management Authority (GRFMA) or, alternatively, withdrawing from the regional subsidiary. The other aspect to the resolution dealt with the potential for Council to activate Clause 20 of the GRFMA Charter (Dispute Resolution).
- The Chief Executive Officer has engaged Mr David Hope of *Skilmar Systems Pty Ltd* to undertake this body of work. Mr Hope is a highly competent and experienced consultant who specialises in prudential assessments of this nature.
- In preparing his prudential analysis, Mr Hope engaged heavily with key stakeholders so as to obtain clarity on a number of historical matters relevant to the review. In addition, with the assistance of the Chairman and Executive Officer of the GRFMA, Mr Hope was able to glean the likely funding scenarios associated with short, medium and long term priorities for flood mitigation infrastructure.
- Provided for as **Attachment 1** is a copy of the said review.
- The review paper, in the Executive Summary, states that the current proposal to withdraw from the GRFMA exposes Council to the following major risks:-
    - GRFMA ceases as an entity;
    - Loss of capacity to influence upstream works;
    - Adverse impact on the Northern Adelaide Plains food bowl;
    - Potential increased costs to the Adelaide Plains' ratepayers;
    - Adverse Ministerial response; and
    - Reputational risk.

- The prudential analysis undertaken by Mr Hope makes a compelling case for Adelaide Plains Council to remain one (1) of six (6) constituent council members of the GRFMA.
- In consideration of the various risks associated with withdrawing from the regional subsidiary, the Chief Executive Officer hereby strongly recommends that Council resolve not to pursue the withdrawal from the GRFMA and advise the GRFMA accordingly.

RECOMMENDATION 1

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, receives and notes the report and in doing so endorses the actions of the Chief Executive Officer to obtain independent advice from Mr David Hope of *Skilmar Systems Pty Ltd*."

RECOMMENDATION 2

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, formally receives Mr Hope's report entitled *Some Considerations of the Proposal by Adelaide Plains Council to Withdraw from the Gawler River Floodplain Management Authority*, and in doing so acknowledges that in pursuing the notion of withdrawing from the GRFMA, Adelaide Plains Council will be exposed to a number of major risks, including but not limited to:-

1. **GRFMA ceases as an entity;**
2. **Loss of capacity to influence upstream works;**
3. **Adverse impact on the Northern Adelaide Plains food bowl;**
4. **Potential increased costs to the Adelaide Plains' ratepayers;**
5. **Adverse Ministerial response; and**
6. **Reputational risk."**

RECOMMENDATION 3

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, in consideration of the report provided by Mr Hope, and in consideration of the many risks associated with pursuing the withdrawal from the GRFMA, hereby elects to remain one (1) of six (6) constituent councils comprising the regional subsidiary."

RECOMMENDATION 4

"that the Audit Committee recommends to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, notes that Council Resolution 2017/121, adopted at its meeting held on 15 May 2017, called for Council staff to *"...immediately initiate the appropriate procedures to allow Adelaide Plains Council to withdraw from [the] Gawler River Floodplain Management Authority.*

Further, Council notes that Council Resolution 2017/152, adopted at its meeting held on 19 June 2017, formally acknowledged *"...that in order to progress the actions associated with Council Resolution 2017/121:-*

1. ***A report be provided to the Council outlining the financial costs and risk associated with proceeding with membership with the GRFMA or alternatively withdrawing from the GRFMA; and***
2. ***In consideration of the above, Council duly considers its position in respect of activating Clause 20 of the GRFMA Charter (Dispute Resolution) in regard to the GRFMA's apparent unwillingness to review Council contributions.***

In resolving not to exit the GRFMA, Council forms the view that this position is not at odds with earlier resolutions of Council and therefore does not require a Notice of Motion to rescind Council Resolution 2017/121."

RECOMMENDATION 5

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, notes Minute GRB 17/061 from the August 2017 Ordinary Meeting of the 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."

RECOMMENDATION 6

"that the Audit Committee recommend to Council that Council, having considered Item 4.1 - *Gawler River Floodplain Management Authority Review – Prudential Assessment – Withdrawal from the Authority,* dated 11 September 2017, 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."

BUDGET IMPACT

Estimated Cost:	Refer Attachment 1
Future ongoing operating costs:	Refer Attachment 1
Is this Budgeted?	No

RISK ASSESSMENT

Pursuing the notion of withdrawing from the GRFMA exposes Council to a number of major risks. This is evidenced by the body of work that Mr Hope has carried out on behalf of Council. Those risks are detailed in Mr Hope's report (refer *Risk Considerations* – page 6).

Attachments

1. ***Some Considerations of the Proposal by Adelaide Plains Council to Withdraw from the Gawler River Floodplain Management Authority*. David Hope – *Skilmar Systems Pty Ltd*. September 2017.**
2. **GRFMA PowerPoint presentation – Adelaide Plains Council Meeting, 21 August 2017.**
3. **Prudential Review of Adelaide Plains Council Continuing Membership of the Gawler River Floodplain Management Authority – Chris Kaufmann, Water Advisor – September 2017.**

DETAILED REPORT

Purpose

The purpose of this report is to present to Council, via the Audit Committee, a prudential analysis undertaken by independent consultant, Mr David Hope, in relation to Council's decision to *'...initiate the appropriate procedures to allow Adelaide Plains Council to withdraw from the Gawler River Floodplain Management Authority.'* In consideration of the findings contained in the said report, the Chief Executive Officer strongly recommends that Council not pursue the notion of withdrawing from the regional subsidiary.

Background/History

- 15 December 2016 Special Council Meeting – Resolution 2016/372
- 16 January 2017 Council Meeting – Resolutions 2017/019, 2017/020, 2017/022
- 20 February 2017 Council Meeting – Resolutions 2017/050, 2017/051, 2017/052
- 28 April 2017 GRFMA Meeting – Resolution 17/017
- 15 May 2017 Council Meeting (Motion without Notice) – Resolution 2017/121
- 5 June 2017 Audit Committee Meeting – Resolution 2017/021
- 19 June 2017 Council Meeting – Resolution 2017/152
- 21 August 2017 Council Meeting – Resolution 2017/251
- 21 August 2017 Council Meeting – Presentation from GRFMA Chair and Executive Officer – Item 10.1 (refer **Attachment 2**)
- 11 September 2017 Audit Committee Meeting – Item 4.1

Discussion

The body of work undertaken by Mr Hope is comprehensive as much as it is compelling. The risks to Adelaide Plains Council withdrawing from the GRFMA, should of course the Minister for Local Government even entertain any such request, are significant.

Council's Strategic Plan 2017-2020, recently adopted, recognises the need *"...to make appropriate organisational decisions based on risk management principles."* The decision by Council to initiate the appropriate procedures to exit the Authority, adopted without notice at the May 2017 ordinary meeting, did not consider the various risks that could and would ultimately be exposed.

Provided for below is a brief overview of those risks.

1. GRFMA ceases as an entity.
   Constituent councils recognise the importance of the GRFMA in reducing the risk and impact of floods within the catchment. The work of the GRFMA continues to explore flood mitigation and funding assemblage options for the six (6) constituent councils.

The advocacy role of the Authority and the ability of the Authority to create partnerships has minimised the cost for flood mitigation infrastructure previously undertaken, such as the Bruce Eastick Dam. *"If GRFMA ceases to exist because a major stakeholder withdraws then this ongoing effort may well be lost or there may be significant time delay in achieving further flood mitigation works, resulting in flood damage to property and economic activity."*

2. Loss of capacity to influence upstream works.
   As Mr Hope puts it, by *"...withdrawing from the GRFMA Adelaide Plains Council will lose its voice at the table and its ability to effectively lobby for flood mitigation works upstream and be involved in the decision-making process of the GRFMA. This may have a deleterious effect on the impact of flood mitigation in the Adelaide Plains Council area."*

3. Adverse impact on the Northern Adelaide Plains food bowl.
   Adelaide Plains Council is currently consulting both government agencies and the general public in relation to the Northern Food Bowl Protection Areas Development Plan Amendment (DPA). This DPA will create a policy framework that will facilitate intensive irrigated horticulture development activity on the Adelaide Plains, in turn, stimulating the economy and attracting investment and employment. Withdrawal from the GRFMA may very well lead to delays in carrying out flood mitigation infrastructure, which could result in flooding severely adversely impacting the capacity of producers.

4. Potential increased costs.
   Should Adelaide Plains Council elect to withdraw, should of course the Minister consent to any such request, there is a real likelihood that Council will need to 'go it alone' and undertake all of the investigations itself, negotiate with other councils upstream, engage with all tiers of Government as well as other key stakeholders, and ultimately make decisions in respect of flood mitigation. This would well result in a great cost to Council in both time and resources. Importantly Adelaide Plains Council is a downstream council and currently four other constituent councils upstream contribute to works that benefit Adelaide Plains Council; this is an important consideration.

5. Adverse Ministerial response.
   In consideration of the various risks to Council and indeed flood mitigation across the six (6) constituent councils should Adelaide Plains Council withdraw, it is highly unlikely that any such request would be entertained by the Minister. Almost

certainly, the Minister would want evidence from Adelaide Plains Council that demonstrates that withdrawal is in the best interests of Council's ratepayers.

6. Reputational risk.

   Mr Hope's report outlines the reputational risks associated with this matter.

   "Council's Strategic Plan is predicated on a vision for a '…proud, prosperous, resilient and cohesive community…' with one of its five strategic focus areas being 'Accountable and Sustainable Governance.' It states that the Council '…collaborates to deliver sustainable customer focused services and infrastructure.' Council's reputation for working collaboratively is at serious risk if it withdraws from the GRFMA. Its reputation will be at risk with the other constituent councils and the local government community at large. More importantly, if it fails its community in the area of protection from flood risks and damages the local economy its reputation with its community will be in tatters."

The Northern Floodway is now a major priority for the GRFMA. Initial estimates forecast that the work may be in the vicinity of $27-$30 million. The State Government has indicated however not yet confirmed a commitment of $15 million to the project on the basis of a 50/50 funding split with member councils. This would leave the six councils with a $15 million dollar contribution commitment and, for Adelaide Plains Council, a contribution of $4.5 million. In the event the Federal Government agree with a tripartite approach to funding across the three tiers of Government based on a 1/3rd contribution by each tier, then the member councils' overall contribution is $10 million. That would result in Adelaide Plains Council's contribution being $2.9 million. These are key figures and comparisons in the context of the risks presented above and the exposure to a much greater financial outlay should Council 'go it alone.'

A further project following the Northern Floodway is the potential raising of the Bruce Eastick Dam, with costs likely to be in the vicinity of between $40-$90 million. This is provided for the public record and as a means of educating the elected body and the community of what lays ahead in respect of flood mitigation for the Gawler River. Much more investigation, analysis and consultation is needed however before this component is further advanced.

As an aside, prior to the August 2017 ordinary meeting of Council, Cr Steve Jones had sought to have a series of questions placed on notice in relation to the activity of the GRFMA. The Mayor ruled on the questions and the Chief Executive Officer, following the meeting of Council, reaffirmed his verbal comments the night prior to all elected members that the questions would be comprehensively addressed as part of the detailed report and supporting prudential analysis undertaken by Mr Hope at the September meeting of Council. A copy of those questions is provided for below together with answers for members' interest.

Questions
Has CEO given formal notice to all other Constituent Councils and the Executive of GRFMA, per clause 18 of the GRFMA Charter, following the May 2017 motion of APC to withdraw from the Authority?
No
If formal notice has not been given when will it be given?
The resolution was to "...immediately initiate the appropriate procedures to allow Adelaide Plains Council to withdraw from [the] Gawler River Floodplain Management Authority." Council, via its Audit Committee, then adopted a further resolution that called for a detailed report to be provided (refer Resolution 2017/152). The Chief Executive Officer has carried out that resolution. Notice will therefore not be given until this report is duly considered by Council and a determination is made to withdraw.
Given that the vote to withdraw from GRFMA was supported unanimously will that give any APC elected members who are GRFMA board members any type of conflict of interest given that the Council is required to continue membership?
No
What are all of the reasons that APC's percentage share of capital works, and maintenance of assets have been set as 28.91%, only slightly less than the City of Playford's share at 34.68%? (as per 10.1 of GRFMA Charter)?
Refer report – please also note that Mr Hope will expand upon this point at both the Audit Committee Meeting and Council Meeting.
When were these percentages agreed to and what attempts have APC made to have them altered, given that APC is a small council and has limited capacity to fund major works?
Refer report – please also note that Mr Hope will expand upon this point at both the Audit Committee Meeting and Council Meeting.
Given the wording in the GRFMA Charter of 10.2:- **("The table of contributions in Claus 10.1 shall only apply to the recorded agreement of the Authority Board (GRB 05/0068 of 25 November 2005) that the Constituent Councils will only make a capped local contribution of $4,500,000 to the estimated $20,000,000 major works of the Gawler River Flood Mitigation Scheme.")** **Does the original percentages still apply (particularly in light of 10.8) and in light of the fact**

that the present proposed works are additional to the original Gawler River Flood Mitigation works which have been labelled Mark 2? **(10.8 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 by or on behalf of the Authority).**
Refer report – please also note that Mr Hope will expand upon this point at both the Audit Committee Meeting and Council Meeting.
Following the GRFMA April meeting where a Notice of motion to review APC's percentage was lost did the CEO receive any communications, verbal or otherwise, asking that the matter be placed on the next Council agenda for debate?
Any elected member may request an item be placed on the Council agenda by way of a written Notice of Motion. Council's records show this not to have occurred.
When will the public receive details of the proposed works on the Gawler River channel, especially given that most of the river is on private land, and when will the proposed path of the parallel flow path be made public, and when will all of this be available for formal public consultation?
The GRFMA will provide clarity in relation to this matter ahead of the September 2017 Ordinary Meeting of Council.
What are the proposed estimated costs for raising the wall of the Bruce Eastick Dam and when will further details of this option be available?
Refer report

Conclusion

A significant body of work has been undertaken since the May ordinary meeting of Council and it was critical that prior to any determination being made in respect of withdrawal, that a considered and well researched analysis was conducted. The findings of Mr Hope's report are conclusive in that Adelaide Plains Council will be exposed to a great number of risks should it wish to proceed in withdrawing from the regional subsidiary. It is therefore recommended that in consideration of the aforementioned report, Adelaide Plains Council elect not to advance the notion of withdrawal and advise the GRFMA and its constituent councils accordingly.

References

Legislation

Local Government Act 1999

Council Policies/Documents

Strategic Plan 2017-2020

Some Considerations of the Proposal by Adelaide Plains Council to Withdraw from the Gawler River Floodplain Management Authority

September 2017

Prepared by:

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Executive Summary

At its meeting of 15 May 2017 Council adopted a Motion without Notice "that Council staff immediately initiate the appropriate procedures to allow Adelaide Plains Council to withdraw from Gawler River Floodplain Management Authority [GRFMA]."

The Gawler River Floodplain Management Authority was created by the constituent councils in response to the need to carry out flood mitigation works in relation to the Gawler River and its upstream tributaries.

The funding formula, after much discussion by the constituent councils, was endorsed by all constituent councils and included in the charter to finalise the discussions and provide certainty into the future, and gazetted on 17 August 2006.

Adelaide Plains Council does not have a risk management plan. Council, in its most recent Strategic Plan adopted on 21 August 2017, recognises the need "…to make appropriate organisational decisions based on risk management principles".[1] The current proposal to withdraw from the GRFMA exposes Adelaide Plains Council to the following major risks.

1. *GRFMA ceases as an entity, flood mitigation works do not proceed, seriously impacting flood risks*.
2. *Loss of capacity to influence upstream works.*
3. *Adverse impact on the Northern Area Foodbowl.*
4. *Potential Increased costs.*
5. *Adverse Ministerial Response*.
6. *Reputational risk.*

The next major project under planning consideration by the GRFMA is the Northern Flood ways project, estimated at $27-30 million. The worst case scenario for the contribution required to be made by Adelaide Plains Council is $4.5 million. At current interest rates (4.65% for a 20-year loan) this would add approximately $210,000 in interest charges to Council's annual expenditure, probably over a two year period to allow for construction timing, plus an estimated $10,000 per year over the life of the works in maintenance after completion of the works. Note that there will also be depreciation charges of approximately $174,000 per year attributable to Adelaide Plains Council, but those charges are not currently recovered by the GRFMA. Can the additional interest and maintenance charges be accommodated within the parameters of the Council's current long-term financial plan which shows the Council entering surplus territory in the 2021/22 financial year? Yes, it can, as indicated in Table 3A which shows it will only delay Adelaide Plains Council from achieving a surplus on operations by one financial year.

[1] Adelaide Plains Council (2017),*Our Plan For Adelaide Plains Council: Strategic Plan 2107-2020,* Strategy 4.5.1.8, p.14

However, should GRFMA decide to charge councils for depreciation the impact on the long-term financial plan would extend by a further financial year the time taken to achieve a surplus on operations, as shown in Table 3B.

Concluding Comments

Precipitate action to withdraw from the GRFMA without the identification, investigation, costing and consideration of all the options, particularly the financial and risk elements of those options, does not meet the lightest test of prudent corporate governance. It is almost certain that the Minister for Local Government will require at least this level of information before giving any consideration to a request to withdraw from the GRFMA.

The GRFMA comprises one independent member and two representatives each from the six councils. It is not unlikely that each council may have a different point of view on matters before the GRFMA and this fact is clearly contemplated by Clause 23 (4) of Schedule 2 of the *Local Government Act 1999*. The fact that a council may not be happy with a particular decision of the GRFMA is part of the cut and thrust of the operation of any board. This is no different to the way a council operates. If an elected member's proposal is not supported by a majority of members, it fails. This does not mean that the elected member takes his or her bat and ball and goes home. No, she/he works harder to convince his/her colleagues of the merits of the proposal. And, of course, sometimes comes to the realisation that the proposal is actually not the best solution to the problem!

Background

At its meeting of 15 May 2017 Council adopted a Motion without Notice "that Council staff immediately initiate the appropriate procedures to allow Adelaide Plains Council to withdraw from Gawler River Floodplain Management Authority [GRFMA]." Although the motion was without notice Council had previously considered legal advice from Kelledy Jones Lawyers on its ability to withdraw from the GRFMA at its meeting of 20 February 2017.

At its meeting of 5 June 2017 the Audit Committee passed the following motion:

> "that the Committee, having considered Item 4.1 - Gawler River Floodplain Management Authority – Withdrawal from Regional Subsidiary, dated 5 June 201.7 receives and notes the report and in doing so recommends that in order to progress actions associated with Council Resolution 201.7/1.21 the Committee recommends:-
>
> 1. That a report be provided to the Council outlining the financial costs and risk associated with proceeding with membership with the GRFMA or alternatively withdrawing from the GRFMA;"

The Council endorsed the Audit Committee resolution at its 19 June 2017 meeting.

Mr David Hope of Skilmar Systems Pty Ltd has been asked to prepare this report in response to the resolution of the Audit Committee.

The Gawler River Floodplain Management Authority

The Gawler River Floodplain Management Authority was created by the constituent councils in response to the need to carry out flood mitigation works in relation to the Gawler River and its upstream tributaries.[2] Prior to the establishment of GRFMA the constituent councils had received a report from Mr Michael Barry of Prodirections Pty Ltd canvassing the options for facilitating their capacity to have the flood mitigation works carried out and the basis for the councils to fund the works.[3] The report made it clear that the two major beneficiaries of the flood mitigation works would be the City of Playford and Adelaide Plains Council, with the Town of Gawler being a moderate beneficiary. The other three councils received no significant local benefits from the works.

The principles applied to developing a model for cost contributions by constituent councils were:

- Future costs avoided (for reparation of flood damage);
- Size of the Catchment area;

[2] See Appendix 1 for a listing of the constituent councils and the current charter of the Authority.
[3] See Appendix 2 for the Prodirections report.

- Watercourse length attributable to each council; and
- Ability to pay.

Implicit in the principles is the premise that the quantum of contributions towards capital works and maintenance should be a consideration of the level of benefits received by each council.

Consultations with Mr Fred Pedler, the original Executive Officer for the GRFMA, have elicited the information that discussions among the councils on the contributions to be made to fund capital works went on for an extended period of time before the funding formula was adopted. Funding of the GRFMA administration is equally shared by the constituent councils, but the funding for maintenance and capital works was largely based on the Prodirections report. Initially, funding was also provided by the Northern Adelaide & Barossa Catchment Water Management Board (NABCWMB).

	Contributions to maintenance costs and capital works				*Agreed separately - each council contributes an equal % to administration of GRFMA*
	Prodirections report %	*Initial Contribution %*	*Council Relativities*	*Current Contribution %*	
City of Playford	30.0	30.0	34.68	34.68	16.67
Adelaide Plains	25.0	25.0	28.90	28.91	16.67
Town of Gawler	15.0	15.0	17.34	17.34	16.67
The Barossa Council	15.0	7.5	8.67	8.67	16.67
Light Regional Council	10.0	7.5	8.67	8.67	16.67
Adelaide Hills	5.0	1.5	1.73	1.73	16.67
NABCWMB	0.0	13.5	---	---	---
	100.0	100.00	99.99	100.00	100.00
	Note 1		Note 2	Note 4	
			Note 3		

Note 1. The Prodirections report did not consider a contribution by NABCWMB, but on the creation of the GRFMA the NABCWMB was a member and agreed to contribute 13.5% to maintenance and capital works.

Note 2. On the withdrawal of the NABCWMD from the GRFMA the constituent councils agreed to meet the full cost of maintenance and capital works in the same proportion of contribution they were previously making, maintaining the relative share by each council.

Note 3. This column provided the percentage contributions that were Included in the 2006 amendment to the Charter (Endorsed by DC Mallala on 15 May 2006; Gazetted 17 Aug 2006)

Note 4. Included in 2011 amendment to Charter (Endorsed by DC Mallala on 26 Sep 2011; Gazetted 25 Oct 2012)

Table 1

To close the discussions and to avoid doubt in the future, it was agreed that the funding formula should be included in the charter of the GRFMA and this occurred in 2006 when amendments to the charter, which included the funding formula, were endorsed by all constituent councils and gazetted on 17 August 2006.

Risk Considerations

Adelaide Plains Council does not have a risk management plan, although a risk management plan for the then existing stormwater assets was created in 2008. It has never been updated and does not assess the risks of a flooding event. The lack of an up to date risk management plan is a major deficiency in its suite of management plans. While risk management plans are not specifically mentioned in the Local Government Act there are several references to the concept of risk throughout the Act. Indeed, it is difficult to contemplate how effective asset management, business and operational plans can be if they are not created and supported by a well-constructed and regularly reviewed risk management plan. The Australian National Audit Office in its Better Practice Guide on Corporate Governance[4] stresses the importance of risk management in delivering effective outcomes for entities.

> *"Entity-wide understanding of the risk management framework and the risk environment will facilitate the sound management of governance arrangements, programs and services."*

Council itself, in its most recent Strategic Plan adopted on 21 August 2017, recognises the need "…to make appropriate organisational decisions based on risk management principles".[5]

Adelaide Plains Council's current knowledge of the flooding risks associated with the Gawler River is almost wholly shaped by the various reports and floodplain maps that the GRFMA have produced over its existence. There is some older information that was derived from the Northern Adelaide & Barossa Catchment Water Management Board.

Importantly, the cost of the various reports received by the GRFMA has been met <u>equally</u> by the constituent councils.

The impact on floodplain management is probably still uppermost in elected members minds after the devastating floods of September/October 2016. The lack of a risk management plan for Adelaide Plains Council, consistent with the principles outlined in

[4] Commonwealth of Australia (2014), *Public Sector Governance: Strengthening Performance Through Good Governance,* ANAO

[5] Adelaide Plains Council (2017),*Our Plan For Adelaide Plains Council: Strategic Plan 2107-2020,* Strategy 4.5.1.8, p.14

AS/NZS ISO 31000:2009,[6] make it difficult for elected members to give careful consideration to the actions that need to be undertaken to mitigate the risks faced by Council and its community from flooding events in the Gawler River.

The current proposal to withdraw from the GRFMA exposes Adelaide Plains Council to the following major risks.

1. *GRFMA ceases as an entity, flood mitigation works do not proceed, seriously impacting flood risks*. It is recognised by all constituent councils that the work of the GRFMA has had a beneficial effect of the management of the Gawler River and that the flood mitigation works, including the Bruce Eastick North Para Flood Mitigation Dam, have resulted in reducing the impact of floods. The advocacy and lobbying activities of the GRFMA have ensured that the partnerships created with other agencies and the grants funding received have minimised the cost to the constituent councils of flood mitigation works. There is ongoing work being undertaken by GRFMA to further enhance flood mitigation and to seek grant funding for the works. If GRFMA ceases to exist because a major stakeholder withdraws then this ongoing effort may well be lost or there may be a significant time delay in achieving further flood mitigation works, resulting in flood damage to property and economic activity, with the potential for loss of life, that might well be avoided.
2. *Loss of capacity to influence upstream works.* The GRFMA is a partnership between the constituent councils. Each council has a voice at the table and contributes both intellectually and financially to the work of the authority. By withdrawing from the GRFMA Adelaide Plains Council will lose it voice at the table and its ability to effectively lobby for flood mitigation works upstream and be involved in the decision-making of the GRFMA. This may have a deleterious effect on the impact of flood mitigation in the Adelaide Plains Council area. Council's Strategic Plan recognises the importance of flood mitigation and the partnership opportunity with GRFMA.[7]
3. *Adverse impact on the Northern Area Foodbowl.* Withdrawing from the GRFMA puts at risk the flood prone areas of Adelaide Plains Council that can facilitate the production of high quality produce that has the potential to contribute to local employment and economic activity. Delays in, or the abandonment, of flood mitigation works in train may result in flooding that severely hampers the capacity of producers. Approximately 13% of the designated Foodbowl is subject to Medium and High flood risk. If the Low risk flood area is included this percentage rises to over 40%. Also at risk is $20-30 million of upgraded roads. Council's Strategic Plan recognises the importance of supporting the primary production sector as one of its

[6] Appendix 3 outlines the Risk Management Process

[7] Adelaide Plains Council (2017),*Our Plan For Adelaide Plains Council: Strategic Plan 2107-2020,* Strategy 4.4.1.2, pp.12-13

key strategies.[8] Giving the appearance of not wanting to take effective flood mitigation action will put at risk the likely $1 billion of investment in farm and production infrastructure, completely at odds with Council's strategic plan.

4. *Potential Increased costs.* Withdrawal from the GRFMA and going it alone may result in very significant increased costs. At present, the six constituent councils share the costs of investigations into appropriate strategies to protect life and property. While flood mitigation works and their maintenance are funded according to an agreed funding model of which Adelaide Plains Council is a major contributor it is also a major beneficiary of those works. Three of the six councils contribute nearly 20% of the cost of flood mitigation works, yet receive little benefit. This is effectively a subsidy from those councils to the three councils receiving the most benefit from the flood mitigation works. If Adelaide Plains Council withdraws from the GRFMA then they will have to carry out investigations, negotiate with the other councils, lobby, liaise and negotiate with other stakeholders and make decisions on actions on flood mitigation potentially without the support of upstream councils and at a greater cost in both time and resources to the flood mitigation process, inhibiting the achievement of strategies in Council's Strategic Plan. More importantly, Commonwealth and State contributions to flood mitigation works are generally based on the whole of the catchment area and all councils being involved in the funding. Withdrawal from the GRFMA could see the City of Playford and Adelaide Plains Council working together, or Adelaide Plains Council alone, on local flood mitigation works without Commonwealth or State funding.

   It is also likely that the flood risks will increase, with an attendant increase in potential costs, as farm structures and upgraded roads (gravel to bitumen) increase the area of impervious surface.

5. *Adverse Ministerial Response*. There is no guarantee that the Minister for Local Government will approve an application for withdrawal. It is certain that the Minister will seek the views of the other constituent councils. The other councils are parties to the existing contract that has created GRFMA. They will clearly want to act in the interests of their ratepayers and continuing to fund works that benefit Adelaide Plains Council but not their own ratepayers is unlikely to be their strategy. As mentioned above this action may lead to the dissolution of GRFMA. In this situation a worst case scenario might be the City of Playford developing levees and other flood mitigation works on the south bank of the Gawler River which would have a deleterious effect on the Adelaide Plains Council area subject to flooding which is worse than the current exposure to floods. As a major beneficiary of flood

[8] Adelaide Plains Council (2017),*Our Plan For Adelaide Plains Council: Strategic Plan 2107-2020,* Strategy 4..2.1.1, pp.8-9

mitigation works for the Gawler River Adelaide Plains Council has a lot to lose if the works are not undertaken because the GRFMA ceases to exist. The recent amendments to the Local Government Act on boundary changes could see disaffected ratepayers having a greater say in moving from Adelaide Plains Council to another council area, affecting the viability of Adelaide Plains Council.

An application unsupported by a clear rationale for withdrawing and effective risk-based plans to address flood risks in a cost-effective manner that offers protection to the Adelaide Plains community is unlikely to receive the support of the Minister. Adelaide Plains Council will then have work to do to re-establish its relationship with the GRFMA and its constituent councils on a sound footing.

6. *Reputational risk.* Council's Strategic Plan is predicated on a vison for a "…proud, prosperous, resilient and cohesive community…" with one of its five strategic focus areas being "Accountable and Sustainable Governance". It states that the Council "…collaborates to deliver sustainable customer focused services and infrastructure".[9] Council's reputation for working collaboratively is at serious risk if it withdraws from the GRFMA. Its reputation will be at risk with the other constituent councils and the local government community at large. More importantly, if it fails its community in the area of protection from flood risks and damages the local economy its reputation with its community will be in tatters. The timing of the Motion without Notice to withdraw from GRFMA could not be worse with the planned investment in the Northern Foodbowl at a critical stage.

As part of any further investigation into the possibility of Adelaide Plains Council withdrawing from the GRFMA there should be a discussion with the LGA Mutual Liability Scheme about the potential increase in insurance premiums because a known risk is not being addressed. There is the potential that Adelaide Plains Council could be open to a class action by ratepayers who are adversely affected by flooding that the Council has not taken steps to mitigate.

Financial Considerations

As mentioned above the constituent councils share equally the administrative costs of the GRFMA and share maintenance and capital costs based on several factors but based on an agreed funding formula, with the councils receiving significant benefits from the works making the largest contributions. For the 2016/17 financial year the contributions were:

[9] Adelaide Plains Council (2017),*Our Plan For Adelaide Plains Council: Strategic Plan 2107-2020,* pp.5 & 14

GRFMA	2016/17 Contributions		
	Operations	*Maintenance*	*Total*
City of Playford	$ 9,711	$ 6,339	**$ 16,050**
Adelaide Plains	$ 9,711	$ 5,284	**$ 14,995**
Town of Gawler	$ 9,711	$ 3,169	**$ 12,880**
The Barossa Council	$ 9,711	$ 1,585	**$ 11,296**
Light Regional Council	$ 9,711	$ 1,585	**$ 11,296**
Adelaide Hills	$ 9,711	$ 316	**$ 10,027**
	$ 58,266	$ 18,278	**$ 76,544**

Table 2

It is worth noting that the operational and maintenance contributions do not cover the depreciation of the assets of the GRFMA and councils need to plan to be in a position to renew this asset when it reaches the end of its useful life. It also appears that councils have not had to make a capital contribution since 2007.

It is important to note that three of the six constituent councils receive no significant local benefits yet they still contribute more than 19% towards capital and maintenance costs of flood mitigation works.

The GRFMA, although it does not have a long-term financial plan, has identified that there are significant flood mitigation works yet to be undertaken. The more immediate of those works is the Northern Floodways project which is estimated at an indicative $27-30 million dollars. The State has indicated, but not confirmed, that it will contribute $15 million to the works with a dollar-for-dollar contribution expected from the constituent councils. Work is currently underway to get the Commonwealth involved in the funding of the works, given the promise of the Prime Minister to assist when he visited the flooded areas. This could see the project financed at 1/3rd each from the Commonwealth, State and GRFMA councils. The upshot is that there is the potential, worst case scenario, that constituent councils will have to fund $15 million for the flood mitigation works. Whether the GRFMA will borrow for the council component and bill the councils for the repayments or the councils will borrow the money and make their contribution to the GRFMA has not yet been considered.

For Adelaide Plains Council this would mean a contribution of approximately $4.5 million allowing a contingency for cost increases. At current interest rates (4.65% for a 20-year loan) this would add approximately $210,000 in interest charges to Council's annual expenditure, probably over a two year period to allow for construction timing, plus an estimated $10,000 per year over the life of the works in maintenance after completion of the works. Note that there will also be depreciation charges of approximately $174,000 per year attributable to Adelaide Plains Council, but those charges are not currently recovered by the GRFMA. Can the additional interest and maintenance charges be accommodated within the parameters of the Council's current long-term financial plan which shows the

Council entering surplus territory in the 2021/22 financial year? Yes, it can, as indicated in Table 2 which shows it will only delay Adelaide Plains Council from achieving a surplus on operations by one financial year. And with a modest additional increase in rates of 1.2% in the third and fourth year of the plan a surplus will be achieved on target.

	Current LTFP Operating Surplus/(Deficit)	Additional operating costs - interest and maintenance costs	Adjusted LTFP Operating Surplus/(Deficit)
2017/18	($904,042)	$0	($904,042)
2018/19	($616,217)	$0	($616,217)
2019/20	($548,848)	$105,000	($653,848)
2020/21	($370,048)	$210,000	($580,048)
2021/22	$131,786	$220,000	($88,214)
2022/23	$325,495	$220,000	$105,495
2023/24	$527,277	$220,000	$307,277
2024/25	$749,090	$220,000	$529,090
2025/26	$990,349	$220,000	$770,349
2026/27	$1,252,487	$220,000	$1,032,487

Table 3A

However, should GRFMA decide to charge councils for depreciation the impact on the long-term financial plan would extend by a further financial year the time taken to achieve a surplus on operations, as shown in Table 3B.

	Current LTFP Operating Surplus/(Deficit)	Additional operating costs - interest and maintenance costs	Adjusted LTFP Operating Surplus/(Deficit)	Plus: Allocation of depreciation costs	Final adjusted LTFP Operating Surplus/(Deficit)
2017/18	($904,042)	$0	($904,042)	$66,844	($970,886)
2018/19	($616,217)	$0	($616,217)	$66,844	($683,061)
2019/20	($548,848)	$105,000	($653,848)	$66,844	($720,692)
2020/21	($370,048)	$210,000	($580,048)	$240,304	($820,352)
2021/22	$131,786	$220,000	($88,214)	$240,304	($328,518)
2022/23	$325,495	$220,000	$105,495	$240,304	($134,809)
2023/24	$527,277	$220,000	$307,277	$240,304	$66,973
2024/25	$749,090	$220,000	$529,090	$240,304	$288,786
2025/26	$990,349	$220,000	$770,349	$240,304	$530,045
2026/27	$1,252,487	$220,000	$1,032,487	$240,304	$792,183
		APC's contribution to Bruce Eastick dam depreciation		$66,844	
		APC 's contributiion to Northern Floodways depreciation		$173,460	

Table 3B

Council will be a major beneficiary of the Northern Floodways project[10] and although this report is not the place to do a cost benefit analysis of the project it appears that the benefits for Adelaide Plains Council far outweigh the costs. A report prepared by Australian Water Environments (AWE) on the 2016 Gawler River flood identifies that it is most likely that 211 of the 248 properties that were flooded would be protected from floods exceeding a 1 in 50 year flood event, with a further 10 receiving a reduction in flood levels.[11] The following table, extracted from another AWE report,[12] provides an indication of the cost of potential damages from flooding:

Flood Frequency (AEP)	Estimated Damages
1 in 10	$15m
1 in 20	$24m
1 in 50	$102m
1 in 100	$182
1 in 200	$212
Average Annual Damage	$7.4m
Present Value of Damages*	$109m

Table 4

It also seems obvious that meeting about 15% of the cost of a well-engineered solution over the whole catchment area is a far better proposition than having to fund 50% or 100% of whatever might be achieved downstream if Adelaide Plains Council has to find its own solution to the flood mitigation problem.

A further project for consideration is raising the height of the Bruce Eastick Dam, with the likely cost to be somewhere between $40 and $90 million dollars. Perhaps scary numbers, but not requiring immediate funding and providing time to lobby for Commonwealth and State assistance, which will significantly reduce the funding requirement for constituent councils. Again, the cost of those works to councils needs to be weighed against the benefits.

[10] See Appendix 4 for plans showing the benefits of the Northern Floodways project.
[11] Australian Water Environments (February 2017), *Gawler River 2016 Flood Review: Preliminary Report – First Draft,* p.11
[12] Australian Water Environments (March 2016), *A Findings Report for the Gawler River Flood Mitigation Scheme: Mitigation Options Findings*

Appendix 1 – Constituent Councils and Charter of the GRFMA

Constituent Councils

Adelaide Hills Council

Adelaide Plains Council

The Barossa Council

Town of Gawler

Light Regional Council

City of Playford

Charter of GRFMA

The Charter of the Gawler River Floodplain Management Authority was originally gazetted on 22 August 2002. It has been amended three times:

- As gazetted on 17 August 2006;
- As gazetted on 25 October 2012; and
- As gazetted on 4 June 2015.

Each of the constituent councils passed a motion amending/endorsing the current charter as follows:

Adelaide Hills Council	24 March 2015
Adelaide Plains Council	**10 March 2015**
The Barossa Council	17 March 2015
Town of Gawler	24 March 2015
Light Regional Council	24 March 2015
City of Playford	28 April 2015

It must be reviewed in 2019 to meet the provisions of Clause 19 (4) of Schedule 2 of the *Local Government Act 1999*.

The current text of the charter follows.

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 co-ordinate 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;

(c) general management; and

(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.

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;

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;

8.2.1 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.

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.

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.

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

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.

Appendix 2 – Prodirections Report of February 2000

NORTHERN ADELAIDE & BAROSSA CATCHMENT WATER MANAGEMENT BOARD

GAWLER RIVER

FLOODPLAIN MANAGEMENT PROJECT

DISCUSSION PAPER

February 2000
Prepared by:
Michael Barry
Prodirections Pty Ltd

1 INTRODUCTION

This discussion paper outlines the preliminary issues associated with the development of a floodplain management strategy for the Gawler River Catchment.

The project was commissioned by the Northern Adelaide and Barossa Catchment Water Management Board (NABCWMB) with the following terms of reference:

- Research the available legal structures that could be appropriate for the establishment of an entity to manage the flood mitigation strategy, including, but not restricted to the possibility of a forming a Regional Subsidiary of Councils pursuant to the Local Government Act, 1999.
- Research and model possible funding arrangements to determine fair and equitable contributions from Councils for contributions to initial capital costs (if any is required) and ongoing maintenance of the strategy.

The report outlines the key issues and options from preliminary consultations with representatives from most of the affected Councils, Board staff and specialists in hydrology, finance and risk management. It was not the purpose of stage 1 of this project to conduct detailed consultation with the affected Councils – rather, it is proposed that the discussion paper itself will constitute a vehicle for those detailed consultations to occur.

The prime purpose of the Discussion Paper is to enable the affected Councils and the Board to consider the options available and hopefully reach consensus about a preferred option. During the process of consultation with Councils the Board will continue to pursue avenues for external funding contributions to the project. However, for the purposes of this paper assumptions have been made about the quantum of external funding (See Sections 8 and 9).

Please also note that the preliminary views expressed do not necessarily reflect the formal considered decision of each Council. Finally, many of the assumptions and propositions contained in this preliminary draft (and especially the hypothetical scenario - Section 9) are **entirely the responsibility of the Consultant** and are included to stimulate discussion and debate.

An earlier draft of this report was presented to the Steering Committee comprised of Council and Board representatives established to investigate the flood plain management issues associated with the Gawler River and helpful comments were received.

2 PROPOSED SOLUTION

After extensive research it is understood that all Councils support the proposed flood mitigation solution as recommended by BC Tonkin & Associates in the 1999 review document completed for the Board. The proposed strategy includes a flood attenuation dam and there appears to be Council support for the option which has no permanent water storage facility. It is not proposed to unnecessarily lengthen this discussion paper by describing the proposed solution and its relative merits as this is extensively documented elsewhere.[1]

3 FORMATION OF AN AUTHORITY

It appears that most if not all Councils support the formation of a legal entity to undertake the project and provide for ongoing maintenance as required and all indicated willingness to participate in such an authority subject to the resolution of funding concerns (see below). The formation of a **Regional Subsidiary** pursuant to the Local Government Act 1999 appears to be the preferred option. Regional Subsidiaries (formerly Section 200 Authorities) are the preferred mechanism for such multi-council activities and are common especially for stormwater management and waste management. The key attractive features of a Regional Subsidiary structure for this type of activity are:

- The Local Government Act, 1999, provides an appropriate legal framework to create the entity with powers, functions, safeguards and accountabilities clearly specified in the Charter for the Subsidiary;
- The Subsidiary is **directly accountable** to constituent Councils in relation to performance including financial matters;
- Any contributions from Councils are determined by an agreed "formula" which is specified in the Charter;
- The membership of the Board of the Subsidiary can include non-Council representatives if the Councils agree eg a representative of the NABCWMB, in this instance
- While the Charter for Subsidiary must be approved by the Minister for Local Government (and there are powers for Ministerial investigation in special circumstances), the Subsidiary is a "creature of the constituent Councils".

[1] In particular, the most recent review distributed to all Councils: BC Tonkin & Associates: Review of the 1994 Flood Management Plan for the Gawler River: August 1999: Ref No 99.0165R-2

The possible alternative vehicle of establishing a Subcommittee of the Northern Adelaide and Barossa Catchment Water Management Board pursuant to the Water Resources Act [Section 62(2)(m)] is likely to be less preferred from the point of view of Councils. It should be remembered that Catchment Water Management Boards are **"instrumentalities of the Crown"** and are subject to the **"direction and control by the Minister"** [Section 55(2) (a) and (c). Boards may delegate most of its powers and functions to a Committee it creates (subject to Ministerial approval), but such delegations are **"revocable at will"** by the Board [Section 66(1)(b)(i) and (3)(d)]. In summary, a specialist Committee created under a Catchment Board has much less independence and autonomy of operation when compared with a Regional Subsidiary.

Notwithstanding the above, the creation of a Committee of the Board under the Act (with or without the support of all the Councils) may need to be considered if agreement cannot be reached about the formation of Regional Subsidiary. However, the nature of any possible authority to be formed is the least contentious aspect of the proposed schema, because Councils are understandably most concerned about the funding issues surrounding the establishment of the flood attenuation infrastructure.

4 FUNDING ISSUES

Predictably, the support of Councils (especially the upstream Councils) to the proposed strategy is significantly constrained by concerns about the method of funding of the scheme. **Clearly the ultimate success of the project will be dependent on the Board's ability to attract significant external funding for the capital works required.**

Reasons cited for the reticence of upstream Councils to make financial contributions to meeting any residual "local government" contribution (ie any shortfall required after external contributions are finalised) include the following:

- Upstream Councils (especially Barossa) have undertaken significant past flood mitigation works in their own areas at their own cost;
- There are competing infrastructure expenditure projects of higher local priority;
- There is a strongly held view that additional contributions to the floodplain management project would be "double dipping" on existing ratepayer contributions through the Catchment Management levy.

While these views have been recognised and understood by the Consultant further work was undertaken by the Consultant on a possible residual cost apportionment model for the consideration of the Board and the Councils.

5 PRINCIPLES OF A COST APPORTIONMENT MODEL

The following principles are proposed for the development of a cost apportionment model assuming that there is a necessity for a residual local government contribution to the floodplain management strategy after other sources of external and Board funding have been exhausted:

5.1. Future Costs Avoided

Those Councils with the greatest exposure to flood damage are the greatest financial beneficiaries from the implementation of the strategy because of the avoidance of future flood damage reparation costs. Therefore a funding model should provide a significant "weighting" to this factor in determining Council contributions. The Councils in this category include Mallala and Playford, and to a much lesser extent, Gawler.

5.2 Catchment Area

While all Councils may not necessarily agree it appears reasonable that proportion of catchment area by Council should be included in a cost apportionment model on the basis that there is a clear hydrological relationship between catchment area and downstream flooding. This indicator mainly impacts on "upstream" Councils for obvious reasons. However it is suggested that this factor be given a relatively low weighting in comparison with (1) above.

Table 1 Catchment Area above Gawler Junction Weir (AW505505)

Council	Catchment Area	% of total Area
The Barossa Council	674 km^2	63.0 %
DC Kapunda Light	268 km^2	25.0 %
Adelaide Hills Council	74 km^2	6.9 %
CT Gawler	3 km^2	0.3 %
City of Playford	51 km^2	4.8 %
DC Mallala	0 km^2	0.0 %
TOTAL	1070 km^2	100.0 %

Source: DEHAA

5.3 Watercourse length

Another possible cost apportionment principle is watercourse length x Council area for obvious reasons. This factor impacts on both upstream and downstream Councils but with a bias towards downstream Councils. The DEHAA source information provides watercourse lengths for both the

northern and southern banks because the river forms a Council boundary for much of its length. For the purposes of this exercise, the Consultant has added the watercourse length for both banks for each Council to determine the overall percentage. Please note that the definition of "watercourse" for this purpose is only that part of the watercourse named as the "Gawler River".

Table 2 – Watercourse Length – Only Section named "Gawler River"

Council	Length of North Bank	% North Bank	Length South Bank	% South Bank	Combined Length	% Combined Length
The Barossa Council	0.0 km	0.0 %	0.0 km	0.0 %	**0.0km**	**0.00%**
DC Kapunda Light	17.0 km	39.53 %	0.0 km	0.0 %	**17.0km**	**19.77%**
Adelaide Hills Council	0.0 km	0.0 %	0.0 km	0.0 %	**0.0km**	**0.00**
CT Gawler	2.9 km	6.75 %	11.0 km	25.58 %	**13.9km**	**16.16%**
City of Playford	0.0 km	0.0 %	32.0 km	74.42 %	**32.0km**	**37.21%**
DC Mallala	23.1 km	53.72 %	0.0 km	0.0 %	**23.1km**	**26.86%**
TOTAL	43.0 km	100.00 %	43.0 km	100.00 %	**86.0KM**	**100.00%**

Source: DEHAA

5.4 Ability to Pay

It can also be argued that the revenue capacity of contributing Councils should be taken into account as another balancing factor to account for the different capacities of Councils to raise revenue.

Summary

It is suggested that a combination of the above principles/factors, with appropriate differential weightings could be used to come up with a satisfactory apportionment of contributions **subject to reaching agreement about the basic principle that all catchment Councils should contribute to some degree to flood mitigation activities even where the flooding activity may occur outside the geographic area.**

Factual information has been obtained from an independent source (DEHAA) on factors (2) and (3) above. Information could be obtained on (1) and (4) but would be (because of the nature of what is being "measured") much more subjective. It is suggested that these factors be retained as "political balancing" factors to ensure that any final cost apportionment formula is **politically acceptable** to all participating Councils.

A possible scenario based on an indicative (rather than a scientific) application of the above factors is included in Section 9 of this report.

6 ARGUMENTS FOR CONTRIBUTIONS FROM ALL CATCHMENT COUNCILS

Leaving aside the question as to whether some or all of the Catchment Management Levy on ratepayers (currently directed to the Board pursuant to the Water Resources Act) could or should be directed to the Gawler River Floodplain management strategy, there are powerful arguments suggesting that all Councils should contribute **in some way** to problems created elsewhere in the catchment area.

The first is the argument of principle that the catchment should be viewed as a whole and that just as downstream Councils should contribute to works and activities in upstream areas, so should upstream Councils contribute in some way for works necessary for the protection of downstream Councils.

The second is the argument of **future liability**. Regardless of whether individual Councils subscribe to the "catchment principle" outlined above, there is a real risk that in an ever increasingly litigious society that upstream Councils could be joined in negligence claims against Councils for individuals suffering flood damage in the future. Thus there is a potential liability exposure to **all** catchment Councils if a Court could find that, by action or omission, a Council or group of Councils contributed to the damage occurring.

7 WHY NOT USE THE CATCHMENT MANAGEMENT LEVY?

There is a view expressed in the local government community in the Gawler River Catchment that the levies collected from ratepayers for the Northern Adelaide and Barossa Catchment Management Board could or should be directed to funding the Floodplain Management Strategy, including the capital works required.

Regardless of the merits of this argument or past understanding and misunderstanding of the role of the Boards between State and Local Government, it is clear that:

- Floodplain management (flood mitigation) is only one aspect of overall catchment management;
- The Board has other local Government stakeholders ("Barker Inlet" Councils) which would no doubt take a dim view of any suggestion of a disproportionate siphoning of Board funds towards Gawler River flood mitigation (For illustrative purposes, the table below demonstrates that

the Gawler River catchment Councils areas contributed 37% of the total levies to the Board in 1998-9);

- The current levies collected according to Council area based on capital values (for the NABWCMB) do not correlate with the cost apportionment principles for flood management canvassed in this report eg Mallala contributes 4% of the total contributed by the Gawler River Council areas, whereas it would be a major beneficiary of the proposed flood mitigation solution. The table below demonstrates the total levies collected by Council area for the total catchment and lists the Gawler River catchment Councils separately.

Table 3 Catchment Levy Contributions x Council Area 1998-9
(Total NABCWMB Catchment and Gawler River Councils)

COUNCIL	ALL COUNCILS	GAWLER CATCHMENT ONLY	% GAWLER CATCHMENT ONLY
Barossa Council	$140,117.11	$140,117.11	8.28%
Corporation of Gawler	$104,616.11	$104,616.11	6.18%
City of Playford	$295,055.30	$295,055.30	17.43%
City of Pt Adelaide Enfield	$13,553.82		
City of Salisbury	$515,972.15		
City of Tea Tree Gully	$536,005.20		
Adelaide Hills Council	$23,298.03	$23,298.03	1.32%
District Council of Kapunda & Light	$38,701.96	$38,701.96	2.11%
District Council of Mallala	$25,180.32	$25,180.32	1.49%
Totals	**$1,692,500**	**$626,968.03**	**36.81%**

It should also be noted that the Board has recently circulated a paper entitled "Roles and Responsibilities for Floodplain Management" outlining a suggested breakdown of the respective responsibilities of Councils, the Board and other agencies. The paper confirms the role of the Board as "lead agency" in relation to planning, coordination and attracting funding while it is proposed that local government be the "lead agency" for floodplain management measures.

8 THE FUNDING PROBLEM

8.1 Expected Council Contributions

One of the major difficulties of the current project is establishing the possible quantum of any required "local government" contribution to implementation of the floodplain management strategy. Understandably, all Councils are cautious about committing to a strategy when the potential financial impact is unknown, but on a worst case, would be in excess of $6m in capital costs.

The most optimistic view is that all capital costs could be externally funded by State and Commonwealth Government grants. However, the more realistic view is that potential external funding bodies would be seeking "local" contributions.

Therefore, to enable Councils to realistically assess the funding implications for future budgets (and especially the 2000-01 budget year) it is suggested that the Board establish a "target" budget to be reviewed and revised upwards or downwards after the confirmation of external contributions. It is suggested that this approach would at least enable negotiations to proceed dealing with concrete figures rather than some unknown financial exposure.

The following is an example of a possible target budget:

Total Project Costs	**$6.5m[2]**
External Funds Target	**$4.0m**
Board Contribution	**$0.5m**
Council Contributions	**$2.0m**

It appears to the writer that it is highly desirable that the Board's contribution (in whatever form that is provided) is explicitly identified in the overall project budget to overcome (or at least ameliorate) the concerns of Councils about the role of the Board in relation to floodplain management. It is acknowledged that the level of any contribution from the Board will be a matter of significant debate during the consultation period.

As stated above it should be emphasised that the target figures are for demonstration purposes only and would be revised (hopefully downwards) when external funding sources had been confirmed. The Board will be pursuing confirmation of external funding commitments during the consultation phase of this project.

[2] The Total Project Cost is an estimate only (based on the BC Tonkin report) and can only be confirmed on the completion of a detailed feasibility study

8.2 Funding Package Considerations

Preliminary consultation with the LGA and the LGFA indicate that because the vast majority of required expenditure is for an asset with a very long life it would be both prudent and financially appropriate (in terms of accounting principles) for a new authority to take out a very long term loan to finance any local government contribution. A long term loan, together the opportunity to "lock in" to current low interest rates could significantly ameliorate the immediate financial impact on contributing Councils. The hypothetical example is Section 9 below is based on the assumption that the total amount of the required Council contribution would be borrowed "up front".

However, it should also be noted that the project expenditure will be required in at least three defined stages:

- Preparation of detailed design (say, 2000)
- Land Acquisition (say, 2001)
- Dam Construction and Other Works (say, 2002)

Therefore, it will be possible for any Authority formed to manage the project to forward plan the financial impacts from all contributing sources (including the Board, the Councils and external funding sources). In these circumstances, the authority could choose to take out three smaller loans to fund each stage or to borrow the total amount "up front" to capitalise on current low interest rates. Detailed financial advice on the method of funding could be sought when consensus is achieved on the preferred approach.

The Steering Committee for the project also commented on the need to make provision for ongoing maintenance and depreciation of the asset, although it is understood that this would not be a significant cost or risk because of the nature of the asset.

9 A HYPOTHETICAL SCENARIO

Without prejudice to the necessary detailed consultation with Councils, a possible model for cost sharing is outlined below as a "starting point" for negotiations. It should be emphasised that the proposed "starting point" has been entirely devised by the Consultant and is not based on any consultations with the Board or the Councils. The "Consultant's Rationale" column contains his assessment of a possible balancing of the four "cost apportionment principles" outlined in section 5 of this report, and is, as stated throughout this report, highly subjective.

It is also based on the assumption that all Councils will ultimately agree to contribute in some way, contrary to some currently stated views.

The percentages arrived at are subjective applications of the factors outlined in Section 5 of this paper, together with weightings. For example, a significant subjective weighting has been applied to the "future costs avoided" factor, with the two downstream Councils providing 55% of the contribution.

Columns 3 and 4 demonstrate the financial impacts of the hypothetical proportions applied to total loan amounts of $2m and $3m accordingly. The figures provided illustrate the annual principal + interest repayments for a 15 year loan at current interest rates, provided by the LGFA. As outlined in Section 8 above, the hypothetical model is based on borrowing the total required contribution "up front", rather than the alternative of staging borrowing to match expenditure demand.

Table 4 Hypothetical Cost Apportionment
(Column MB% is the hypothetical percentage apportionment devised by the Consultant)

COUNCIL	MB%	$2m/15yr per annum	$3m/15yr per annum	CONSULTANT'S RATIONALE
Playford	30%	$72,000	$107,250	• Major beneficiary – future costs avoided • 37% of watercourse length • Intensive high value land use adjacent • Capacity to pay
Mallala	25%	$60,000	$89,375	• Major beneficiary – future costs avoided • 27% of watercourse length • Relatively lower capacity to pay
Gawler	15%	$36,000	$53,625	• Moderate beneficiary – future costs avoided • 16% of watercourse length
Barossa	15%	$36,000	$53,625	• 63% of catchment • No significant local benefits • Recognition of past mitigation works
Kapunda & Light	10%	$24,000	$35,750	• 25% of catchment • 20% of watercourse length • No significant local benefits • Relatively lower capacity to pay
Adelaide Hills	5%	$12,000	$17,875	• 7% of catchment • No significant local benefits
TOTAL	100%	$240,000	$357,500	

As stated above, this distribution is hypothetical and subjective and should serve only as a starting point for discussion.

10 DO NOTHING?

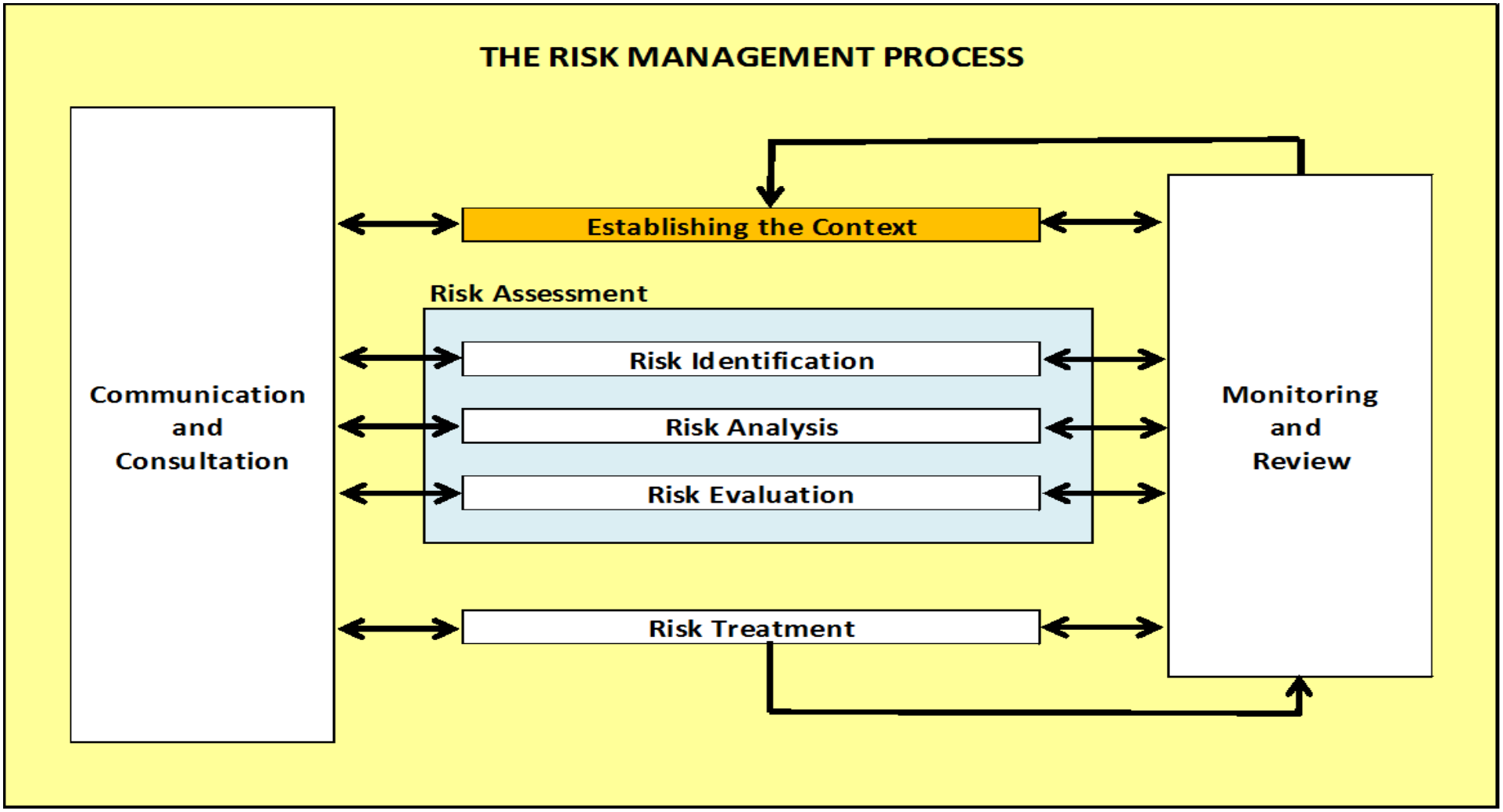
The B C Tonkin report estimates that failure to construct major infrastructure for flood mitigation exposes the community to a flood damage cost of **$10.6m** in present day value, not including the associated costs and trauma associated with a major flood event.

This estimated flood damage exposure is 75% greater than the estimated cost of construction of the Turretfield dam.

Furthermore, the existence of a well researched and documented solution, without acting on it, exposes responsible parties to acutely increased risk of successful legal action for negligence when the next major flood event occurs.

Simply put, doing nothing is not a rational option!

Appendix 3 – Stylised Extract from AS/NZS ISO 31000:2009 – The Risk Management Process



Appendix 4 - Potential Impact of Northern Floodways works

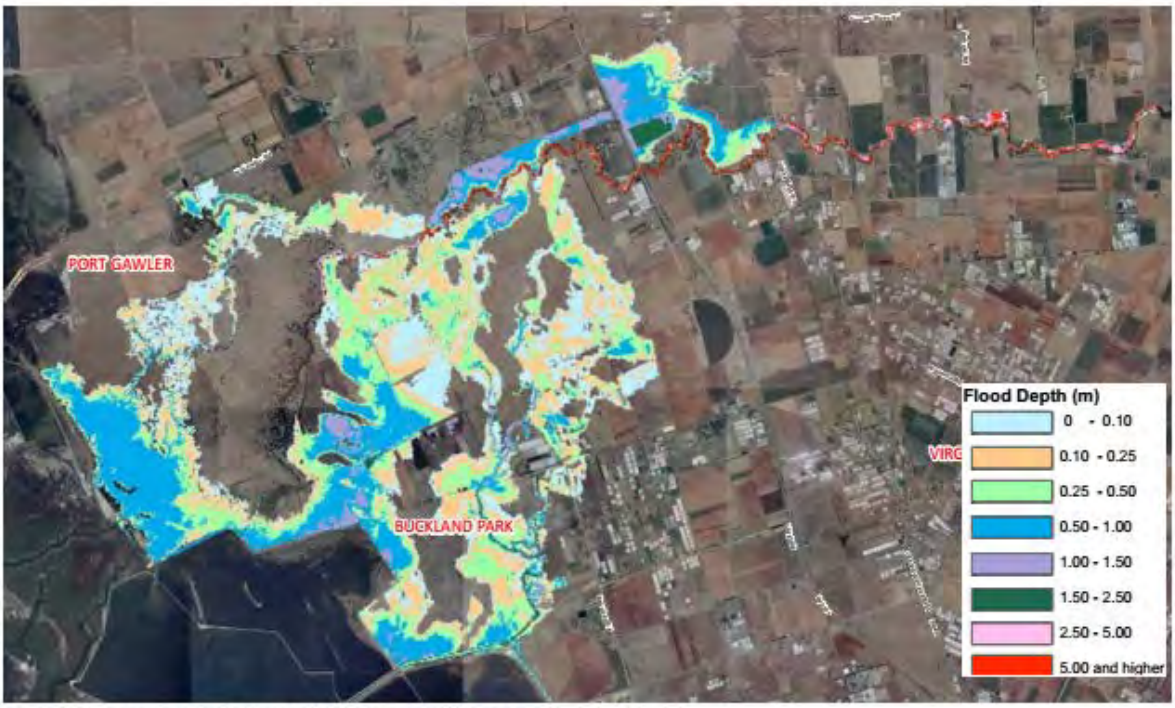


FIGURE 4.2 : NORTHERN FLOODWAY FLOOD INUNDATION EXTENT - CURRENT CONDITIONS

FIGURE 4.3 : NORTHERN FLOODWAY MITIGATION OPTION INUNDATION EXTENT WITH BUCKLAND PARK DEVELOPED

These maps are from a report by Australian Water Environments in February 2017 entitled "*Gawler River 2016 Flood Review: Preliminary Report – First Draft*", refer page 13.

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY CHAIRPERSON - MR. IAN BALDWIN

Subsidiary established Section 43 LG Act 1999

- **To coordinate construction, operation and maintenance of flood mitigation infrastructure for the Gawler River.**
- **Raise finance for approval.**
- **Forum for discussion and consideration relating to obligation and responsibilities of above .**
- **To enter into agreements with Constituent Councils for the purpose of managing and developing the Floodplain**

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

Following the November 2005 flood $20 million in funding from Federal, State and Local Governments to fund the Gawler River Flood Mitigation Scheme.

- **Construction of a flood control dam on the North Para River designed to control a 1 in 100 year flood (completed 2007).**
- **Modification of the South Para Reservoir dam wall and spillway to provide 1 in 100 year flood control storage on top of full reservoir storage (completed 2012).**

Formalization of controlled flow paths for floodwaters along the lower reaches of the Gawler River.

- Funding

Constituent Council	Capital Works	Maintenance of Assets	Operational Costs
	Percentage Share	Percentage Share	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%
Adelaide Plains Council	28.91%	28.91%	16.66%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

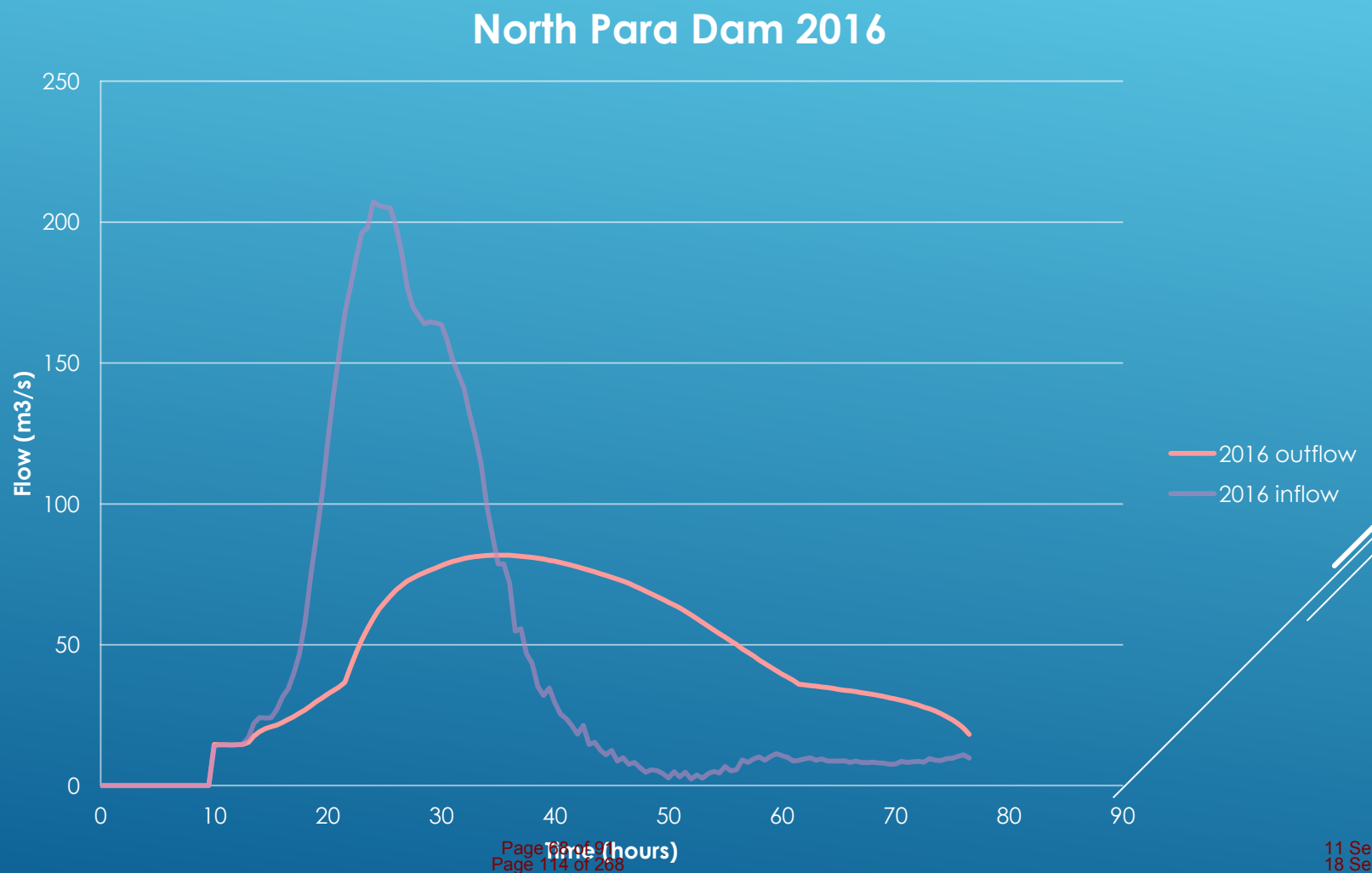
GRFMA BUSINESS PLAN 2017 – 2020

Council	2017/18 Maintenance of Assets contribution	2017/18 Operational Costs contribution	Total 2017/18	Paid in 2016/17
Adelaide Hills Council	**$329**	**$10100**	**$10429**	**$10027**
Adelaide Plains Council	**$5492**	**$10100**	**$15592**	**$14995**
The Barossa Council	**$1647**	**$10100**	**$11747**	**$11296**
Town of Gawler	**$3295**	**$10100**	**$13395**	**$12880**
Light Regional Council	**$1647**	**$10100**	**$11747**	**$11296**
City of Playford	**$6590**	**$10100**	**$16690**	**$16050**
Total	**$19000**	**$60600**	**$79600**	**$76544**

2017/18 GRFMA BUDGET

GRFMA BUSINESS PLAN 2017 – 2020

- The Flood Mitigation Scheme Works- Construction Dam, control flow. - historical
- Works Priorities- mitigate impact of flooding
- Maintenance of the Scheme -Dam inspection land mtce.
- Operation of the Regional Subsidiary- meetings etc.
- Funding- Grants SMA, other grants State and Federal Govt

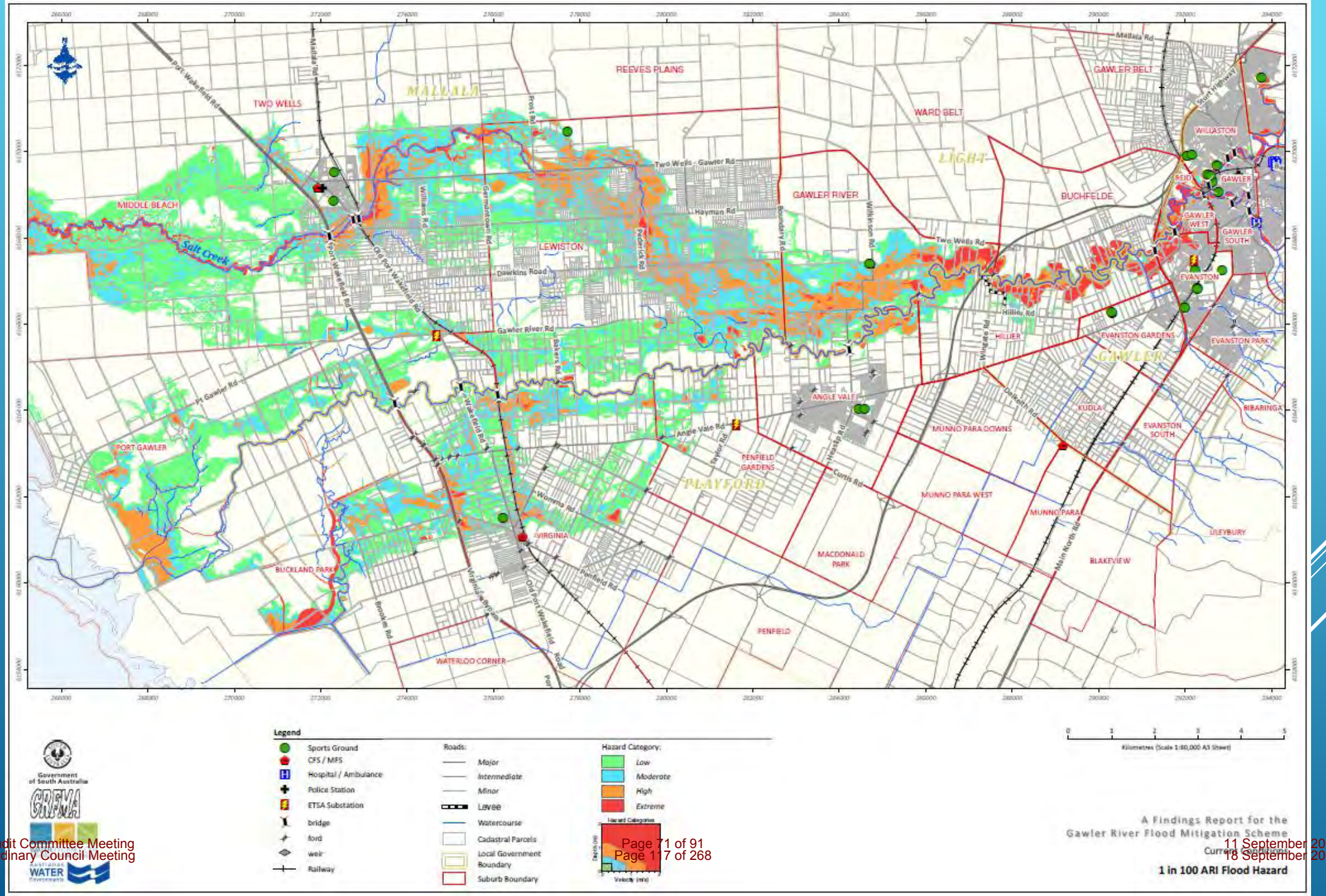

North Para Dam 2016
250
200
150
100
50
0
Flow (m3/s)
0
10
20
30
40
50
60
70
80
90
Time (hours)
2016 outflow
2016 inflow

PROPERTIES AT RISK

Flood Frequency (ARI)	Number of residential properties within each hazard rating			
	Low	Medium	High	Extreme
1 in 50	1056	785	483	236
1 in 100	1559	1451	1179	457
1 in 200	1814	1652	1419	615

DESIRABLE LEVELS OF PROTECTION
COST OF FLOODING

Flood Frequency (ARI)	Estimated Damages
1 in 10	$15m
1 in 20	$24m
1 in 50	$102m
1 in 100	$182m
1 in 200	$212m
Average Annual Damage	$7.40m
Present Value of Damages*	$109m



REEVES PLAINS
MALLALA
TWO WELLS
WARD BELT
GAWLER BELT
LIGHT
WILLASTON
REID
GAWLER
GAWLER RIVER
BUCHFELDE
GAWLER WEST
GAWLER SOUTH
MIDDLE BEACH
Salt Creek
LEWISTON
EVANSTON
EVANSTON GARDENS
EVANSTON PARK
HILLIER
GAWLER
ANGLE VALE
KUDLA
BIBARINGA
MUNNO PARA DOWNS
EVANSTON SOUTH
PORT GAWLER
PENFIELD GARDENS
PLAYFORD
MUNNO PARA WEST
MUNNO PARA
LILEYBURY
VIRGINIA
MACDONALD PARK
BLAKEVIEW
BUCKLAND PARK
PENFIELD
WATERLOO CORNER
Port Wakefield Rd
Mallala Rd
Two Wells - Gawler Rd
Hayman Rd
Two Wells Rd
Gawler River Rd
Dawkins Road
Pt Gawler Rd
Angle Vale Rd
Curtis Rd
Womma Rd
Penfield Rd
Main North Rd
Legend
Sports Ground
CFS / MFS
Hospital / Ambulance
Police Station
ETSA Substation
bridge
ford
weir
Railway
Roads:
Major
Intermediate
Minor
Levee
Watercourse
Cadastral Parcels
Local Government Boundary
Suburb Boundary
Hazard Category:
Low
Moderate
High
Extreme
Hazard Categories
Kilometres (Scale 1:80,000 A3 Sheet)
Government of South Australia
GRFMA
WATER
A Findings Report for the
Gawler River Flood Mitigation Scheme
Current Conditions
1 in 100 ARI Flood Hazard

Mitigation Options Assessed
(2014, 2016)

- Planning Controls
- Flood Warning
- Channel Widening
- Detention downstream of Gawler
- New Flood Control Dam
- Enlarged Bruce Eastick North Para Flood Control Dam
- Northern Floodway and Levee Improvements
- Southern Floodway and Levee Improvements
- Channel Desilting with New Outlet
- Strategic Levees around townships

Lower Gawler River Options

- Channel desilting/clearance and new outlet
  - Proved not to be effective
- Northern floodway
  - Technically Feasible
- Southern floodway and Port Wakefield High Improvements
  - Technically Feasible but costly
- Channel improvements
  - Technically Feasible … but cost prohibitive, and there are significant environmental and heritage issues – not a favoured option

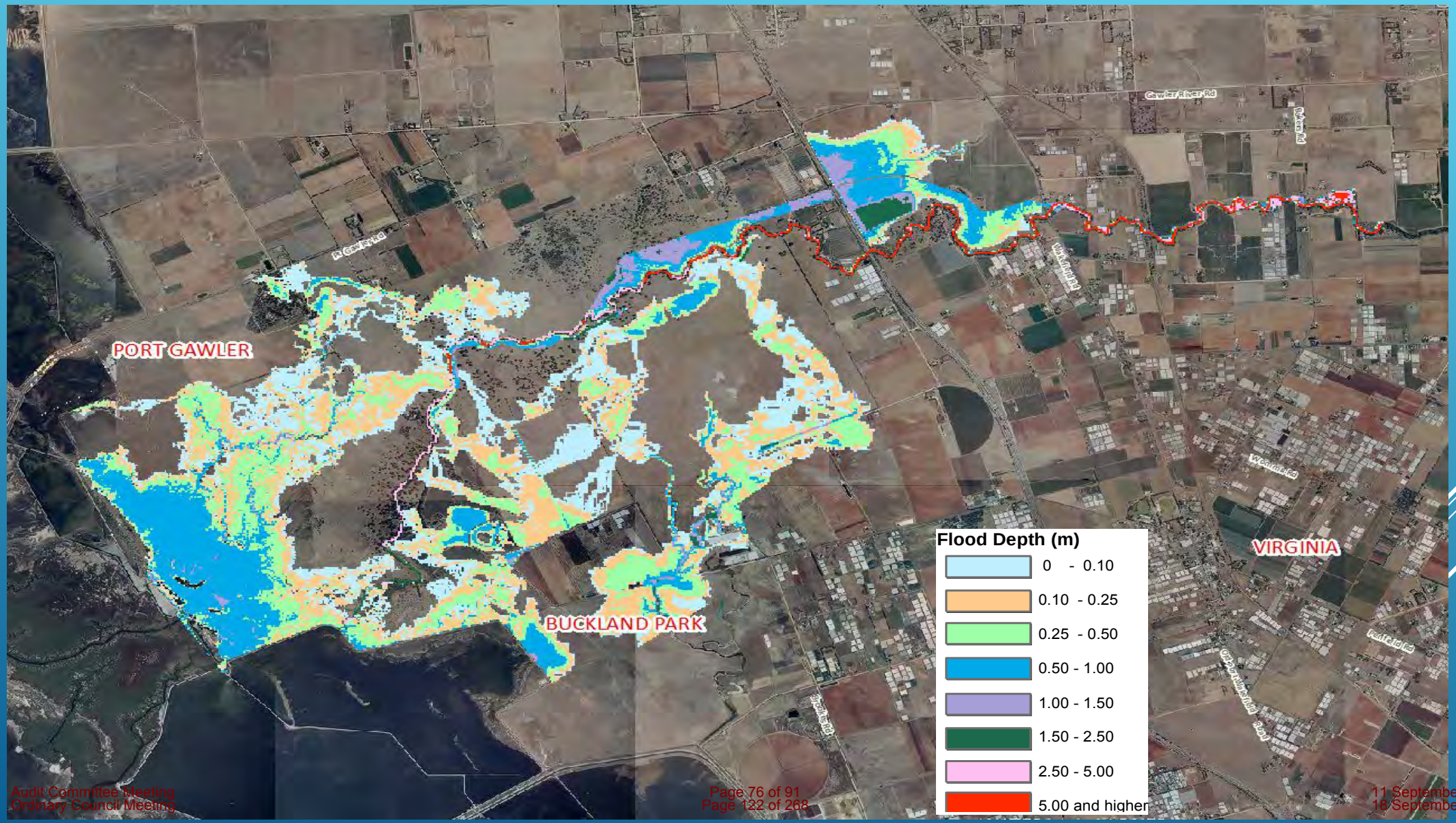
- Work Priorities 2017/18

- Proposed Gawler River northern floodway,
  - Upgrade and maintenance of the levee system and
  - Management of silt and pest vegetation;
  - first stage indicative costs of $27 million.
- Feasibility of Raising the Bruce Eastick Flood Mitigation Dam – “Currently Laying on the Table”

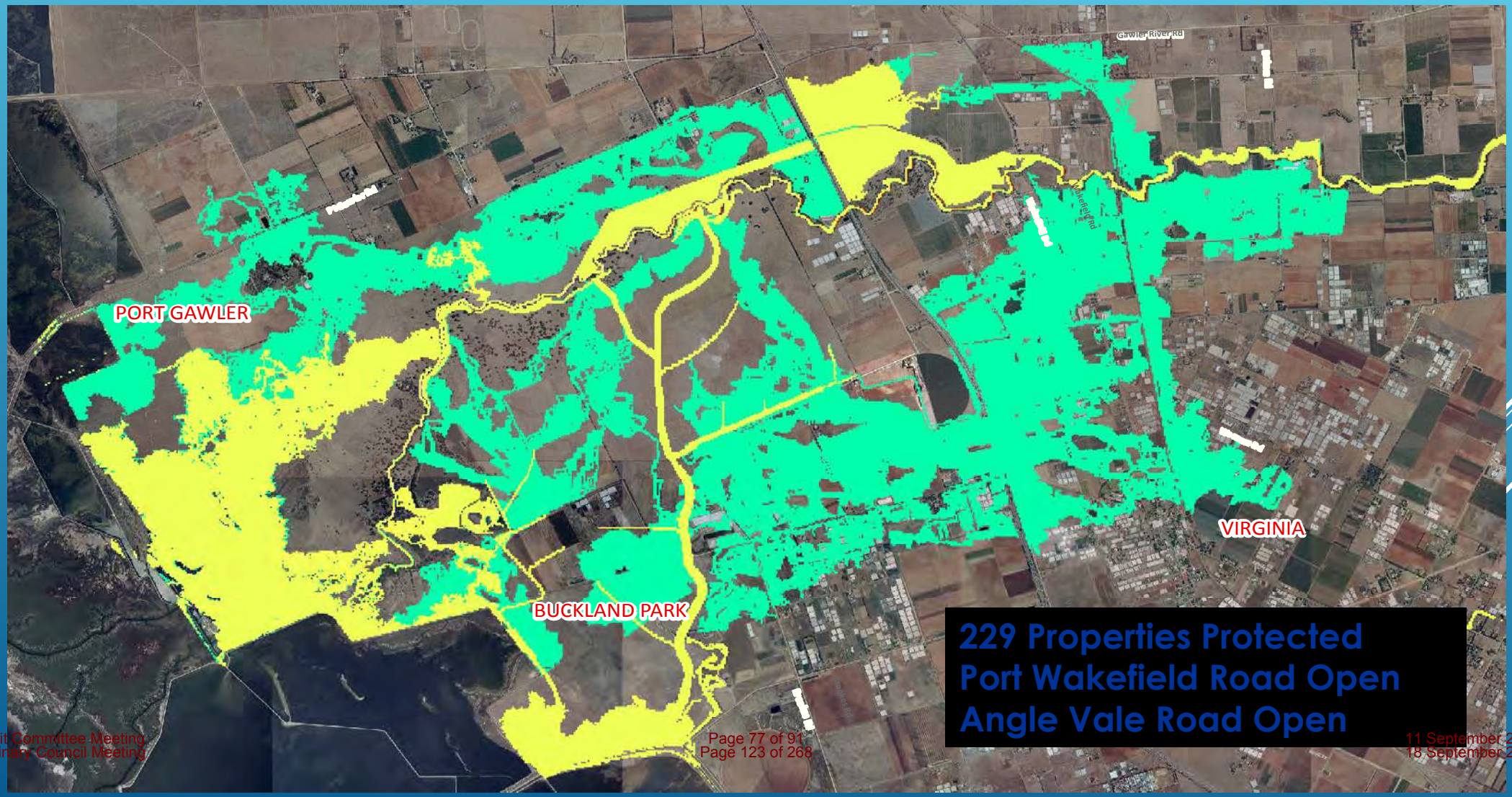
NORTHERN FLOODWAY

- Levee bank improvements from Pederick Road to the Rail bridge
- Spillway on northern bank upstream of Old Port Wakefield Road – new culverts under Old Port Wakefield Road
- Levee system containing flows to a designated route on the northern side of the River up to Port Wakefield Road
- Levee systems on the floodplain guiding flows on the floodplain north of the river channel and then guiding flows back into the river channel near Buckland Park.
- Flows to spread out on floodplain or to be guided through the Buckland Park residential development flood control channels.

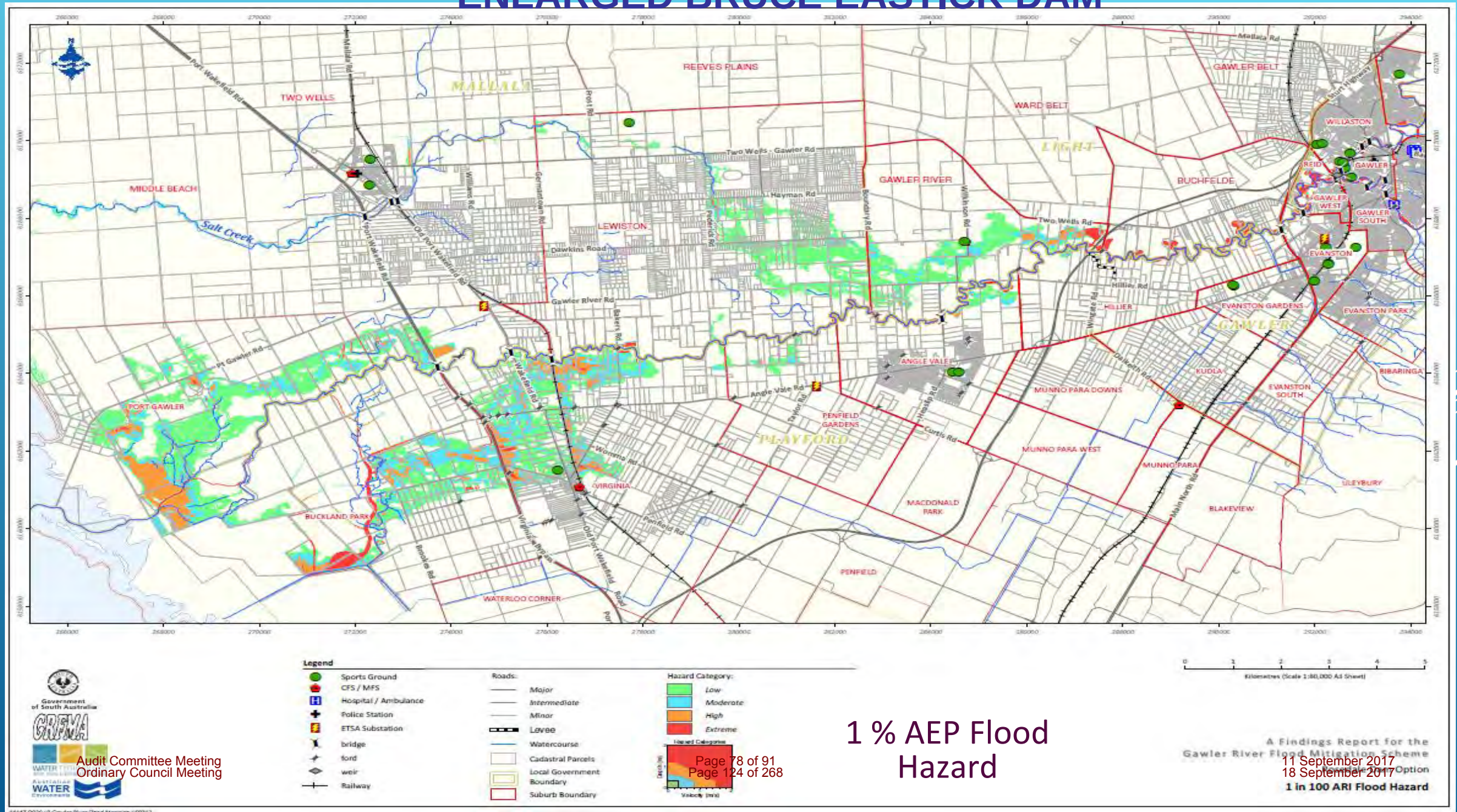
Northern Floodway Results
Without Buckland Park



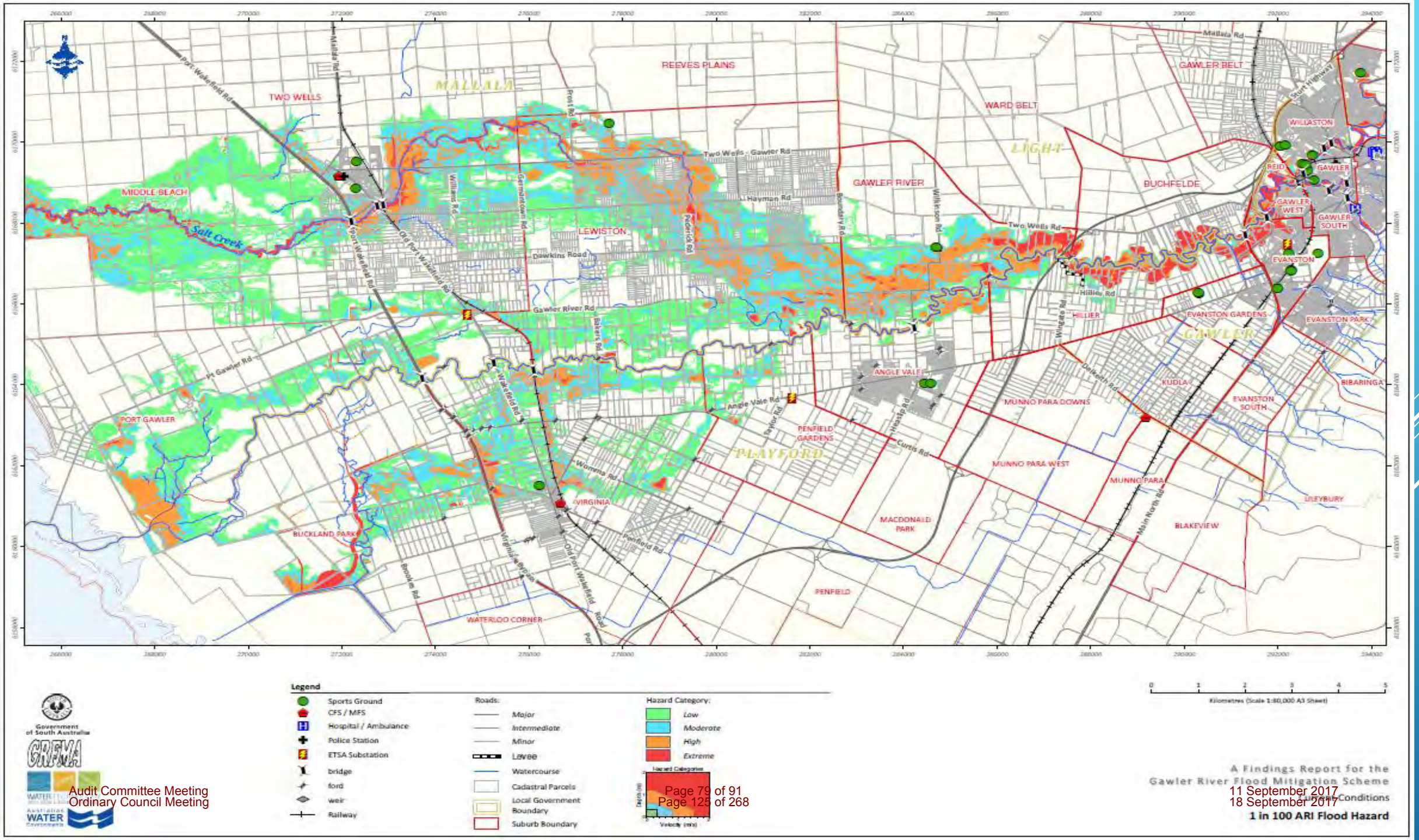
NORTHERN FLOODWAY RESULTS – WITH BUCKLAND PARK DIFFERENCE



ENLARGED BRUCE EASTICK DAM



1 % AEP Flood Hazard



MALLALA
LIGHT
GAWLER
PLAYFORD
TWO WELLS
REEVES PLAINS
WARD BELT
GAWLER BELT
WILLASTON
REID
GAWLER
GAWLER WEST
GAWLER SOUTH
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EVANSTON PARK
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KUDLA
EVANSTON SOUTH
MUNNO PARA DOWNS
MUNNO PARA WEST
MUNNO PARA
LILEYBURY
BLAKEVIEW
MACDONALD PARK
PENFIELD
PENFIELD GARDENS
ANGLE VALE
HILLIER
BUCHFELDE
GAWLER RIVER
LEWISTON
MIDDLE BEACH
Salt Creek
PORT GAWLER
BUCKLAND PARK
VIRGINIA
WATERLOO CORNER
Port Wakefield Rd
Two Wells - Gawler Rd
Two Wells Rd
Gawler River Rd
Dawkins Road
Pt Gawler Rd
Angle Vale Rd
Curtis Rd
Penfield Rd
Main North Rd
Legend
Sports Ground
CFS / MFS
Hospital / Ambulance
Police Station
ETSA Substation
bridge
ford
weir
Railway
Roads:
Major
Intermediate
Minor
Levee
Watercourse
Cadastral Parcels
Local Government Boundary
Suburb Boundary
Hazard Category:
Low
Moderate
High
Extreme
Hazard Categories
Depth (m)
Velocity (m/s)
Kilometres (Scale 1:80,000 A3 Sheet)
Government of South Australia
GRFMA
WATER
Australian WATER Governments
A Findings Report for the
Gawler River Flood Mitigation Scheme
Current Conditions
1 in 100 ARI Flood Hazard

What's Happening Now

- Ian Hunter MLC, Minister for Sustainability Environment and Conservation, Minister for Water and River Murray- supportive of a conditional funding
- three spheres of government – Commonwealth, the SA State Government and local government (comprising the 6 councils) each contribute one third of the works construction (capital) cost
- Senator the Hon Anne Ruston, Assistant Minister for Agriculture and Water;
- a "State" responsibility, the proposal requires submission from the State Government before it will receive any consideration by the Federal Government. However The Prime Minister's office has the GRFMA submission and waiting for State Govt .

What's Happening Now

- City Deals funding proposal, period of delays with other components of the State Government funding bid (not associated with the GRFMA proposal) proposal be separately pursued.
- This was agreed and Minister Hunter's office undertook to initiate a priority approach to forward.
- GRFMA Action Plan for progress of works now drafted.

GRFMA Commitment

- in relation to the $27 Million Northern Floodway project proposal that
- a separate consultation process at the relevant time, will be undertaken with councils 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 to then subsequently consider the most appropriate process to recognise and achieve required contributions.

THANKYOU

and any Questions?

PRUDENTIAL REVIEW OF ADELAIDE PLAINS COUNCIL CONTINUING MEMBERSHIP OF THE GAWLER RIVER FLOOD PLAIN MANAGEMENT AUTHORITY

REPORT FOR ADELAIDE PLAINS COUNCIL

BY

C.KAUFMANN

WATER ADVISOR

September 2017.

Review of Prudential Review of proposed withdrawal from GRFMA

Brief

I have been asked to provide the Council with advice on the Prudential Review, undertaken by Skilmar (David Hope), of the proposal that the Adelaide Plains Council withdraw from the GRFMA. This will be based on the relationship between this proposal and the Northern Adelaide Food Bowl scheme, previously and often still called NAIS.

Conclusion

I fully support the recommendation of the Prudential Review that the Adelaide Plains remains a committed member of the GRFMA.

Report

I have reviewed the report and have annotated it with comments.

The comments are based on the following additional information:

1. The definition of the "Northern Food Bowl" as set out in the draft Plan Amendment Report. This is Policy Area 3 on the attached map Mal/1.
2. The estimation of Flood Risk on Overlay Map Mal/1 Development Constraints
3. The proposed route of the NAIS main as shown on the third map attached which delivers water to the western area of the Foodbowl.

My estimate is that approximately 13% of the designated Foodbowl will be subject to Medium and High flood risk. If the low risk area is added in, which is reasonable given the effect of large scale development on local flooding, this increases to over 40% of the area.

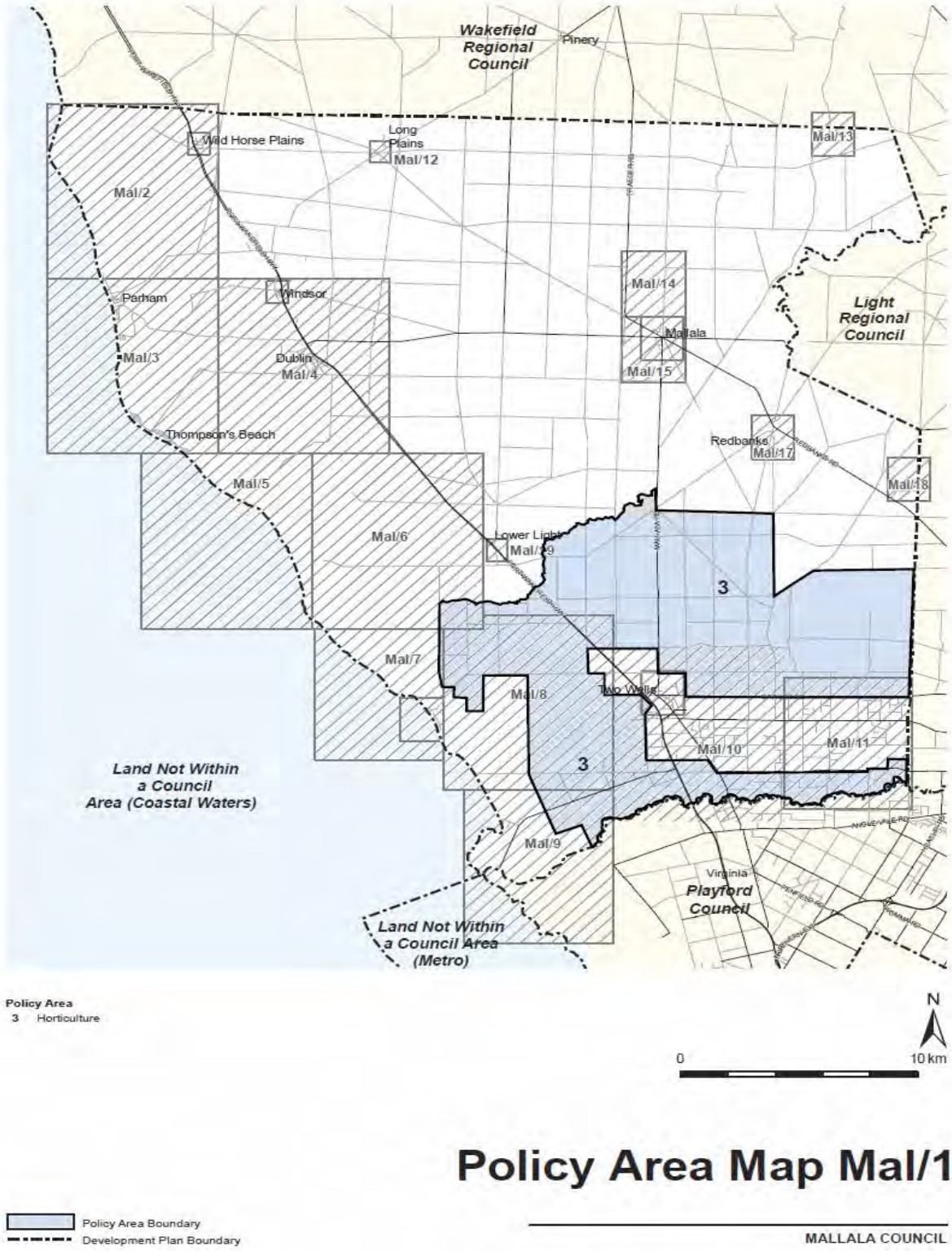
Given the location of the proposed NAIS pipeline the early development area is the western portion of the Foodbowl, this would have over 60% exposed to flood risk.

I have not undertaken an estimate of the increased road assets exposed to flood risk but could do so if required, an initial guess is about $20-30m of upgraded roads would be involved.

My experience in dealing with Commonwealth and State Disaster Mitigation funding programs is that without commitment from the whole of the catchment either by way of a formal organization or of a specific agreement from all relevant Councils there would be little chance of funding. This would leave Adelaide Plains Council working with Playford Council on local projects and hence exposed to half the current proposal ie $10-15m at least.

I fully support the reputational risk of withdrawal. This is at a time when the development of the Foodbowl will generate over $1b of investment in on farm infrastructure and production structures such as greenhouses, sheds, packing equipment and some processing sites. To attempt this when the area is

perceived as being unwilling to take an effective role in flood mitigation puts the whole Foodbowl concept at risk or at least of a much slower take up.



Disclaimer

These maps have been prepared on the basis of survey, hydraulic and hydrologic modelling.

They are only intended to be used as a policy tool for planning purposes and in broad scale flood risk management, and they should not be relied on for any other purpose.

They do not purport to illustrate actual inundation patterns, which will depend on the size and nature of a particular flood.

N

0 10 km

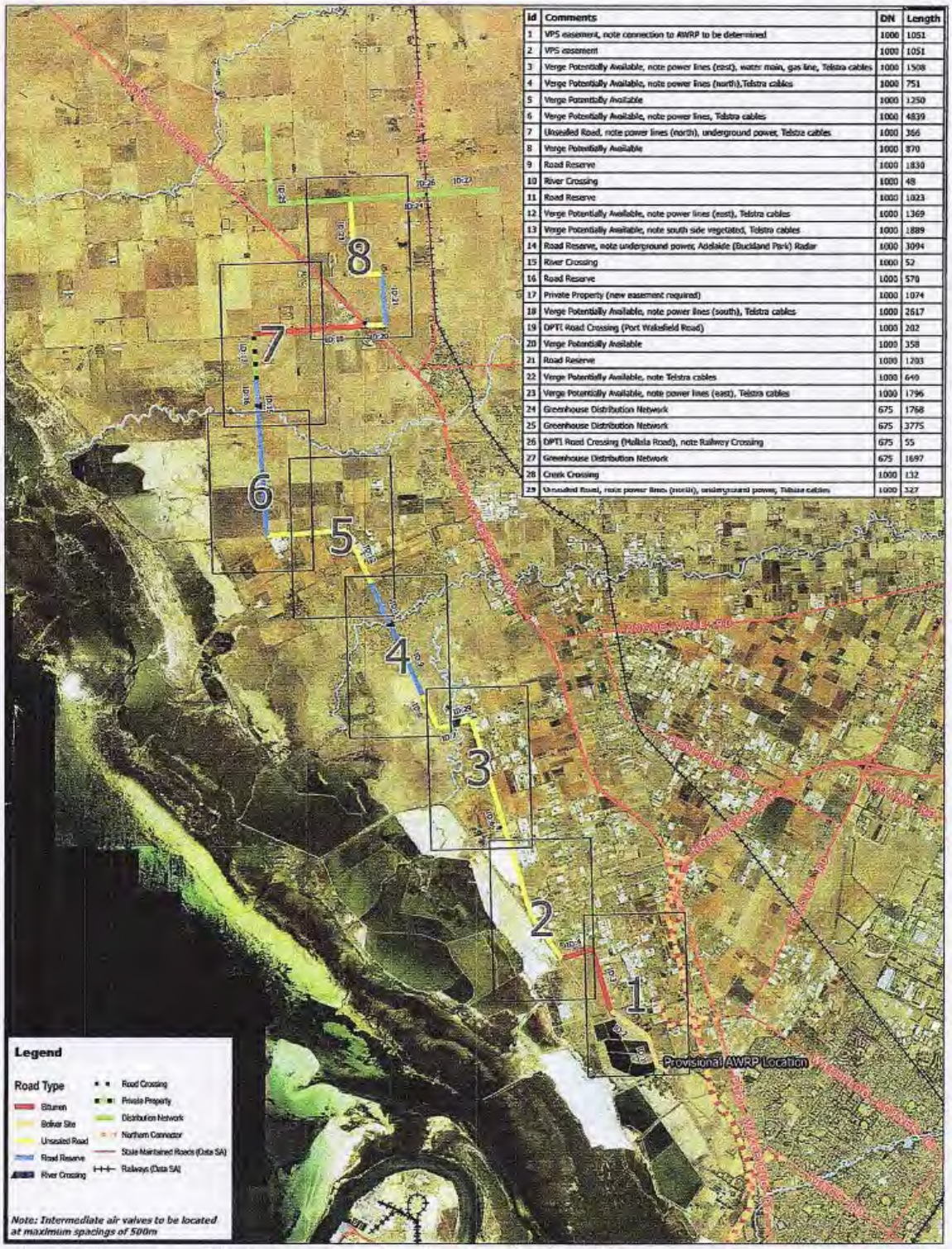
Flood Hazard Risk Areas
(1 in 100 year ARI flood event)

- High
- Medium
- Low
- Development Plan Boundary

Overlay Map Mal/1

DEVELOPMENT CONSTRAINTS

MALLALA COUNCIL



Id	Comments	DN	Length
1	VPS easement, note connection to AWRP to be determined	1000	1051
2	VPS easement	1000	1051
3	Verge Potentially Available, note power lines (east), water main, gas line, Telstra cables	1000	1508
4	Verge Potentially Available, note power lines (north),Telstra cables	1000	751
5	Verge Potentially Available	1000	1250
6	Verge Potentially Available, note power lines, Telstra cables	1000	4839
7	Unsealed Road, note power lines (north), underground power, Telstra cables	1000	366
8	Verge Potentially Available	1000	870
9	Road Reserve	1000	1830
10	River Crossing	1000	48
11	Road Reserve	1000	1023
12	Verge Potentially Available, note power lines (east), Telstra cables	1000	1369
13	Verge Potentially Available, note south side vegetated, Telstra cables	1000	1889
14	Road Reserve, note underground power, Adelaide (Buckland Park) Radar	1000	3094
15	River Crossing	1000	52
16	Road Reserve	1000	570
17	Private Property (new easement required)	1000	1074
18	Verge Potentially Available, note power lines (south), Telstra cables	1000	2617
19	DPTI Road Crossing (Port Wakefield Road)	1000	202
20	Verge Potentially Available	1000	358
21	Road Reserve	1000	1203
22	Verge Potentially Available, note Telstra cables	1000	649
23	Verge Potentially Available, note power lines (east), Telstra cables	1000	1796
24	Greenhouse Distribution Network	675	1768
25	Greenhouse Distribution Network	675	3775
26	DPTI Road Crossing (Hollala Road), note Railway Crossing	675	55
27	Greenhouse Distribution Network	675	1697
28	Creek Crossing	1000	132
29	Unsealed Road, note power lines (north), underground power, Telstra cables	1000	327

	12.3	**Mallala and Districts Historical Committee – meeting held 8 August 2017**
	Department:	**Executive Office**
	Report Author:	**Executive Assistant**
Date: 18 September 2017	**Container No:**	**CON12/871**
	Document No:	**D17/20546**

OVERVIEW

The purpose of this report is to facilitate the receiving and noting of the minutes from the 8 August 2017 Mallala and Districts Historical Committee.

RECOMMENDATION

"that Council receives and notes the minutes of the Mallala and Districts Historical Committee meeting held 8 August 2017."

Attachments

1. **Minutes of meeting held 8 August 2017**

References

Legislation

Not Applicable

Council Policies

Not Applicable

MINUTES OF MALLALA & DISTRICTS HISTORICAL COMMITTEE MEETING OF THE ADELAIDE PLAINS COUNCIL MALLALA MUSEUM, ON WEDNESDAY AUGUST 2ND. 2017 AT 7.00PM.

1. ATTENDANCE

1.1 Members present – Gwenda Griffiths, Laura Parsons, Chris Young, Sharon Svetec, Maxine Varcoe, & Marcus Strudwicke.
1.2 Members apologies – Prue Mosman, Margaret Tiller, Brian Verrall, Bob Bevan & Jim East.
1.3 Members absent – nil.

2. CONFIRMATION OF MINUTES

2.1 Moved Chris Young that the minutes of the meeting held on Wednesday July 5th. 2017 be accepted as read & confirmed, 2nd. Laura Parsons, carried.

3. BUSINESS ARISING – see General Business.

4. REPORTS

4.1 Financial Report – not available.

5. CORRESPONDENCE – see separate report. Moved Laura Parsons that we receive & note the Correspondence, 2nd. Chris Young, carried.

6. GENERAL BUSINESS

6.1 Ceiling fans – visit from electrician & Paul Cleghorn to look at the site. Another quote to be obtained & presented.
6.2 Recent donations – nil.
6.3 Relocation of racetrack cairn – we have received further correspondence & a visit re the new owner's proposal to re-locate this cairn to the race track entrance. They consider it is not visible enough at it's current site This cairn is on Council land. After discussion it was agreed that moving it would defeat the purpose of it being a historical marker. Our Committee would prefer that the existing cairn remains where it is, with perhaps a new one be placed at the entrance, along with any other that the new owners propose. Marcus to liaise on this item.
6.4 Mallala Motor Sport Park –History - Marcus Strudwicke & Brian Verrall will meet Glen Dix on Wednesday August 16th. Some items have already been donated. Further meetings with Peter Templeton will be needed. It was suggested a sub-committee be formed for this project – Marcus, Brian, Chris & Maxine.
6.5 Grants available – History SA Community Museum grants – up to $15000 – close 2nd. week of September.
6.6 Internet connection – has been unreliable the past few months. NBN is now available, with faster speeds & more data for $55 per month from Aussie Broadband. We are now not under contract so it was moved by Laura that we change our NBN ISP to Aussie Broadband at $55 per month, 2nd. Chris Young – carried. Marcus to organise.

[cont'd]

2-08-17
[cont'd]

7. VISITS & DIARY DATES UPCOMING

August – Thursday 24th. – Blue Wattle Tours, arrive approx.. 10.30am. – require morning tea & town tour. Numbers to be confirmed. Sharon will do the town tour.

September – Thursday 21st. – R & S Valiant Club, arrive 10.30 to 11.00am. Require morning tea [6 gluten free] all $12 per person. Institute has been booked. Laura will clarify their expectations as to lunch/morning tea.

8. THANK YOUS

8.1 To everyone who helped with recent visits.
8.2 To Brian for oiling the back gate padlock & for his very useful yellow arrow on the concrete by the sliding door of the Transport Gallery.
8.3 To Peter & Brian for working on the tyres of the Two Wells CFS trailer.

9. ANY OTHER BUSINESS

9.1 We had a recent visitor who was very knowledgeable about dolls & pointed out some errors in our signage.
9.2 The Crighton display DVD player is not working. Laura may have a suitable spare.
9.3 Laura presented a suggestion & sketch of a proposed costume gallery mezzanine for upstairs. Discussion ensued on the parlous state of the ceiling. It was agreed that no work could proceed without improvements or replacement of the suspended ceiling. It is also planned that the upstairs windows need replacing as they are not watertight. Laura to contact Adelaide Plains Council to ask them to look into the ceiling & consider replacing it.
Laura moved that we request Council to get quotes for replacement of the ceiling & other dust control as there is dust damage to the upstairs items, 2nd. Maxine Varcoe – carried.

Meeting closed at 8.35pm.

Next meeting is on Wednesday September 6th. 2017 at 7.00p

SUNDAY ROSTER 2.00pm. to 4.30pm.

Sunday	August	6th.	Prue Mosman	Lucy Vanzini
‘	“	13th.	Sharon Svetec	Frank Svetec
“	“	20th.	Maxine Varcoe	Tom Varcoe
‘	“	27th.	Margaret Tiller	Marcus Strudwicke
“	September	3rd.	Laura Parsons	Gwenda Griffiths
“	“	10th.	Chris Young	Lucy Vanzini
“	“	17th.	Prue Mosman	Rosemary Jenkin
“	“	24th.	Sharon Svetec	Frank Svetec

Go To Index

Adelaide Plains Council	**13.1**	**Gawler River Floodplain Management Authority – minutes of meeting held 24 August 2017**
	Department:	**Executive Office**
	Report Author:	**Executive Assistant**
Date: 18 September 2017	**Container No:**	**CON12/314**
	Document No:	**D17/22463**

OVERVIEW

The purpose of this report is to facilitate the receiving and noting of the minutes from the 24 August 2017 Gawler River Floodplain Management Authority meeting.

RECOMMENDATION

"that Council receives and notes the minutes of the Gawler River Floodplain Management Authority meeting held 24 August 2017."

Attachments

1. **Minutes of meeting held 24 August 2017**
2. **Key Outcomes Summary**

References

Legislation

Not Applicable

Council Policies

Not Applicable

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

Adelaide Hills Council
Adelaide Plains Council
The Barossa Council
Town of Gawler
Light Regional Council
City of Playford

Address: 266 Seacombe Road SEACLIFF PARK SA 5049
Mobile: 0407717368
Email: davidehitchcock@bigpond.com
Website gawler.sa.gov.au/grfma

M I N U T E S

Committee	**Gawler River Floodplain Management Authority**
Held On	**Thursday 24 August 2017 at 9.45 am**
Location	**Gawler**

WELCOME

Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members, Observers and the Executive Officer and opened the ninety seventh meetings of the Board.
Mr Baldwin also noted and welcomed new Adelaide Plains Council appointments - Cr Mel Lawrence, Adelaide Plains Council, Board Member, Cr Terry-Anne Keen, Adelaide Hills Council, Deputy Board Member, Mr Martin Waddington, Adelaide Plains Council, Board Proxy Member for Mr James Miller.

PRESENT

Mr Ian Baldwin, Independent Board Member, Chair
Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
Mayor Bob Sloane, The Barossa Council, Board Member
Mr Gary Mavrinac, The Barossa Council, Board Member
Mr Sam Dilena, Gawler Council, Board Member
Cr Adrian Shackley, Gawler Council, Board Member
Mr Mal Hemmerling, City of Playford, 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
Mr Andrew Philpott, Light Regional Council, Deputy Board Member
Cr Terry-Anne Keen, Adelaide Hills Council, Observer
Mr Martin Waddington, Adelaide Plains Council, Observer
Mr Greg Pattinson, City of Playford Observer
Cr Carol Muzyk, City of Playford, Observer, (arrived 9.53am)
Mr David Hitchcock, Executive Officer

APOLOGIES

Mr Marc Salver, Adelaide Hills Council, Deputy Board Member
Mr Brian Carr, Light Regional Council, Board Member
Cr William Close, Light Regional Council, Board Member

GRB 17/043 Appointment of Observers

Moved: Mr J Miller **Seconded: Mr A Philpott**

That Cr Terry-Anne Keen, Adelaide Hills Council, Mr Martin Waddington, Adelaide Plains Council, Mr Greg Pattinson, City of Playford and Cr Carol Muzyk, City of Playford, be appointed as Observers

CARRIED

The Chair sought leave and received approval of the Meeting to bring forward Agenda Item 7 being presentation by Graeme Riddell, School of Civil Environmental and Mining Engineering, The University of Adelaide regarding UNHaRMED a software application for the understanding and mitigation of long term natural hazard risk.

The Board noted its support for further investigation of application of the software for GRFMA

GRB 17/044 UNHaRMED software application

Moved: Mr M Hemmerling. **Seconded: Mr A Philpott**

The GRFMA Board endorse the Executive Officer to progress further discussions with the University of Adelaide and Research Institute for Knowledge Systems regarding UNHaRMED ; subject to identification of relevant input costs and ongoing software operation requirements and comparison /suitability of other like market software applications that might otherwise be applicable.

CARRIED

GRB 17/045 Minutes of the previous GRFMA meeting 15/6/17

Moved: Cr Davey **Seconded: Mr M Hemmerling.**

That the Minutes of the previous Gawler River Floodplain Management Authority Board meeting held on Thursday, 15 June 2017 as per copies supplied to members, be adopted as a true and correct record of that meeting.

CARRIED

GRB 17/046 Minutes of the Confidential GRFMA Minutes meeting 15/6/17

Moved: Mr J Miller **Seconded: Cr A Shackley**

That the confidential Minutes of the previous Gawler River Floodplain Management Authority Board meeting held on Thursday, 15 June 2017 as per copies supplied to members be adopted as a true and correct record of that meeting.

CARRIED

GRB 17/047 Draft Minutes of the GRFMA Audit Committee meeting 3/8/17

Moved: Mr G Mavrinac **Seconded: Cr. M Herrmann**

That the GRFMA note the draft Minutes of the GRFMA Audit Committee Meeting held on 3 August 2017.

CARRIED

GRB 17/048 Draft Minutes of the GRFMA Technical Assessment Panel meeting 7/8/17

Moved: Mayor B Sloane **Seconded: Mr A Philpott**

That the GRFMA note the draft Minutes of the GRFMA Technical Assessment Panel Meeting held on 7 August 2017.

CARRIED

GRB 17/049 In Confidential 10.38 am

Moved: Mr G Mavrinac **Seconded: Cr M Herrmann**

That under the provisions of Section 90(2) of the Local Government Act 1999, an Order be made that the public be excluded from attendance at the meeting in order to consider in confidence agenda item 8.1 Land Acquisition, excepting the following persons:

- **Executive Officer; and**
- **Deputy Board Members.**

And Further;
That the GRFMA Board is satisfied that it is necessary that the public be excluded to enable the Board to receive, discuss or consider the report at the meeting on the following ground/s:
Section 90(3)(d)&(e) information the disclosure of which—

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information to the Board where the disclosure of it would, on balance, be contrary to the public interest.

And Further
That accordingly, on this basis, the principle that meetings of the GRFMA Board should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED

GRB 17/050 Land Acquisition - CONFIDENTIAL

Refer to separate Confidential Minute extract **CARRIED**

GRB 17/051 Out of Confidential 11.15am

Moved: Mr M Hemmerling Seconded: Cr D Davey

That the GRFMA having considered this matter in confidence under Section 90(2) and 90(3)(d) &(e) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the attachments and details of documents of the confidential Minutes of the meeting held on 15 June 2017, Item 8.1 Land Acquisition which was considered in confidence pursuant to Section 90(3)(d)&(e) remain confidential until settlement concludes.

CARRIED

11.15am The meeting adjourned for a short morning tea break

11. 30am The meeting readjourned

GRB 17/052 Audited Financial Statements for the year 2016 – 2017

Moved: Mayor B Sloane Seconded: Cr M Lawrence

That the audited Financial Statements for the year 2016 – 2017 be adopted for the purposes of Part 4 Financial Statements of the Local Government (Financial Management) Regulations 2011 and the 'Certification of Financial Statements' be signed by the Executive Officer and Board Chair.

CARRIED

GRB 17/053 Interest in Net Assets

Moved: Mr S Dilena Seconded: Mayor B Sloane

That the Schedule of Constituent Council's Interest in Net Assets as at the 30 June 2017 be adopted in accordance with Clause 15.5 of the Charter CARRIED

GRB 17/054 GRFMA 2016 – 2017 Annual Report

Moved: Mr G Mavrinac Seconded: Mr M Lawrence

That the Annual Report 2016 – 2017 of the Gawler River Floodplain Management Authority as considered and amended be adopted CARRIED

GRB 17/055 Northern Floodway's

Moved: Mr J Miller **Seconded: CR D Davey**

That GRFMA having received the verbal update on the Northern Floodway's funding proposal and draft Strategic Pathway (Action) plan as provided by the Focus Group and GRFMA Technical Assessment Panel notes that further work on the Action Plan will be required as matters progress to get to a suitable point where a pre-project funding program might be established.

CARRIED

General discussion also noted capital deprecation and ongoing (annual) maintenance costs of the proposed Northern Floodways program will also need to be considered when project costs and funding contributions are being considered.

GRB 17/056 Review of the Register of Confidential Items

Moved: Cr M Herrmann **Seconded: Mr M Hemmerling**

That the GRFMA:

1. **Receives the report; and**
2. **Pursuant to Section 91(7) of the Local Government Act 1999, orders that the documents, reports and minutes pertaining to the following matters, including discussions and considerations, be retained in confidence for a period as specified below, pursuant to Section 91(9):**
   - **GRFMA meeting 18/2/16 Land acquisition dispute, Section 90(3)(h) Local Government Act 1999**

   Confidential until settlement concludes.

3. **Pursuant to Section 91(7) of the Local Government Act 1999, orders that the documents, reports and minutes pertaining to the following matters, including discussions and considerations, be retained in confidence for a period as specified below, pursuant to Section 91(9):**
   - **GRFMA meeting 23/6/16 Land acquisition dispute, Section 90(3)(h) Local Government Act 1999**

   Confidential until settlement concludes.

4. **Pursuant to Section 91(7) of the Local Government Act 1999, orders that the documents, reports and minutes pertaining to the following matters, including discussions and considerations, be retained in confidence for a period as specified below, pursuant to Section 91(9):**
   - **GRFMA meeting 8/12/16 Land acquisition dispute, Section 90(3)(h) Local Government Act 1999**

   Confidential until settlement concludes.

5. **Pursuant to Section 91(7) of the Local Government Act 1999, orders that the documents, reports and minutes pertaining to the following matters, including discussions and considerations, be retained in confidence for a period as specified below, pursuant to Section 91(9):**

- **GRFMA meeting 15/6/17 Land acquisition dispute, Section 90(3)(h) Local Government Act 1999**

Confidential until settlement concludes.

CARRIED

GRB 17/057 Financial Report

Moved: Cr M Lawrence Seconded: Cr A Shackley

That the financial report as at 31 July 2017 showing a balance of total funds available of $163,128.19 be received.

CARRIED

GRB 17/058 GRFMA Asset Management/Treasury Management Policy

Moved: Mayor Bob Sloane Seconded: Mr A Philpott

That the GRFMA receive the report:

1. **Notes progress on development of the Treasury Management Policy and Asset Management Plan;**
2. **Endorses the Executive Officer liaising with constituent council asset management staff to further develop the plan for GRFMA Board consideration: and that**
3. **Final drafts of the policies be reviewed by the GRFMA Audit Committee before further GRFMA consideration.**

CARRIED

GRB 17/059 Correspondence

Moved: 'Cr M Lawrence Seconded: Mr M Hemmerling

That the GRFMA receive the Correspondence.

CARRIED

Other Business without notice

Mr J Miller provided an update on progress with the Adelaide Plains Council resolution regarding withdrawal from the GRFMA. The GRFMA Chair also advised that along with the Executive Officer he had attended a meeting of the Adelaide Plains Council to present on the current and future operations of the GRFMA.

GRB 17/060 Adelaide Plains Council

Moved: 'Cr M Herrmann **Seconded: Cr A Shackley**

That the GRFMA receive the Adelaide Plains Council – Gawler River Floodplain Management Authority Membership review- Status update.

CARRIED

GRB 17/061 GRFMA Charter Review

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.

GRB 17/062 Flood Management Questionnaire

MR A Philpott advised of work being undertaken by a student from the University of Adelaide regarding flood management and sought assistance from GRFMA members with completion of a questionnaire.

GRB 17/063 Webpage Documents

Cr Lawrence noted requirement for publication of Agenda and minutes on the GRFMA Webpage. The Executive Officer advised documents were being published as required and that he would follow up to rectify where any documents had not been displayed.

GRB 17/064 Anne Picard Service

The Chair thanked Anne Picard, previous GRFMA Board member and previous Adelaide Plains Council member for her nearly 12 years' service contribution.

Closure

The Chair thanked the Town of Gawler for hospitality as host and noted the next Ordinary Board Meeting will be held 9.45 am, Thursday 19 October 2017, Adelaide Plains Council, Mallala

Meeting closed 12.45 pm

Confirmed Chair……

Gawler River Floodplain Management Authority

Adelaide Hills Council, Adelaide Plains Council, The Barossa Council,
Town of Gawler, Light Regional Council, City of Playford

Key Outcomes Summary

GRFMA Board Meeting 24/8/17

Long-term natural hazard risk.

Representatives from the School of Civil, Environmental & Mining Engineering, The University of Adelaide – in conjunction with the Research Institute for Knowledge Systems, provided a presentation on UNHaRMED, a software application for the understanding and mitigation of long-term natural hazard risk.

UNHaRMED is designed to explore how to manage risk into the future in an integrated and dynamic approach considering different drivers and options impacting on future risk. Hazards included in the application of UNHaRMED to Greater Adelaide are earthquake, bushfire, coastal inundation and riverine flood.

The tool may have considerable potential to assist the GRFMA develop a "landscape master plan" for the future of the catchment area at the infrastructure, environmental and socio-economic level.

The GRFMA resolved to progress further discussions with the University of Adelaide and Research Institute for Knowledge Systems regarding UNHaRMED; subject to identification of relevant input costs, ongoing software operation requirements and comparison /suitability of other like market software applications that might otherwise be applicable.

Financial Statements and Annual Report

The GRMA received and adopted

- the audited Financial Statements for the year 2016 – 2017
- the Schedule of Constituent Council's Interest in Net Assets as at the 30 June 2017; and
- the GRFMA Annual Report 2016 – 2017

Northern Floodway's

That GRFMA received an update on the Northern Floodway's funding proposal and draft Strategic Pathway Action Plan (work program) as provided by the Focus Group and GRFMA Technical Assessment Panel.

The update noted the GRFMA has engaged with Ian Hunter MLC, Minister for Sustainability Environment and Conservation, Minister for Water and River Murray and Senator the Hon Anne Ruston, Assistant Minister for Agriculture and Water.

Minister Hunter has advised that the State Government is supportive of a conditional funding contribution to the $27 Million flood mitigation recommendations of the Gawler River 2016 Flood Review.

Contact Mr D Hitchcock davidehitchcock@bigpond.com MOB 0407717368

Senator Ruston's office (Chief of Staff) has advised that the Senator is well aware of the matter and has also briefed the Office of the Prime Minister.

Senator Ruston's office has further advised that as stormwater / flooding is considered a "State" responsibility the proposal requires submission from the State Government before it will receive any consideration by the Federal Government.

Minister Hunter's office has since progressed correspondence for the State/ GRFMA Northern Floodways funding request to the Prime Minister.

It was also noted that further work on the Northern Floodways Action (works program) Plan will be required as matters progress to get to a suitable point where a pre-project funding program might be established.

In Confidence

The GRFMA considered agenda item 8.1 relating to Land Acquisition in confidence under Section 90(2).

Register of Confidential Items

The GRFMA received and adopted the annual review of the Register of Confidential Items and the period of confidentiality for the identified items.

Adelaide Plains Council motion to withdraw from the GRFMA

Mr J Miller CEO Adelaide Plains Council provided a Council report on the Gawler River Floodplain Management Authority Membership review- Status update. It was noted that the GRFMA Chair and Executive Officer had attended a meeting of the Adelaide Plains Council to present on the current and future operations of the GRFMA.

Other Business

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.

The Chair thanked Anne Picard, previous GRFMA Board member and previous Adelaide Plains Council member for her nearly 12 years' service contribution.

The next Ordinary Board Meeting will be held 9.45 am, Thursday 19 October 2017, Adelaide Plains Council, Mallala

Contact Mr D Hitchcock davidehitchcock@bigpond.com MOB 0407717368

	14.1	**Policy Review – Communication Policy**
	Department:	**Governance and Communications**
	Report Author:	**General Manager – Governance and Communications**
Date: 18 September 2017	**Container No:**	**CON12/543**
	Document No:	**D17/11507**

EXECUTIVE SUMMARY

- Council's current Communication Policy was last reviewed in 2014.
- Following a recommendation from Council's Governance Advisory Panel, Council, at its meeting held 18 April 2017, resolved to undertake a review of its current policy position regarding Council Member communications.
- In light of Council's resolution, management have now undertaken a review of Council's Communication Policy.
- Council's 'Records Management Policy', 'Information Technology and Communications Policy' and 'Customer Service Charter' have also been taken into consideration as part of this review. These policies will be brought back to Council separately for review in the ensuing months.
- The revisions to the Communication Policy are shown in the 'marked up' policy as per **Attachment 1** and the 'clean copy' is presented in **Attachment 2** to this report for Council's consideration.

RECOMMENDATION

"that Council, having considered Item 14.1 – *Policy Review – Communication Policy*, dated 18 September 2017, receives and notes the report and in doing so:-

1. **Endorses the updated Council Members Communication Policy (as set out in Attachment 2);**

OR

Endorses the updated Council Members Communication Policy (as set out in Attachment 2), with the following amendments:-

a. .....; and

2. Authorises the Chief Executive Officer to make any necessary final amendments to the document."

BUDGET IMPACT

N/A

RISK ASSESSMENT

N/A

Attachments

1. **Revised 'marked up' copy of Communication Policy**
2. **Finalised 'clean copy' of Council Members Communication Policy**

DETAILED REPORT

Purpose

This report provides for a review of Council's Communication Policy that has been undertaken in accordance with the recommendation of Council's Governance Advisory Panel which was subsequently endorsed by Council on 18 April 2017 (2017/083):-

> ***"that the Council endorses the recommendation of the Governance Advisory Panel and requests that administration commence the immediate review or creation of a policy that requires all communications from Elected Members be addressed to a single point of entry to be determined by the Chief Executive Officer."***

Background/History

Council's current Communication Policy was endorsed by Council in 2013. The policy covers the communication between Council Members and Council staff, with a specific focus on Requests for Information and Service (refer current clause 7).

At its meeting held 12 April 2017, Council's Governance Advisory Panel recommended that the current policy position regarding communications from Council Members be reviewed (refer GAP resolution 2017/017). Council, at its meeting held 18 April 2017, subsequently endorsed this recommendation and resolved to either introduce a new policy or revise the current policy, with a focus on communications from Council Members being through a *"single point of entry to be determined by the Chief Executive Officer"*.

Council currently has in place the following policies relating to communications from Council Members:-

1. Communication Policy
2. Information Technology and Communications Policy
3. Records Management Policy

The above policies have been taken into account as part of this review, with Council's current Communication Policy being the targeted policy for the purposes of Council's recent resolution.

It is therefore timely for Council to consider the revised Communication Policy as presented in **Attachment 1** (the 'marked up' version) and again in **Attachment 2** (the 'clean copy' – easier to read).

Discussion

While there is no legislative requirement for councils to have a policy in relation to Council Member communications, the implementation of a policy outlining Council's expectations relating to communications from Council Members (including expectations regarding general behaviour and requests) assists both Council Members and staff in the day-to-day operations of Council.

Provisions surrounding the way in which Council will channel information and requests received by Council Members help to ensure the smooth functioning of Council. This includes allocating the necessary resources/staff to matters while ensuring the provision and level of services is maintained. This policy also assists with ensuring that Council's strategic direction and core business is given due consideration.

The Communication Policy stems from, and further expands on, many provisions relating to Council Member duties and responsibilities under the *Local Government Act 1999* and the mandatory Code of Conduct, thereby assisting Members to fulfil these duties.

The policy has been reviewed in light of Council's resolution (to narrow the channel of communication) and in conjunction with the communication policies/strategies/guidelines implemented by other councils. The review provides a good opportunity to better clarify and specify current expectations and responsibilities. There has also been a greater emphasis placed on the importance of strong working relationships, compliance with legislation and the Codes of Conduct and a need to consider Council's core business, budget/resourcing, customer service standards and strategic direction.

Council's current Records Management Policy, Information Technology and Communication Policy and Customer Service Charter have also both been taken into account when reviewing the Communication Policy. Relevant provisions from these policies have been reflected, where appropriate, within the Communication Policy to ensure consistency. These other policies will also be brought to Council for review in the coming months.

With reference to the 'marked up' version as per **Attachment 1**, all proposed amendments have been made with revisions in red font to assist with identification of changes. Please note that not all text in red font that has been ~~struck out~~ has necessarily been deleted, but may represent text that has been moved to another section of the policy. A summary of the amendments are outlined below and the 'clean copy' is attached (**Attachment 2**) to assist with cross-referencing between the current and revised versions.

In addition to incorporating minor administrative/formatting changes, a summary of the more notable changes as per the reviewed policy is provided below (reference is made to the new clause numbers):-

- *Title* – change to policy name to 'Council Members Communication Policy' to better reflect the provisions of the policy, its application and endorsement.

- *Clauses 1 and 2* – amendments to both the 'Objective' and 'Scope' provisions to more clearly outline the purpose of the policy and to who/what it applies. A greater emphasis has been placed on strong working relationships and interactions between Council Members and staff.

- *Clause 5* – a new clause outlining the legislation and compliance has been included in order to assist Council Members with understanding their rights and responsibilities with regards to accessing information. References have been made to both the Act (sections 61-62) and the Code of Conduct, some of which was covered in clause 6 of the current policy.

- *Clause 6* – a new clause regarding appropriate staff contacts as authorised by the Chief Executive Officer has been inserted to assist both Council Members and staff in relation to the direct contact between Members and staff. The insertion of this clause was primarily as a result of the resolution to review the policy, which focuses on a *'single point of entry'* for Council Member communications.

  A summary of the authorisations provided by the Chief Executive Officer regarding appropriate staff contacts is below:-

  - General Managers (for matters specific to that General Manager's area of responsibility).
  - Executive Assistant to the Mayor and Chief Executive Officer (for requests and enquiries addressed to the Chief Executive Officer).
  - Communications between Council Members and any other staff member will only be appropriate following authorisation from the relevant General Manager or Chief Executive Officer.

  The Chief Executive Officer considers that narrowing down a list of appropriate staff contacts will not only satisfy Council's April resolution, but achieves clarity in relation to the respective roles while supporting the Mandatory Codes of Conduct. Channelling correspondence in this manner also ensures that all incoming and outgoing correspondence is captured and dealt with in a timely and efficient manner. While the above interactions between Council Members and staff have previously been outlined in various email communications from the Chief Executive Officer, incorporating provisions into the Council Member Communications Policy ensures consistency and good governance.

- *Clause 7* – the insertion of this clause supports the new clause 6 and will further assist both Council Members and staff with abiding by the Codes of Conduct. It relates to personal interaction between Council Members and staff and provides a 'common-sense' approach to such communications if they are outside of the office environment.

- *Clause 8* – this clause outlines communication requirements in a more general sense, e.g. sound records management, proper use of Council email address and adherence to confidentiality. While it appears to be a new clause, clause 8 includes many of the provisions that were in the existing policy (refer current clause 7).
- *Clause 9* – relates to requests for service. The current policy (at clause 7) refers to both requests for information and service, thereby mixing many of the responsibilities and standards expected of Council Members and staff. The amended clause 9 now focuses purely on requests for service and emphasises that such requests will be dealt with in the same manner as usual customer requests. The avenues by which requests for service can be made are also outlined.
- *Clause 10* – this clause focuses on requests for information or documentation and has been drawn from the currently combined clause (mentioned above) but also incorporates the manner in which Council Members should request access to information, including the reason, form and details of the request.
- *Clause 11* – this is a new provision relating specifically to enquiries from Council Members regarding Council agendas, reports or minutes. It outlines the way in which Council Members and staff are to deal with such queries.
- *Clause 12* – another new clause outlining the issue of personal enquiries and public perception.
- *Clause 13* – this clause highlights the rights and responsibilities of Council staff and in doing so, states that any undue pressure, unreasonable requests or persistence from Council Members will not be tolerated. It also emphasises the prioritisation of Council's core business, resourcing and budget.
- *Clause 16* – the new clause 16 provides Council Members (and staff) with a means and process for approaching, and possibly escalating, requests if the are dissatisfied with a response or communication, e.g. by raising a Notice of Motion at a Council Meeting.

Conclusion

In light of Council's resolution, and with a focus on ensuring Council Members and staff understand their obligations and the importance of a strong working relationship, it is recommended that the 'Council Members Communication Policy' be adopted by Council, subject to any amendments it may wish to make.

References

Legislation

Local Government Act 1999 (SA)

Freedom of Information Act 1991 (SA)

State Records Act 1997 (SA)

Privacy Act 1998 (Cth)

Council Policies

Mandatory Code of Conduct for Council Members

Mandatory Code of Conduct for Council Employees

Records Management Policy

Information Technology and Communications Policy

Customer Service Charter

Adelaide Plains Council	**~~Council Members~~ Communication Policy**	
	Version Adoption by Council:	~~2013~~2017
	Resolution Number:	~~2013/287~~TBA
	Current Version:	V~~1.0~~2.0
	Administered by: Chief Executive Officer	**Last Review Date:** ~~2013~~2017 **Next Review Date:** ~~2014~~2019
TRIM REF: CON12/472	**Strategic ~~Outcome~~Objective:** ~~5.1~~4.5 ~~Effective governance, leadership and teamwork.~~Accountable & Sustainable Governance	

1. Objective

The purpose of this policy is to:-

1.1 Strengthen the working relationships between Council Members and Council staff, particularly Council's Management Team.

1.2 Ensure that Council Members receive advice to assist them in the performance of their civic duty in an orderly, courteous and regulated manner.

1.3 Ensure Council Members have clarity on which staff they can communicate with and the processes for contacting and communicating with staff.

1.4 Ensure staff understand their obligations with regard to communicating with and providing information to Council Members and the set service standards.

2. Scope

Adelaide Plains Council acknowledges that Council Members require access to Council information and staff in order to exercise their civic duties under the *Local Government Act 1999* (the Act). Interactions and communications between Council Members and staff are necessary to facilitate well-formed policies and decisions and to provide optimum service delivery.

This policy applies to all Council Member requests for information from staff. It governs the interaction of Council Members and Council staff, and as such is an enforceable part of the Code of Conduct.

Personal information regarding Council staff will not be provided to Council Members. However, Council Members have the ability to apply to the Chief Executive Officer to inspect a Staff Register of Interest (Section 118 of the Act).

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If a query or request relates to a matter not covered by this policy~~Where the query is related to other matters~~, particularly if it is requiring access to information or requi~~ring~~esting services beyond those already provided, the request should be sent to the Mayor~~, Deputy Mayor~~ and Chief Executive Officer for discussion at their ~~weekly~~ regular meetings. The Council Member should be advised of the outcome ~~to~~of their request.

Interactions and communications that are not conducted in accordance with this policy are not considered appropriate and will likely constitute a breach of Council's Code of Conduct. The Mayor, ~~Deputy Mayor,~~ Chief Executive Officer (CEO) and General Managers are responsible for the implementation and monitoring of this Policy and associated processes.

3. Definitions

Act – refers to the *Local Government Act 1999*;

Business Day – Monday to Friday, excluding public holidays;

Complaint – A complaint is an expression of dissatisfaction with a product or service provided. A complaint to Council may relate to service standards, actions or lack there of, decisions by Council or its ~~employees~~staff which may affect a rate payer, community member, organisation or business. A complaint is not a request for service or enquiry;

Council – refers to the Adelaide Plains Council;

Digital or Electronc Documents/Records – A record created, and/or maintained by means of digital computer technology. Includes records that are 'born digital' or have undergone conversation from a non-digital format (such as hardcopy).

Council Member – refers to a~~n~~ Council Member, elected in accordance with the Act;

~~**Employee**~~**Staff –** includes any person employed by Council and persons providing services to, or on behalf of the Council;

Electronic Document Records Management System (EDRMS) – An automated system used to manage the creation, use, management and disposal of physical and electronically created records for the purposes of supporting and improving the work-flow of digital records and providing continuing evidence of Council's business activities.

Feedback – may take the form of comments, both positive and negative, about services provided by Council without necessarily forming the basis of a complaint;

Record – Information created, received and maintained as evidence and information by an agency or person, in the pursuance of legal obligations or in the transaction of business (e.g. email, letters, image, memos, notes, text messages, social media posts). The *State Records Act 1997* defines an "official record" as a record made or received by an agency in the conduct of its business.

Request for Service – is an application to have Council take some form of action to provide a Council service or Private Works.

4. Policy Statement

Good governance and effective service delivery are dependent on a good working relationship between the Council Members and staff. Working as a team to achieve the community's aspirations for the region is critical to the success of the organisation. This requires mutual respect of both staff and Council Members of each other's roles and responsibilities.

This Policy outlines the commitment and principles of good conduct, maturity respectability, and ethical and behavioural standards that can be reasonably expected, both personally and professionally, amongst Council Members and ~~Employee~~staff when communicating with each other.

This Policy supports the Vision, ~~Mission and~~ Core Values and Priorities of Council's Strategic Plan and reinforces the intent and obligations of Council's Codes of Conduct, Customer Service ~~Charter~~ Standards and associated policies and procedures.

The operations of Council are based on a range of planned actions, many of which have been the subject of community consultation processes. The annual budget is set~~,~~ to fund a specific range of activities and functions which includes responding to reasonable requests as well as the completion of public works. Requests for ~~S~~service, including any request made by a Council Member, should be considered in this context. Any request for service ~~should~~ will also be carried out in accordance with Council's Customer Service ~~Charter~~ standards and will depend on available resources.

5. Legislation and Compliance – Council Member Requests

Section 61 of the Act 'Access to Information by Members of Councils' states:-

(1) A member of a council is entitled at any reasonable time, in connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant council document, including (but not limited to)—

(a) a copy of a written contract entered into by the council, or a copy of a document relating to a contract that is proposed to be entered into by the council;

(b) accounting records kept by the council;

(c) financial statements and other documents prepared by the council under Chapter 8.

(2) A request for access to a document under subsection (1) should be directed to the Chief Executive Officer, or another officer specified by the Chief Executive Officer for the purposes of this section.

(3) The Chief Executive Officer or another officer providing access to a document under subsection (1) may indicate to the member that information contained in the document is, or should be considered as, confidential.

Section 62(3),(4) and (4a) of the Act states:-

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

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

(4a) A member or former member of a council must not disclose information or a document in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially.

Maximum penalty: $10 000 or 2 years imprisonment.

In addition, the Mandatory Code of Conduct for Council Members stipulates that Council Members must:-

2.11 Not bully or harass Council staff.

2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.

2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.

2.14 Refrain from directing or influencing Council staff with respect to the way in which these Staff perform their duties.

6. Appropriate Staff Contacts

In accordance with the Mandatory Code of Conduct for Council Members, as Gazetted by the South Australian Government, the Chief Executive Officer authorises the following staff communication/interaction:-

6.1 Contact between Council Members and General Managers is appropriate for matters specific to that General Manager's area of individual responsibility.

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6.2 Contact with Council's Executive Assistant to the Mayor and Chief Executive Officer is appropriate for Council Member requests and enquiries addressed to the Chief Executive Officer.

6.3 In some instances, a General Manager or the Chief Executive Officer will direct/authorise individual staff to contact Council Members to provide specific information or clarification relating to a specific matter.

Apart from the instances above, all communication with Council Members is to be made via the Chief Executive Officer or relevant General Manager.

7. Personal Interaction Between Council Members and Staff

While this Policy, and the Code of Conduct, governs the interactions between Council Members and staff, it does not prevent Council Members and staff from communicating generally. From time to time, Council Members and staff may be present at social or community events. In such situations, both parties must refrain from discussing matters relating to Council business.

8. Communication Requirements – General

8.1 In accordance with the *State Records Act 1997*, all records must be captured in Council's Electronic Document Records Management System (also refer to Council's Records Management Policy).

8.2 Council Members must, at all times, use their Council-issued email address for all Council business. The use of personal/private email addresses is not acceptable and such use will result in emails being discoverable under the *Freedom of Information Act 1999*.

8.3 All correspondence between Council Members or sent/received by Council Members from the public or other external stakeholders (i.e. not involving staff) must be forwarded to Council.

- If hardcopy, to PO Box 18, Mallala SA 5502 or 2a Wasleys Road, Mallala SA 5502.
- If via email, Council Members must copy in ("cc") Council via info@apc.sa.gov.au.

~~5.1~~8.4 Correspondence between Council Members and s~~S~~taff (i.e. involving staff) is not required to be separately forwarded by Council Members to Council as it will be captured internally by ~~S~~staff.

~~5.2~~8.5 Council Members must copy in all other Council Members to correspondence relating to all general requests, a request for information or clarification on policies and procedures.

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~~5.2.1~~8.5.1 Staff, in their response, will copy in all Council Members when responding to a Council Member's request under Clause ~~7~~8.5.

~~5.3~~8.6 Council Members must avoid copying in members of the community who are not directly associated with the request/query (also refer clause 15 below).

~~**1. Principles**~~

~~**5.1** The effectiveness of this Policy relies on **Council Member and Employees** taking responsibility and reviewing their own behaviour and being committed to the principles within this Policy.~~

~~**5.2** To ensure that Council Members and Employees are aware of their respective obligations and responsibilities, pursuant to the *Workers Health and Safety Act 2012*, and to support the Chief Executive Officer in the discharge of their obligations and responsibilities in accordance with this legislation.~~

~~**5.3** These principles are in addition to and complement Council's codes, policies and procedures and any legislative requirement applicable to Council Members and Employees in the performance of their roles and responsibilities.~~

~~**2. General Behaviour**~~

~~Council Members and Employees should:~~

- ~~Act in a reasonable, just, respectful and non-discriminatory way when dealing with each other;Show respect for others when making comments publicly;Act honestly at all times in the performance and discharge of their functions and duties;Not exercise or perform, or purport to exercise or perform, a power, duty or function that they are not authorised to exercise or perform;~~
- ~~Not attempt to improperly direct an Council Member or Council Employee to act in their capacity as a Local Government Employee for an unauthorised purpose;~~
- ~~Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions; and~~
- ~~Abide by any additional behavioural standards that the Council may adopt.~~

~~6.~~9. Requests for ~~Information and~~ Service

9.1 Council Members are strongly encouraged (and indeed it is preferred) to promote residents to report issues or requests for services direct to Council via

the Customer Service staff and in line with Council's procedures in order for their issues to be accurately reported, monitored and promptly attended to.

~~6.1.1~~9.1.1 If, however, a Council Member lodges a request on behalf of a resident, the Council Member must indicate in their request if they would like staff to contact and update the resident directly. The Council Member must provide sufficient information to enable staff to respond, for example, name and contact details of a resident. Anonymous requests for service will not be dealt with.

9.2 Requests for service from Council Members (e.g. routine works, services or operational matters) must be made in the same manner as requests for service from residents (i.e. as a customer request), and will be handled and responded to in the same way as a request from a customer.

9.2.1 Council Members must refrain from directing or influencing Council staff with respect to the way in which staff perform their duties.

~~6.2~~9.3 Service requests can be made by:-

9.3.1 Contacting our Customer Service Team either in person at one of Council's offices or by telephone (08) 8527 0200; or

9.3.2 Submitting the request in writing to our Principal Office, by email (info@apc.sa.gov.au) or by completing the 'Customer Request Form' on Council's website (www.apc.sa.gov.au).

9.4 All customer service requests are logged and forwarded to the relevant staff member for actioning.

9.5 Where a Council Member request requires the allocation of non-budgeted resources or expenditure of non-budgeted funds, the Council Member will be requested to consider putting forward a Notice of Motion.

10. Requests for Information/Documentation

10.1 Council Members will be provided access to all documents held by Council that are relevant to the performance of the Member's functions or duties.

10.2 All Council Member requests for Council information or documents must be directed to the Chief Executive Officer or relevant General Manager and will be recorded in Council's Electronic Document Records Management System. The request may be made in person, by phone or by email.

10.3 Members are required, where practical, to make any requests for information/documents in a timely and considerate manner to minimise the impact on staff/public resources.

10.4 The requests should:-

10.4.1 Identify the document/s or information being sought with enough detail for the document/s or information to be identified and retrieved.

10.4.2 State the reason(s) for the request.

10.4.3 State the form of access preferred by the Member, e.g. read/inspect only, copies provided, and electronic pdf.

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10.5 Unless there is a clear and valid reason to the contrary, a Council Member will be provided access to information or document(s) if they are held by Council.

10.6 The form of access to the document(s) will be negotiated with the Council Member taking into consideration the particular needs of the Member, administrative efficiency and the degree of sensitivity in relation to the document. Access to information will be in accordance with statutory requirements and best practice from a probity and process perspective. In some cases, access may be limited to 'read only' at a mutually convenient time at the Council office.

10.7 Where access is granted to a document or other information of a sensitive nature, a copy of the email advice will also be sent to other Council Members. The general principle is that advice or information to one Member should be available to all.

10.8 The Chief Executive Officer should indicate to Council Members if information contained in the document is, or should be, considered as confidential.

10.9 Council Members must not use confidential information to gain advantage for themselves, or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

10.10 Where a Council Member requires an update on a project or issue that does not fall under a usual customer service request, they should contact the relevant General Manager or the Chief Executive Officer during business hours. The relevant staff member will provide the Council member with the information (if known to the staff member) at their earliest opportunity.

10.11 Where a request for information is covered by current confidentiality provisions all requests must be made in writing to the Chief Executive Officer, or delegate. Dependant on the nature of the request, the Council Member may be directed to the requirements of the *Freedom of Information Act 1991* and required to undertake a Freedom of Information Application to apply for access to the requested information.

~~**7.3** Where the query is related to other matters, particularly if it is requiring access to information or requiring services beyond those already provided, the request should be sent to the Mayor, Deputy Mayor and Chief Executive Officer for discussion at their weekly meeting. The Council Member should be advised of the outcome to their request.~~

Comment [s1]: Moved to 'Scope'

~~**7.4** Where a Council Member is providing attachments as part of their correspondence they should ensure that these attachments are current (or at a minimum identified as not being current if appropriate) and where photographic correspondence is being provided that these photographs are accurately date / time stamped.~~

Comment [s2]: Incorporated into clause 8.

DRAFT

~~**7.5** Council Members are encouraged to only address Council Employees in relation to their written request for services, work, actions or information and should avoid copying in members of the community that are not directly associated with the query.~~

~~**7.6** Employees, in their response, should copy in all Council Members when responding to an Council Member request for information.~~

~~Council Members should copy all Council Members in any correspondence related to request for information or clarification on policies and procedures.~~

Comment [s3]: Incorporated in clause 9.

~~**7.7** Council Members should direct any non routine (unbudgeted and/or capital works) requests for services, work or actions by Council employees to the Chief Executive Officer and/or the General Managers; where Employees are contacted prior to this requirement, employees should notify their respective General Manager prior to actioning any request.~~

Comment [s4]: Covered in clause 9.

~~**7.8** Council Members when requesting a routine request for services, work or actions in line with current service provision should direct such request to Council's Customer Service and the request should be responded to as a normal customer request.~~

~~**7.9** Council Members should refrain from directing or influencing Council employees with respect to the way in which these employees perform their duties.~~

Comment [s5]: Incorporated into clause 9.

~~**7.10** Where a request for information is covered by current confidentiality provisions all requests must be made in writing to the CEO, or delegate. Dependant on the nature of the request Council Members may be directed to the requirements of the *Freedom of Information Act 1991* and required to undertake a Freedom of Information Application to gain access to the requested information.~~

Comment [s6]: Moved above (clause 10)

~~**7.11** Occasionally a request may be unreasonable. This may take the form of unreasonable persistence, demands, lack of cooperation, arguments, or behaviour. Unreasonable requests can consume an unwarranted amount of Council resources or impede core Council business. Any request for information or service should be carried out in accordance with Council's Customer Service Charter.~~

Comment [s7]: Now clause 9.

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~~**7.12** Any request for service by a Council Member should be managed in accordance with Council's Customer Service Management System under the guiding principles of Council's Customer Service Charter.~~

Comment [s8]: Moved to clause 9.

~~2.1 All requests for information and service should be entered into Council's Records Management System.~~

~~**7.14**~~

Before Management considers any request, an emphasis should be placed on:

- Health, Safety and Welfare requirements of ~~employee~~staff and the community;
- Legislative responsibilities;
- Emergency services requirements;
- Council's Strategic, Annual Business and Long Term Financial Plans;
- On-going insurance and maintenance requirements;
- Efficient use and availability of Council resources;
- Council policies, procedures and codes of practice; and
- Established service standards for Council activities.

11. Council Agenda and Report Enquiries

Council reports are the formal means for providing advice to Council Members and provide relevant data, issues, options and advice to enable Members to consider the matter and make a decision at the Council Meeting.

Where a Council Member has a query, or is seeking clarification in respect to an Agenda, Report, Minutes or other related Council communication, the Council Member is encouraged to contact the relevant General Manager for clarification of the document's content. If the General Manager cannot be reached or is unable to provide a response, the Chief Executive Officer should be contacted.

12. Personal Enquiries

Council Members must follow the same process as all other members of the public if they require information, action or advice in relation to a personal or private matter.

Council Members should be mindful of the public perception of their request and direct all general enquiries to the Customer Service Team as appropriate.

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If the Chief Executive Officer is not satisfied that the request relates to the Council member's civic duties, the Chief Executive Officer is entitled to refuse to action the request or advise the Council Member of the normal process for members of the public to make such requests.

13. Unreasonable Requests

Council Members must be aware that staff have a legitimate right and responsibility to maintain professional integrity and should not be subject to undue pressure. Council Members must avoid placing staff in difficult positions with unreasonable requests for information or services. Council Members should also consider access to information from other sources publicly available, for example, the internet.

Occasionally a request for information or service may be unreasonable. This may take the form of unreasonable persistence, demands, lack of cooperation, arguments, or behaviour. Unreasonable requests can consume an unwarranted amount of Council resources or impede core Council business. Any request for information or service will be carried out in accordance with Council's Customer Service standards and will take into account Council's budget and the resources available.

~~7.~~14. Conflict of Interest

Council Members must be committed to making decisions without bias and in the best interest of the whole community and comply with the relevant conflict of interest provisions in the Act.

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~~8. Misuse of Council Resources~~

~~**9.1** Council Members and employee are to ensure that Council resources are used effectively and prudently and solely in the public interest.~~

Comment [s9]: Incorporated in IT Policy

~~**9.2** Council Members are not to use Council resources, including services of Council Employee, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.~~

~~**9.3** Council Members and employee should not use public funds or resources in a manner that is irregular or unauthorised.~~

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~~9.~~15. **Confidentiality**

~~Council Members and staff must ensure any information provided under this procedure is only disclosed to those legitimately involved in the communication or as required by the Act.~~

The information provided for Council Members is generally intended for their information only and emails must not be copied/provided to residents without the author's consent (also refer clause 8.6 above). Council staff provide support to Council Members with the responses provided for the information of Council Members only, in accordance with the provisions of the Act.

Staff will endeavour to indicate to Council Members if a response contains confidential information and it is not in the public interest to circulate to residents.

Confidentiality must be maintained to:

- prevent victimisation or defamation of the parties involved~~,~~;
- facilitate prompt resolution of the grievance.

It is a breach of confidentiality to:

- discuss the matter with individuals not legitimately involved in the process;~~,~~
- unnecessarily disclose information pertaining to any enquiry or grievance.

16. Grievance Procedure

16.1 Should Council Members be dissatisfied with the response provided in relation to their request or the time taken to respond they should, in the first instant, raise the issue with the relevant General Manager. If after this approach, they are still dissatisfied with the outcome, the issue should be raised with the Chief Executive Officer. If still not satisfied, the Council Member should formally raise the issue via a Notice of Motion at a Council meeting.

16.2 Council Members are encouraged to advise the Chief Executive Officer where an interaction is inappropriate.

16.3 Staff are empowered to advise Council Members where an interaction is inappropriate and to refer them to this policy. Alternatively, staff should inform their General Manager or the Chief Executive Officer of any inappropriate actions.

~~10.~~17. **Related Documents**

~~Annual Business Plan~~

~~Asset Management Plans~~

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~~CDAP Complaints Handling Policy~~

~~Council Member~~ Code of Conduct for Council Members

~~Employee~~ Code of Conduct for Council Employees

~~Grievance Procedure~~Complaints Handling Procedure under Council Members' Code of Conduct

Information Technology ~~and Communication~~ Policy

Records Management Policy

Internal Review of Council Decision Policy

Annual Business Plan

Asset Management Plans

CDAP Complaints Handling Policy

Long Term Financial Plan

Strategic Plan

Whistleblowers Policy

~~11.~~18. Records Management

All requests for information and service and all documents relating to this Policy will be entered into Council's Electronic Document Records Management System and remain confidential where identified.

~~12.~~19. Document Review

This Policy should be reviewed periodically to ensure legislative compliance and that it continues to meet the requirements of Council, its activities and programs.

~~13.~~20. References

Independent Commissioner Against Corruption 2012

Freedom of Information Act 1991

Local Government Act 1999

Workers Health and Safety Act 2012

~~14.~~21. Further Information

DRAFT

Members of the public may inspect this Policy free of charge on Council's website at 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.

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	Council Members Communication Policy	
Adelaide Plains Council	**Version Adoption by Council:** 2017 **Resolution Number:** TBA **Current Version:** V2.0	
	Administered by: Chief Executive Officer	**Last Review Date:** 2017 **Next Review Date:** 2019
TRIM REF: CON12/472	**Strategic Objective:** 4.5 Accountable & Sustainable Governance	

1. Objective

The purpose of this policy is to:-

1.1 Strengthen the working relationships between Council Members and Council staff, particularly Council's Management Team.

1.2 Ensure that Council Members receive advice to assist them in the performance of their civic duty in an orderly, courteous and regulated manner.

1.3 Ensure Council Members have clarity on which staff they can communicate with and the processes for contacting and communicating with staff.

1.4 Ensure staff understand their obligations with regard to communicating with and providing information to Council Members and the set service standards.

2. Scope

Adelaide Plains Council acknowledges that Council Members require access to Council information and staff in order to exercise their civic duties under the *Local Government Act 1999* (the Act). Interactions and communications between Council Members and staff are necessary to facilitate well-formed policies and decisions and to provide optimum service delivery.

This policy applies to all Council Member requests for information from staff. It governs the interaction of Council Members and Council staff, and as such is an enforceable part of the Code of Conduct.

Personal information regarding Council staff will not be provided to Council Members. However, Council Members have the ability to apply to the Chief Executive Officer to inspect a Staff Register of Interest (Section 118 of the Act).

If a query or request relates to a matter not covered by this policy, particularly if it is requiring access to information or requesting services beyond those already provided, the request should be sent to the Mayor and Chief Executive Officer for discussion at

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their regular meetings. The Council Member should be advised of the outcome of their request.

Interactions and communications that are not conducted in accordance with this policy are not considered appropriate and will likely constitute a breach of Council's Code of Conduct. The Mayor, Chief Executive Officer (CEO) and General Managers are responsible for the implementation and monitoring of this Policy and associated processes.

3. Definitions

Act – refers to the *Local Government Act 1999*;

Business Day – Monday to Friday, excluding public holidays;

Complaint – A complaint is an expression of dissatisfaction with a product or service provided. A complaint to Council may relate to service standards, actions or lack there of, decisions by Council or its staff which may affect a rate payer, community member, organisation or business. A complaint is not a request for service or enquiry;

Council – refers to the Adelaide Plains Council;

Digital or Electronic Documents/Records – A record created, and/or maintained by means of digital computer technology. Includes records that are 'born digital' or have undergone conversation from a non-digital format (such as hardcopy).

Council Member – refers to a Council Member, elected in accordance with the Act;

Staff – includes any person employed by Council and persons providing services to, or on behalf of the Council;

Electronic Document Records Management System (EDRMS) – An automated system used to manage the creation, use, management and disposal of physical and electronically created records for the purposes of supporting and improving the work-flow of digital records and providing continuing evidence of Council's business activities.

Feedback – may take the form of comments, both positive and negative, about services provided by Council without necessarily forming the basis of a complaint;

Record – Information created, received and maintained as evidence and information by an agency or person, in the pursuance of legal obligations or in the transaction of business (e.g. email, letters, image, memos, notes, text messages, social media posts). The *State Records Act 1997* defines an "official record" as a record made or received by an agency in the conduct of its business.

Request for Service – is an application to have Council take some form of action to provide a Council service or Private Works.

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4. Policy Statement

Good governance and effective service delivery are dependent on a good working relationship between the Council Members and staff. Working as a team to achieve the community's aspirations for the region is critical to the success of the organisation. This requires mutual respect of both staff and Council Members of each other's roles and responsibilities.

This Policy outlines the commitment and principles of good conduct, maturity respectability, and ethical and behavioural standards that can be reasonably expected, both personally and professionally, amongst Council Members and staff when communicating with each other.

This Policy supports the Vision, Core Values and Priorities of Council's Strategic Plan and reinforces the intent and obligations of Council's Codes of Conduct, Customer Service Standards and associated policies and procedures.

The operations of Council are based on a range of planned actions, many of which have been the subject of community consultation processes. The annual budget is set to fund a specific range of activities and functions which includes responding to reasonable requests as well as the completion of public works. Requests for service, including any request made by a Council Member, should be considered in this context. Any request for service will also be carried out in accordance with Council's Customer Service standards and will depend on available resources.

5. Legislation and Compliance – Council Member Requests

Section 61 of the Act 'Access to Information by Members of Councils' states:-

(1) A member of a council is entitled at any reasonable time, in connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant council document, including (but not limited to)—

  (a) a copy of a written contract entered into by the council, or a copy of a document relating to a contract that is proposed to be entered into by the council;

  (b) accounting records kept by the council;

  (c) financial statements and other documents prepared by the council under Chapter 8.

(2) A request for access to a document under subsection (1) should be directed to the Chief Executive Officer, or another officer specified by the Chief Executive Officer for the purposes of this section.

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(3) The Chief Executive Officer or another officer providing access to a document under subsection (1) may indicate to the member that information contained in the document is, or should be considered as, confidential.

Section 62(3),(4) and (4a) of the Act states:-

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

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

(4a) A member or former member of a council must not disclose information or a document in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially.

Maximum penalty: $10 000 or 2 years imprisonment.

In addition, the Mandatory Code of Conduct for Council Members stipulates that Council Members must:-

2.11 Not bully or harass Council staff.

2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.

2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.

2.14 Refrain from directing or influencing Council staff with respect to the way in which these Staff perform their duties.

6. Appropriate Staff Contacts

In accordance with the Mandatory Code of Conduct for Council Members, as Gazetted by the South Australian Government, the Chief Executive Officer authorises the following staff communication/interaction:-

6.1 Contact between Council Members and General Managers is appropriate for matters specific to that General Manager's area of individual responsibility.

6.2 Contact with Council's Executive Assistant to the Mayor and Chief Executive Officer is appropriate for Council Member requests and enquiries addressed to the Chief Executive Officer.

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6.3 In some instances, a General Manager or the Chief Executive Officer will direct/authorise individual staff to contact Council Members to provide specific information or clarification relating to a specific matter.

Apart from the instances above, all communication with Council Members is to be made via the Chief Executive Officer or relevant General Manager.

7. Personal Interaction Between Council Members and Staff

While this Policy, and the Code of Conduct, governs the interactions between Council Members and staff, it does not prevent Council Members and staff from communicating generally. From time to time, Council Members and staff may be present at social or community events. In such situations, both parties must refrain from discussing matters relating to Council business.

8. Communication Requirements – General

8.1 In accordance with the *State Records Act 1997*, all records must be captured in Council's Electronic Document Records Management System (also refer to Council's Records Management Policy).

8.2 Council Members must, at all times, use their Council-issued email address for all Council business. The use of personal/private email addresses is not acceptable and such use will result in emails being discoverable under the *Freedom of Information Act 1999*.

8.3 All correspondence between Council Members or sent/received by Council Members from the public or other external stakeholders (i.e. not involving staff) must be forwarded to Council.

- If hardcopy, to PO Box 18, Mallala SA 5502 or 2a Wasleys Road, Mallala SA 5502.

8.4 If via email, Council Members must copy in ("cc") Council via info@apc.sa.gov.au.Correspondence between Council Members and staff (i.e. involving staff) is not required to be separately forwarded by Council Members to Council as it will be captured internally by staff.

8.5 Council Members must copy in all other Council Members to correspondence relating to all general requests, a request for information or clarification on policies and procedures.

8.5.1 Staff, in their response, will copy in all Council Members when responding to a Council Member's request under Clause 8.5.

8.6 Council Members must avoid copying in members of the community who are not directly associated with the request/query (also refer clause 15 below).

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9. Requests for Service

9.1 Council Members are strongly encouraged (and indeed it is preferred) to promote residents to report issues or requests for services direct to Council via the Customer Service staff and in line with Council's procedures in order for their issues to be accurately reported, monitored and promptly attended to.

9.1.1 If, however, a Council Member lodges a request on behalf of a resident, the Council Member must indicate in their request if they would like staff to contact and update the resident directly. The Council Member must provide sufficient information to enable staff to respond, for example, name and contact details of a resident. Anonymous requests for service will not be dealt with.

9.2 Requests for service from Council Members (e.g. routine works, services or operational matters) must be made in the same manner as requests for service from residents (i.e. as a customer request), and will be handled and responded to in the same way as a request from a customer.

9.2.1 Council Members must refrain from directing or influencing Council staff with respect to the way in which staff perform their duties.

9.3 Service requests can be made by:-

9.3.1 Contacting our Customer Service Team either in person at one of Council's offices or by telephone (08) 8527 0200; or

9.3.2 Submitting the request in writing to our Principal Office, by email (info@apc.sa.gov.au) or by completing the 'Customer Request Form' on Council's website (www.apc.sa.gov.au).

9.4 All customer service requests are logged and forwarded to the relevant staff member for actioning.

9.5 Where a Council Member request requires the allocation of non-budgeted resources or expenditure of non-budgeted funds, the Council Member will be requested to consider putting forward a Notice of Motion.

10. Requests for Information/Documentation

10.1 Council Members will be provided access to all documents held by Council that are relevant to the performance of the Member's functions or duties.

10.2 All Council Member requests for Council information or documents must be directed to the Chief Executive Officer or relevant General Manager and will be recorded in Council's Electronic Document Records Management System. The request may be made in person, by phone or by email.

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10.3 Members are required, where practical, to make any requests for information/documents in a timely and considerate manner to minimise the impact on staff/public resources.

10.4 The requests should:-

10.4.1 Identify the document/s or information being sought with enough detail for the document/s or information to be identified and retrieved.

10.4.2 State the reason(s) for the request.

10.4.3 State the form of access preferred by the Member, e.g. read/inspect only, copies provided, and electronic pdf.

10.5 Unless there is a clear and valid reason to the contrary, a Council Member will be provided access to information or document(s) if they are held by Council.

10.6 The form of access to the document(s) will be negotiated with the Council Member taking into consideration the particular needs of the Member, administrative efficiency and the degree of sensitivity in relation to the document. Access to information will be in accordance with statutory requirements and best practice from a probity and process perspective. In some cases, access may be limited to 'read only' at a mutually convenient time at the Council office.

10.7 Where access is granted to a document or other information of a sensitive nature, a copy of the email advice will also be sent to other Council Members. The general principle is that advice or information to one Member should be available to all.

10.8 The Chief Executive Officer should indicate to Council Members if information contained in the document is, or should be, considered as confidential.

10.9 Council Members must not use confidential information to gain advantage for themselves, or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

10.10 Where a Council Member requires an update on a project or issue that does not fall under a usual customer service request, they should contact the relevant General Manager or the Chief Executive Officer during business hours. The relevant staff member will provide the Council member with the information (if known to the staff member) at their earliest opportunity.

10.11 Where a request for information is covered by current confidentiality provisions all requests must be made in writing to the Chief Executive Officer, or delegate. Dependant on the nature of the request, the Council Member may be directed to the requirements of the *Freedom of Information Act 1991* and required to undertake a Freedom of Information Application to apply for access to the requested information.

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Before Management considers any request, an emphasis should be placed on:

- Health, Safety and Welfare requirements of staff and the community;
- Legislative responsibilities;
- Emergency services requirements;
- Council's Strategic, Annual Business and Long Term Financial Plans;
- On-going insurance and maintenance requirements;
- Efficient use and availability of Council resources;
- Council policies, procedures and codes of practice; and
- Established service standards for Council activities.

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Council reports are the formal means for providing advice to Council Members and provide relevant data, issues, options and advice to enable Members to consider the matter and make a decision at the Council Meeting.

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Council Members must follow the same process as all other members of the public if they require information, action or advice in relation to a personal or private matter.

Council Members should be mindful of the public perception of their request and direct all general enquiries to the Customer Service Team as appropriate.

If the Chief Executive Officer is not satisfied that the request relates to the Council member's civic duties, the Chief Executive Officer is entitled to refuse to action the request or advise the Council Member of the normal process for members of the public to make such requests.

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Council Members must be aware that staff have a legitimate right and responsibility to maintain professional integrity and should not be subject to undue pressure. Council Members must avoid placing staff in difficult positions with unreasonable requests for

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information or services. Council Members should also consider access to information from other sources publicly available, for example, the internet.

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14. Conflict of Interest

Council Members must be committed to making decisions without bias and in the best interest of the whole community and comply with the relevant conflict of interest provisions in the Act.

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The information provided for Council Members is generally intended for their information only and emails must not be copied/provided to residents without the author's consent (also refer clause 8.6 above). Council staff provide support to Council Members with the responses provided for the information of Council Members only, in accordance with the provisions of the Act.

Staff will endeavour to indicate to Council Members if a response contains confidential information and it is not in the public interest to circulate to residents.

Confidentiality must be maintained to:

- prevent victimisation or defamation of the parties involved;
- facilitate prompt resolution of the grievance.

It is a breach of confidentiality to:

- discuss the matter with individuals not legitimately involved in the process;
- unnecessarily disclose information pertaining to any enquiry or grievance.

16. Grievance Procedure

16.1 Should Council Members be dissatisfied with the response provided in relation to their request or the time taken to respond they should, in the first instant, raise the issue with the relevant General Manager. If after this approach, they are still dissatisfied with the outcome, the issue should be raised with the Chief Executive Officer. If still not satisfied, the Council Member should formally raise the issue via a Notice of Motion at a Council meeting.

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16.2 Council Members are encouraged to advise the Chief Executive Officer where an interaction is inappropriate.

16.3 Staff are empowered to advise Council Members where an interaction is inappropriate and to refer them to this policy. Alternatively, staff should inform their General Manager or the Chief Executive Officer of any inappropriate actions.

17. Related Documents

Code of Conduct for Council Members

Code of Conduct for Council Employees

Complaints Handling Procedure under Council Members' Code of Conduct

Information Technology Policy

Records Management Policy

Internal Review of Council Decision Policy

Annual Business Plan

Asset Management Plans

CDAP Complaints Handling Policy

Long Term Financial Plan

Strategic Plan

Whistleblowers Policy

18. Records Management

All requests for information and service and all documents relating to this Policy will be entered into Council's Electronic Document Records Management System and remain confidential where identified.

19. Document Review

This Policy should be reviewed periodically to ensure legislative compliance and that it continues to meet the requirements of Council, its activities and programs.

20. References

Independent Commissioner Against Corruption 2012

Freedom of Information Act 1991

Local Government Act 1999

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Workers Health and Safety Act 2012

21. Further Information

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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.

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Adelaide Plains Council	**14.2**	**Proposed Lease of Council Land – NBN Radio Network Base Station**
	Department:	**Governance and Communications**
	Report Author:	**Governance Support Officer**
Date: 18 September 2017	**Container No:**	**CON17/181**
	Document No:	**D17/21828**

EXECUTIVE SUMMARY

- Correspondence has been received from Proptel Property Consultants, acting on behalf of NBN Co Ltd, to lease portion of Section 248 DP 29513, Ruskin Road, Thompson Beach.
- The Terms and Conditions of the proposal are set out in the *Heads of Agreement* dated 4 September 2017 **(Attachment 1).**
- The land in question is currently leased to the Thompson Beach Progress Association Inc, and NBN Co Ltd wish to lease approximately 10m x 12m of Lease Area 'A' as per the *Location Plan* shown later in this report.
- Preliminary discussions have been held with the President of the Thompson Beach Progress Association Inc who believes his members would support the proposal as it will be a benefit to the local community.
- If Council supports the proposal, the leased area of approximately 10m x 12m desired by NBN Co Ltd would need to be removed from the area 'A' current leased to the Thompson Beach Progress Association.
- Prior to the finalisation of a Lease Agreement, NBN Co Ltd will be required to submit a Development Application for the construction of the infrastructure and obtain approval accordingly.
- As the lease term exceeds five (5) years, Council is required to undertake public consultation in accordance with Section 202 of the *Local Government Act 1999* and in accordance with its Public Consultation Policy.

RECOMMENDATION

"that Council, having considered Item 14.2 – *Proposed Lease of Council Land – NBN Radio Network Base Station* dated 18 September 2017 receives and notes the report, and in doing so:-

1. **Continues to liaise with the Thompson Beach Progress Association Inc to have a portion of their leased area 'A' allocated to NBN Co Ltd (10m x 12m approximately) being portion of Section 248 DP 29513, Ruskin Road, Thompson Beach comprised in Certificate of Title Volume 5372 Folio 262 for the erection of a radio network base station, and seeks a formal position in this regard;**
2. **Authorises the Chief Executive Officer to liaise with NBN Co Ltd to negotiate and finalise the terms and conditions of the Lease Agreement and to seek the assistance of Norman Waterhouse Lawyers accordingly, with all associated costs to be borne by NBN Co Ltd;**
3. **Will undertake public consultation in regard to the proposed lease of the land to NBN Co Ltd in accordance with Section 202 of the *Local Government Act 1999* and in accordance with its Public Consultation Policy, and will consider any objections (if any) prior to entering into a Lease Agreement with NBN Co Ltd; and**
4. **Acknowledges that prior to the finalisation of a Lease Agreement, NBN Co Ltd will be required to submit a Development Application for the construction of the infrastructure and obtain approval accordingly."**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	The project will provide net additional revenue of $7,500.00 to Council

RISK ASSESSMENT

No potential risks foreseen. NBN Co Ltd will be required to take out Public Liability insurance to the value of $20 million and Adelaide Plains Council's interest to be registered on the policy.

The standard indemnity provisions will be included in the Lease Agreement.

Attachments

1. **Heads of Agreement dated 4 September 2017**

DETAILED REPORT

Purpose

To seek Council's consent for Council to enter into a Lease Agreement with NBN Co Ltd over portion of Section 248 DP 29513, Ruskin Road, Thompson Beach.

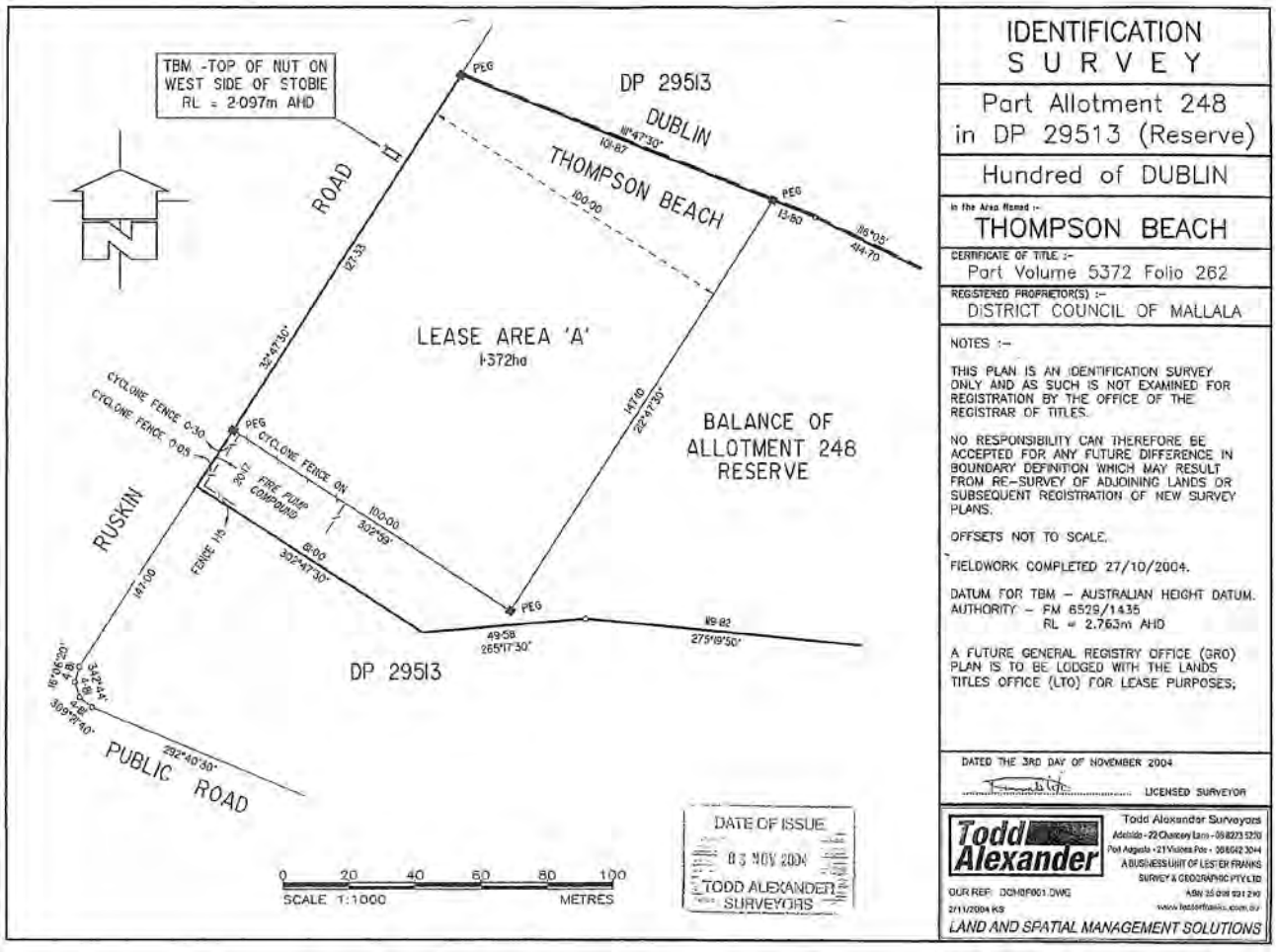
Background/History

Nil

Discussion/Analysis

NBN Co Ltd is seeking Council's consent to lease portion of Lease Area 'A', (10m x 12m) being portion of Section 248 DP 25913, Ruskin Road, Thompson Beach as per the location Plan hereunder:

Location Plan - Lease of Portion of Section 248 DP 25913, Ruskin Road, Thompson Beach



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NOTE: The actual site of the proposed radio network base station (10m x 12m) is yet to be determined but will be within the Leased Area "A" currently leased to the Thompson Beach Progress Association Inc.

The proposed lease area currently forms part of Council's Lease Agreement with the Thompson Beach Progress Association Inc and Council will be required to seek their written consent if Council agrees to lease portion of the land to NBN Co Ltd.

Preliminary consultation has been undertaken with the President of the Thompson Beach Progress Association, Ian Telfer, who believes his members would support the proposal as it would be a benefit to the Thompson Beach community and surrounds.

Prior to the finalisation of a Lease Agreement, NBN Co Ltd will be required to submit a Development Application for the construction of the infrastructure and receive approval accordingly.

As the lease term exceeds five (5) years, Council is required to undertake public consultation in accordance with Section 202 of the *Local Government Act 1999* and in accordance with its Public Consultation Policy.

NBN Co Ltd has outlined a number of terms and conditions that they would like to have included in a Lease Agreement with Council including:-

- A lease term of 20 years;
- Annual Rental of $7,500.00;
- Annual Rent Review increases of 2.5%;
- NBN Co Ltd will take out Public Liability cover to the value of $20 million; and
- NBN Co Ltd will require 24 hours per day, 7 days a week access to the proposed lease site.

Please refer to *Heads of Agreement* dated 4 September 2017 submitted by NBN Co Ltd **(Attachment 1)** for full details**.**

Conclusion

It is recommended that Council enter into discussions with NBN Co Ltd to lease portion of Section 248 DP 29513, Ruskin Road, Thompson Beach, to NBN Co Ltd subject to the following:-

- Written consent of the Thompson Beach Progress Association Inc agreeing to amend its lease area marked 'A'.
- Public consultation being undertaken pursuant to Section 202 of the *Local Government Act 1999.*
- Development Approval being obtained.

References

Legislation

Real Property Act 1886

Local Government Act 1999

Council Policies

Public Consultation Policy

Strategic Plan

4.2.1.6 – Growing Economy – *Advocate for appropriate Information Communication Technology (ICT) infrastructure to supply industry, business and community use*

Our Ref: Thompson Beach

4 September 2017

Director
Adelaide Plains Council
PO Box 18
Mallala SA 5502

Dear Sir/Madam,

NBN Co Limited Proposed Lease over part Allotment 248 Petrel Cr, Thompson Beach (Allotment (Reserve) 248 Deposited Plan 29513, Hundred of Dublin)

Ericsson acts on behalf of **nbn** as project manager to establish the infrastructure required to facilitate the fixed radio (wireless) component of the National Broadband Network.

Ericsson has in turn engaged Aurecon and Proptel to undertake preliminary environmental, design and site acquisition investigations in relation to the establishment of the required radio network base station infrastructure. As part of these investigations, your property has been identified as a suitable candidate to erect a radio network base station so as to enable and provide high quality wireless broadband services to areas of the local community.

In order to ensure there is mutual support for this proposal and to proceed to the next stage of our discussions, please find below an outline of our proposal for your consideration.

This proposal is based on a number of factors including current market conditions as well as the ability to service the required coverage objectives from this location.

Heads of Agreement

Premises:	Approximately 10 metres x 12 metres (subject to final investigations), part of Allotment (Reserve) 248 Deposited Plan 29513, Hundred of Dublin, Allotment 248 Petrel Cr, Thompson Beach being the land contained within Certificate of Title reference Volume 5372 Folio 262.
Permitted Use:	**nbn** will use the Premises for the purpose of constructing, maintaining and operating a telecommunications facility, network and service and such use includes any use allowed under the Act and may do all such things as may be necessary or convenient for this purpose. **nbn** may at any time during the Term install, remove, modify, vary, maintain, use and operate on the Premises such Equipment as is necessary for the use permitted by this Lease now and in the future.
Lease:	The standard **nbn** Lease

Lessee:	NBN Co Ltd
Lessor:	District Council of Mallala
Rent:	$7,500 p.a. (Gross Rent) plus GST if applicable. (The Gross Rent is inclusive of all rates, taxes, statutory and building outgoings)
Term:	20 years
Rent Reviews:	2.5% p.a
Lease Commencement:	To be negotiated.
Rent Commencement:	The date **nbn** substantially commences construction work to install the equipment on the Premises (excluding survey pegs or delivery of materials and the equipment)
Access:	Access is required 24 hours a day 7 days a week.
Insurance:	nbn has public liability insurance policy to the value of at least $20m for any one occurrence. The Lessor must have its own public liability insurance policy to the value of at least $10m for any one occurrence.
Contamination:	**nbn** requires the Lessor to warrant that, at the Date of Commencement, the Land does not contain substances hazardous to health or safety.
Legal Costs:	Each party is responsible for its own legal and other costs, charges and expenses in relation to the preparation, negotiation, completion and registration of the Lease
Special Conditions:	Nil.

Note that entering into this proposal on the above terms and conditions is subject to:

- Approval by **nbn**'s financial delegate
- Lessor's approval of plans
- Obtaining the necessary Town Planning Approval
- Lessor to provide an active ABN
- ABN must match the Lessor (s) on the Lease Agreement

Development Application Approval

Should the above terms and conditions be acceptable to you, **nbn** wish to also advise in the interests of establishing the network as soon as possible, it may elect to submit a Development Application to the local Council seeking approval to construct the tower prior to full negotiation and execution of the lease. Preliminary drawings will be prepared and issued to you for approval with the application to Council following soon after. Please note that **nbn** will not legally be allowed to construct the facility until a formal tenure agreement is entered into between the parties irrespective of a planning approval being granted.

I would kindly ask that should you wish to proceed with this proposal, please confirm your acceptance of this offer by signing and dating the last page of this Heads of Agreement and returning it to us by fax 08 7200 7649, email to gturner@proptel.com.au or post to Proptel, 31a Stuart Road, Dulwich SA 5065.

If you have any further queries, please do not hesitate to contact me on phone 08 8431 3644 or mobile 0418 905 361.

Yours Sincerely

Georgia Turner
Property Consultant
On behalf of Ericsson and Aurecon

Our Ref: Thompson Beach

The Lessor, District Council of Mallala, accepts the above terms and conditions as referenced and outlined within the “Heads of Agreement” in Aurecon’s letter dated 4 September 2017

DATE:

SIGNED by District Council of Mallala

_____

Signature of

_____

Signature of

_____

Signature of

In the presence of:

_____

Signature of witness

_____

Name

	14.3	**Rededication of Crown Land – Two Wells Service Centre**
	Department:	**Governance and Communications**
	Report Author:	**Governance Support Officer**
Date: 18 September 2017	**Container No:**	**CON12/957**
	Document No:	**D17/21797**

EXECUTIVE SUMMARY

- The Two Wells Service Centre is currently housed on Crown Land, being Allotment 51 DP 73399 Old Port Wakefield Road Two Wells comprised in Crown Record Volume 5984 Folio 728, and the current dedication does not correctly include the use of the land for local government purposes.
- Council is required to execute an *Instrument of Dedication* prepared by the Department of Environment, Water and Natural Resources to have the land rededicated *for community and local government purposes* as per **Attachment 1.**

RECOMMENDATION

"that Council, having considered Item 14.3 – *Rededication of Crown Land – Two Wells Service Centre,* dated 18 September 2017, receives and notes the report and in doing so authorises the Chief Executive Officer to execute the *Instrument of Dedication* to rededicate Allotment 51 DP 73399 Old Port Wakefield Road Two Wells comprised in Crown Record Volume 5984 Folio 728 for *community and local government purposes* and that the land placed under the care, control and management of the Adelaide Plains Council pursuant to the *Crown Land Management Act 2009".*

BUDGET IMPACT

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

RISK ASSESSMENT

The rededication will ensure that the land is being used by Council for the correct purpose, namely *community and local government purposes.*

Attachments

1. **Instrument of Dedication**

DETAILED REPORT

Purpose

To authorise the Chief Executive Officer to execute the *Instrument of Dedication* **(Attachment 1).**

Background/History

Nil

Discussion

The Two Wells Service Centre and the Two Wells Scout Hall are currently housed on Crown Land, being Allotment 51 DP 73399 Old Port Wakefield Road Two Wells comprised in Crown Record Volume 5984 Folio 728.

The land is under the care, control and management of Adelaide Plains Council and is dedicated for Community Purposes (Two Wells Scout Hall) but should be rededicated for both Community Purposes and Local Government purposes to incorporate the local government usage of the land.

The anomaly came to light when Council proposed to relocate the Principal Office from Mallala to Two Wells.

Council staff made an application to the Department of Environment, Water and Natural Resources (DEWNR) to have the Crown Land rededicated but the matter has not been completed.

Council is required to execute an *Instrument of Dedication* prepared by the Department of Environment, Water and Natural Resources to have the land rededicated *for community and local government purposes* as per **Attachment 1.**

Conclusion

It is recommended that Council authorise the Chief Executive Officer to execute the *Instrument of Dedication* **(Attachment 1)**

References

Legislation

Crown Land Management Act 2009

Local Government Act 1999

Council Policies

Not Applicable

Council Strategic Plan

4.5.1.6 - Accountable and Sustainable Governance – *Strategically Plan for and sustainably maintain Council's assets and finances*

Government of South Australia
Department of Environment, Water and Natural Resources

DEWNR: 17-2629

Economic and Sustainable Development
Level 8
81-95 Waymouth Street
ADELAIDE SA 5000
GPO Box 1047
ADELAIDE SA 5001
Ph: +61 8 8463 3273
www.environment.sa.gov.au

Date: 11th August 2017

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

Dear Mr Miller

APPLICATION TO AMEND DEDICATION OLD PORT WAKEFIELD ROAD TWO WELLS

I refer to your application to have land identified as Allotment 51 in Deposited Plan 73399 Hundred of Port Gawler, Crown Record Volume 5984 Folio 728 dedicated for community and local government purposes and placed under your care, control and management pursuant to the *Crown Land Management Act 2009* (the Act).

The land has been assessed as appropriate to be dedicated. A recommendation will be made to the delegate for the Minister for Sustainability, Environment and Conservation to dedicate the land.

Please find enclosed a draft copy of the instrument of dedication to be signed by the delegate, which includes the terms and conditions of the dedication. Also attached is a copy of the relevant sections of the Act. Before dedicating the land it is a requirement that we consult with the proposed custodian.

To acknowledge that you have received and understood the terms and conditions, please return the attached form of acknowledgement to your local Department of Environment, Water and Natural Resources office. Please also indicate any fixtures or improvements on the subject land which you own. These fixtures will be severed from the land and are your responsibility. In the event that you wish to forfeit the land, you will be asked to remove any fixtures and no compensation will be payable. Once this form has been returned, the Department can make the recommendation to the delegate that the land be dedicated as described.

You are reminded that this is a recommendation only, and that the Minister has not yet consented to this transaction proceeding. Once the delegate has considered the proposal you will be informed of the outcome as soon as practicable. If the recommendation is approved, the dedication will take effect from the date the Minister executes the instrument of dedication.

For further information on this matter please contact Mark Wareing on 08 8463 3273 or mark.wareing@sa.gov.au.

Yours sincerely

Mark Wareing

Property Officer, Crown Lands

DEWNR: 17-2629

FORM OF ACKNOWLEDGEMENT

I/We .....
(full name(s))

of .....
(address)

HEREBY ACKNOWLEDGE the terms and conditions by which the Minister for Sustainability, Environment and Conservation has proposed to dedicate Allotment 51 in Deposited Plan 73399 Hundred of Port Gawler, Crown Record Volume 5984 Folio 728 dedicated for community and local government purposes and place under my/our care, control and management as set out in the instrument of dedication enclosed with the letter from the Department to us, dated 11th August 2017.

Executed by the Above Named on the ..... DAY OF .....

.....
(Applicant(s) Signature/Seal)

In the presence of

.....
(Witness Signature)

.....
(Witness Name)

.....
(Date)

Fixtures/Improvements
Please list below any fixtures/improvements on the land which are the property of the custodian (you):

1. .....

2. .....

3. .....

4. .....

5. .....

6. .....

7. .....

CONDITIONS OF DEDICATION

CROWN LAND MANAGEMENT ACT 2009: PART 3 DIVISION 2

TAKE NOTICE that pursuant to the *CROWN LAND MANAGEMENT ACT 2009*, I, Wayne Hutchinson, being a delegate for the Minister for Sustainability, Environment and Conservation, Minister of the Crown to whom the administration of the *Crown Land Management Act 2009* is committed have placed the Crown land under the care, control and management of the Adelaide Plains Council (the Custodian), subject to all the Conditions as set out and described in this instrument:

Purpose	community and local government purposes
Conditions	**1. Purpose** The Custodian must only use the Land for the Purpose. **2. Stop Work** 2.1. The Minister may order, by written notice, the Custodian or any other party having an interest in the Land, to stop work forthwith on the Land. 2.2. The Custodian or other party may only resume work upon receiving written approval to do so by the Minister. **3. Minister's power of entry** The Minister or representative may enter the Land at any time. **4. Fixtures/Improvements** 4.1. Unless otherwise specified in writing, any buildings or improvements already erected on the Land being determined to be fixtures by the Minister, are and remain property of the Crown. 4.2. No new development or work may be commenced on the Land unless the Minister has first consented to the same in writing. 4.3. If the dedication of land is revoked or withdrawn from the care, control and management of the Custodian, the Minister may direct the Custodian to remove from the land all fixtures and improvements that are the property of the Custodian at the Custodian's cost. **5. Rates and Taxes etc.** The Custodian is responsible for the payment of all rates, taxes, charges and levies on or attributable to the Land. **6. Indemnity** The Custodian must indemnify the Minister and the Crown in right of the State of South Australia and keep the Minister and the Crown in right of the State of South Australia forever indemnified in respect to the whole of the Minister's costs and expenses (including without limitation legal costs and expenses) of and incidental to the implementation of this dedication including the enforcement of the Purpose or Conditions.

	7. Breach of Conditions Subject to the Custodian being given a reasonable opportunity to make good the breach (if capable of remedy), the Minister may withdraw the Land from the care, control and management of the Custodian if a breach of a condition subsists or has occurred. **8. Waiver of Conditions** 8.1. The Minister may waive a condition or breach of condition by notice in writing. 8.2. No waiver of condition or breach of a condition shall operate as a waiver of any other condition or any other breach of condition. **9. Special Requirements** None.
Fixtures/ Improvements	All buildings and improvements erected on the land as at the date of this instrument are hereby severed from the land for the purposes of clause 4.
Definitions/ Guidance	a) the reference to "the Act" means the Crown Land Management Act 2009; b) the term "Land" is a reference to the Crown Land that this instrument is noted against; c) the term "Minister" means the Minister to whom the administration of the Act has been committed, and includes a reference to a person delegated or authorised by the Minister to perform a function or power under the Act and may include a representative of the Minister; d) a reference to a condition in the Conditions means a condition listed in this instrument or as varied under the Act; and THESE CONDITIONS AS SET OUT ABOVE ARE IN ADDITION TO THE PROVISIONS OF THE *CROWN LAND MANAGEMENT ACT 2009* AND DO NOT LIMIT THE MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION IN THE EXERCISE OF HIS RIGHTS OR DISCRETIONS HE MAY ENJOY UNDER THE ACT.

Dated.....day of.....2017.

WAYNE HUTCHINSON
PROGRAM MANAGER, CROWN LANDS (M21460)
DELEGATE FOR MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

Provisions of the *Crown Land Management Act 2009*

Including but not limited to, the following provisions of the *Crown Land Management Act 2009* will apply to the proposed dedication.

Part 3—Dealing with Crown land

Division 2—Dedication

18—Dedicated land

(1) The Minister may, by instrument in writing, dedicate unalienated Crown land for a purpose specified in the instrument.

(2) The Minister must not dedicate land subject to a licence unless the Minister is satisfied that the dedication will not substantially detract from the licensee's use or occupation of the land.

(3) If dedicated land is to be placed under the care, control and management of a person or body other than the Minister, the Minister must consult with that person or body before effecting the dedication.

(4) The Minister may, by instrument in writing, alter the purpose for which land has been dedicated under this section.

(5) The Minister must, before altering the purpose for which land has been dedicated under this section, consult with any person who has an interest in, or rights in relation to, the land.

(6) The Minister must not grant an interest or rights in relation to dedicated land if the grant of the interest or rights would have the effect of preventing the land being used for the purpose for which it is dedicated.

19—Revocation of dedication

(1) Subject to this section, the Minister may, by instrument in writing, revoke (in whole or in part) a dedication of land, whether the land has been dedicated under this or any other Act.

(2) If land subject to a dedication under this or any other Act has been granted in fee simple, the dedication can only be revoked by proclamation made by the Governor.

(3) If land has been dedicated under another Act, the dedication must not be revoked under this section unless there is no other legislative power providing for revocation.

(4) If, under this section, a dedication of land is revoked in whole or in part, the land, or that part of the land, reverts to the status of unalienated Crown land.

20—Care, control and management of dedicated land

(1) The Minister may, by instrument in writing, place dedicated land under the care, control and management of a person or body specified in the instrument subject to such conditions as the Minister specifies in the instrument.

(2) The Minister may, by instrument in writing—

(a) vary or revoke the conditions on which dedicated land was placed under the care, control and management of a person or body; or

(b) withdraw the land from the care, control and management of that person or body.

(3) The Minister must not exercise powers under this section in relation to land that is under the care, control and management of a person or body except after consultation (where practicable) with the person or body.

21—Notice of instruments

The Minister must cause notice of any instrument under this Division to be published in the Gazette as soon as practicable after it is made.

22—Lease of dedicated land

(1) A lease granted by a person other than the Minister in relation to dedicated land is of no effect unless the Minister has consented, in writing, to the grant of the lease.

(2) The consent of the Minister under this section may be subject to such conditions as the Minister thinks fit and specifies in the written consent.

(3) The Minister may refuse consent to the grant of a lease if the grant of the lease—

(a) would detract from any existing public use and enjoyment of the land; or

(b) would prevent the land being used for the purpose for which it was dedicated; or

(c) would otherwise, in the opinion of the Minister, be improper or undesirable.

74—Disposal of property etc on vacated land

(1) If a person granted an interest in, or right in relation to, Crown land under this Act vacates the land leaving behind property or fixtures that were not on the land at the time the interest or right was so granted, the Minister may—

(a) take possession of the property or fixtures; or

(b) by written notice, require the person to remove the property or fixtures within a specified period.

(2) If a notice under subsection (1)(b) is not complied with within the specified period, the Minister may remove and dispose of the property or fixtures.

(3) Any costs incurred by the Minister under subsection (2) that are not covered by the proceeds (if any) of the sale of the property or fixtures may be recovered as a debt from the person to whom the notice under subsection (1)(b) was given.

79—Recovery of native title compensation

Without limiting any other civil right of action of the Crown, if the Crown is liable to pay compensation in respect of acts extinguishing or affecting native title by a custodian or other person granted a right in respect of, or interest in, land under this Act, the Crown is entitled to recover the amount of the compensation from the custodian or person (as the case may be).

	14.4	**Council Assessment Panel – Update and Terms of Reference**
	Department:	**Development and Community**
	Report Author:	**General Manager, Development and Community**
Date: 18 September 2017	**Container No:**	**CON12/218-2**
	Document No:	**D17/21071**

EXECUTIVE SUMMARY

- On 19 June 2017 Council appointed the membership of the Council Assessment Panel (CAP) under the *Planning, Development and Infrastructure Act 2016,* for the term commencing 1 October 2017 and ending 30 June 2018.
- Prior to 1 October 2017 Council is required to establish a Terms of Reference for the CAP.
- A code of conduct, meeting procedures and appointment of an Assessment Manager are all matters that will be addressed prior to 1 October 2017 to enable the effective operation of the CAP.

RECOMMENDATION

"that Council, having considered Item 14.4 – *Council Assessment Panel – Update and Terms of Reference*, dated 18 September 2017, receives and notes the report and in doing so adopts the Terms of Reference as presented in Attachment 1 to this report."

BUDGET IMPACT

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

RISK ASSESSMENT

If the Terms of Reference are not adopted then the Council will have no framework or guidance to achieve the requirements of Section 83 of the *Planning, Development and Infrastructure Act 2016*, i.e. relating to the appointment of CAP Members, terms of office, removal of members, membership vacancies, conditions of appointment, etc.

Attachments

1. **Council Assessment Panel Terms of Reference**

DETAILED REPORT

Purpose

The purpose of this report is to provide an update on matters relating to the Council Assessment Panel (CAP) recently established by Council, and seek Council endorsement of a Terms of Reference for the CAP under the *Planning Development and Infrastructure Act 2016* (PDI Act).

Background/History

On 19 June 2017 Council established a CAP pursuant to Section 83(1) of the PDI Act. The Council appointed four Independent Members and one Councillor to the Panel, for the term commencing 1 October 2017 and ending 30 June 2018. Two Deputy Members were also appointed, to be called upon in instances where a CAP member is unable to attend a particular meeting.

The CAP will replace the current Council Development Assessment Panel (CDAP) which will effectively cease to exist from 1 October 2017. However CAP will be responsible for carrying out similar functions to the current CDAP.

At the 19 June 2017 meeting Council also made the following resolution:

> "Determines in accordance with Section 83(1)(b) of the *Planning, Development and Infrastructure Act 2016* and Section 14C(1) of the *Acts Interpretation Act 1915* that the appointment of Independent, 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 (which will include, but not be limited to, terms pertaining to Members' conditions of appointment, remuneration and grounds and procedures for removal from office) to be adopted by Council prior to 1 October 2017"

Discussion

Terms of Reference

The Terms of Reference presented to Council for consideration are based upon a model template prepared by Norman Waterhouse Lawyers for the LGA and widely distributed throughout the South Australian local government sector. The document adopts best practice and exceeds the minimum requirements set out in the PDI Act.

The Terms of Reference attached to this report include provisions relating to:

- Membership of CAP (Members, Deputy Members, Presiding Member, Acting Presiding Member, expression of interest, term of appointment);
- Membership vacancies;
- Conditions of appointment (Code of Conduct, remuneration, accreditation);
- Removal from office; and
- Document review.

Prior to adoption Council would need to ensure that any amendments are not inconsistent with the following:

- The PDI Act or PDI Regulations;
- Any relevant provisions of the *Development Act 1993* or *Development Regulations 2008* (while assessment is still being undertaken under the Development Act);
- The Code of Conduct to be adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the PDI Act.

Council is advised that the Presiding Member of the CAP has also reviewed the draft Terms of Reference and has provided feedback which supports the document presented to Council for consideration.

Meeting Procedures

In addition to a Terms of Reference set by Council the CAP will need to adopt a set of meeting procedures. The PDI Regulations will commence operation on 1 October 2017 and will outline the general administrative and operational procedures and associated matters relevant to the operation of the CAP, similar to those currently existing for CDAP. The CAP will also be able to adopt additional procedures so long as they are consistent with the procedures prescribed by the regulations. A recommended set of meeting procedures will be presented to the CAP for consideration and adoption at the first meeting.

Assessment Manager

Pursuant to Section 87(d)(i) of the PDI Act, the Chief Executive Officer must appoint an Assessment Manager to manage the staff and operations of the CAP and provide advice to the panel as required. It is noted that the position is broader than the current position of Public Officer under the *Development Act 1993*. Significantly however, the position will have no responsibility for handling complaints against CAP members.

At a later date the role of the Assessment Manager will expand to include that of a relevant authority for some development applications under the PDI Act, and the person appointed will be required to be an accredited professional.

It is envisaged that the Chief Executive Officer will appoint the Development Services Coordinator to this position prior to 1 October 2017.

Code of Conduct

A code of conduct for CAP Members will be published by the Minister on or before 1 October 2017. The new code will impose conflict of interest provisions which are similar to those which presently exist under the *Development Act 1993*. All code of conduct complaints against CAP members will be required to be made to, and addressed by, the State Planning Commission. Therefore after 1 October 2017 there is no longer a requirement for Council to have a Public Officer to investigate complaints about the conduct of a panel member.

Conclusion

Council is required to establish a Terms of Reference for the Council Assessment Panel by 1 October 2017.

The appointment of an Assessment Manager by the Chief Executive Officer, adoption of meeting procedures by the CAP, and release of an official Code of Conduct by the Minister are all matters that will soon be addressed to enable the effective operation of the CAP established under the new planning system.

References

Legislation

Planning, Development and Infrastructure Act 2016

Development Act 1993

Adelaide Plains Council	**Council Assessment Panel Terms of Reference**	
	Adoption by Council:	
	Resolution Number:	
	Administered by:	General Manager Development and Community
	Last Review Date:	September 2017
	Next Review Date:	September 2019
TRIM CON: CON12/218-2 **TRIM DOC:** D17/21335	**Strategic Outcome:** 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*;

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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 Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.

2.6 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).

2.7 Where more than one Deputy Member is appointed, they will be invited to attend CAP meetings as required, on a rotational basis.

2.8 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.

2.9 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

2.10 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

2.11 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.

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2.12 The Presiding Member will preside at any CAP meeting at which he or she is present.

2.13 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.

2.14 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.

2.15 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

2.16 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.

2.17 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.

2.18 Deputy Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.

2.19 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.

2.20 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 2.8 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.

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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;

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(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.

DRAFT

Adelaide Plains Council	**14.5**	**Northern Food Bowl Protection Areas Development Plan Amendment – Status Update and Consultation**
	Department:	**Development and Community**
	Report Author:	**General Manager, Development and Community**
Date: 18 September 2017	**Container No:**	**CON16/46**
	Document No:	**D17/20573**

EXECUTIVE SUMMARY

- The draft Northern Food Bowl Protection Areas Development Plan Amendment (DPA) is currently out for statutory eight (8) week Public and Agency consultation between 25 August and 20 October 2017.
- It is proposed to undertake a community information session during the formal consultation period in early October 2017 in Two Wells, to discuss key issues relating to the DPA and to answer questions from the community.
- In accordance with Section 25(11)(c) of the *Development Act 1993*, Council must appoint a committee to consider any representations on the DPA and to provide advice to Council in relation to these representations.

RECOMMENDATION

"that Council, having considered Item 14.5 – *Northern Food Bowl Protection Areas Development Plan Amendment – Status Update and Consultation,* dated 18 September 2017, receives and notes the report and in doing so:-

1. **Authorises the Chief Executive Officer to organise a community information session to be held in Two Wells in early October 2017 (date and time to be confirmed) during the eight (8) week statutory Public and Agency consultation period; and**
2. **Designates the Strategic Planning and Development Policy Committee, pursuant to Section 25(11)(c) of the *Development Act 1993*, as the committee appointed to consider any representations on the Northern Food Bowl Protection Areas DPA and provide advice to the Council in relation to these representations."**

BUDGET IMPACT

Funds were allocated in the 2016/17 budget to undertake preparation of the DPA.

RISK ASSESSMENT

To facilitate future growth in the food bowl, there is a need to review and amend relevant planning policy in Council's Development Plan. The Northern Food Bowl Protection Areas DPA is required to be completed and submitted to the Minister by 1 December 2017 to achieve the requirements of the Statement of Intent (SOI).

Attachments

Nil

DETAILED REPORT

Purpose

To provide a progress update on the preparation of Council's Northern Food Bowl Protection Areas Development Plan Amendment (DPA); to seek approval for undertaking additional community engagement outside of statutory consultation requirements; and, to appoint a committee to consider any representations on the DPA in accordance with the *Development Act 1993*.

Background

The draft Northern Food Bowl Protection Areas DPA has been released for statutory eight (8) week concurrent Public and Agency consultation between 25 August and 20 October 2017.

Discussion

Consultation Update

In accordance with the requirements of the DPA Statement of Intent (SOI), the following consultation and engagement has been undertaken:-

- Public notices placed in the SA Government Gazette, The Bunyip and The Plains Producer;
- Copies of the DPA made available to view at Council Offices and Two Wells Library;
- Relevant details placed on Council's website and noticeboards;
- Letter / email correspondence on DPA consultation sent to all key public agencies and external stakeholders including horticulture and broad acre farming groups and key community groups e.g. Adelaide Plains Residents and Ratepayers Association;
- Individual letters sent to landowners located within or adjacent to proposed new Urban Employment Zones; and
- Flyers advertising consultation placed in shop windows / community notice boards in Two Wells, Mallala and Dublin.

The DPA has also been advertised more widely by the media in association with the NAIS project.

Information Session

In addition to the above consultation and engagement, it is proposed that a community information session is held in Two Wells during the eight (8) week consultation period to answer key questions that residents and land owners may have regarding the DPA.

It is proposed that the information session will be held in early October, with the session to be advertised in The Bunyip and The Plains Producer, via flyers in the townships and through direct correspondence with key stakeholders as outlined above.

It is recommended that the Chief Executive Officer be authorised to organise this session.

Consideration of Representations

On completion of the statutory consultation period, a public meeting to hear submissions (if required) will be conducted on 30 October 2017 at the Mallala Council Chambers commencing at 5.30pm. A Summary of Consultation and Proposed Amendments (SCPA) Report will then be prepared in accordance with Section 25(13) of the *Development Act 1993* to identify the issues raised during the consultation period and public hearing.

In accordance with Section 25(11)(c) of the *Development Act 1993*, Council must appoint a committee to consider any representations on the DPA and provide advice to Council in relation to these representations. As representations on the DPA have now been received by Council, it is recommended that Council appoint the Strategic Planning and Development Policy Committee (SPDPC) in order to meet the legislative requirements. Appointing Council's SPDPC to consider representations is appropriate and strongly recommended given that a key function of the SPDPC, as outlined in Section 101A(2)(c) of the *Development Act 1993*, is to provide advice to the Council *"in relation to strategic planning and development policy issues when the Council is preparing a Strategic Directions Report or a Development Plan Amendment proposal"*.

DPA Timetable

To achieve the requirements of the timetable outlined in the SOI, the following key dates for endorsement of the DPA and statutory consultation are required to be met by Council:

DPA Task	Key Dates
Statutory 8-week public and agency consultation	**25 August to 20 October 2017**
Statutory Public Hearing (if required)	30 October 2017
Final Draft DPA presented to Council for endorsement	20 November 2017
SOI Deadline for DPA Submission to Minister	1 December 2017

Conclusion

The draft Northern Food Bowl Protection Areas DPA is currently out for statutory eight (8) week Public and Agency consultation between 25 August and 20 October 2017.

It is proposed that the Chief Executive Officer be authorised to organise a community information session during the formal consultation period in early October 2017 in Two Wells to discuss key issues relating to the DPA and to answer questions from the community.

In accordance with Section 25(11)(c) of the *Development Act 1993*, Council must appoint a committee to consider any representations on the DPA and provide advice to Council in relation to these representations. It is recommended that the Strategic Planning and Development Policy Committee be appointed to meet this requirement, as well as the requirements of Section 101A(2)(c)(ii) of the *Development Act 1993*.

References

Legislation

Development Act 1993

Adelaide Plains Council	**14.6**	**Legatus Group – Draft Business Plan 2017/2018 and revised Draft Budget**
	Department:	**Executive Office**
	Report Author:	**Chief Executive Officer**
Date: 18 September 2017	**Container No:**	**CON12/582**
	Document No:	**D17/22388**

EXECUTIVE SUMMARY

- The Legatus Group is seeking from all Constituent council's endorsement of its Draft Legatus Group Business Plan and the previously distributed revised Draft Budget.
- The Legatus Group is seeking a response from Adelaide Plains Council by 10 October 2017 to allow the Legatus Group to decide on adopting the 2017/2018 Legatus Group Business Plan and the Budget.

RECOMMENDATION

"that Council, having considered Item 14.6 – *Legatus Group – Draft Business Plan 2017/2018 and revised Draft Budget,* dated 18 September 2017, receives and notes the report and in doing so instructs the Chief Executive Officer to advise the Legatus Group that Adelaide Plains Council has no objections with the Draft Business Plan 2017/2018 and revised Draft Budget."

BUDGET IMPACT

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

Attachments

1. **Draft (2) 2017-2018 Business Plan**
2. **2017/2018 budget draft version**

DETAILED REPORT

Purpose

The Legatus Group Charter stipulates the following:

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.

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 approval by the Constituent Councils.

5.1.2 The Legatus Group must adopt after 31 May and within six (6) weeks of approval 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.

Background/History

At the Legatus Group Ordinary meeting held 8 September 2017 the following motions were carried:

1. That the Legatus Group review the draft business plan for 2017/2018.
2. That the Legatus Group ensures that it complies with its charter in regard to the preparation and submission of draft budgets.
3. That the Legatus Group CEO progresses a review of the Future Directions review including a comprehensive review of the Long Term Financial Plan and in partnership with the Constituent Councils develops a 10-year Strategic Plan including a 3-year action plan for consideration by 30 March 2018.
4. That the Legatus Group CEO engages an external facilitator for a workshop with the Board and the Constituent Councils CEO's on the future direction of the Legatus Group

and that this is held in conjunction with the November Legatus Group ordinary meeting.

1. That the Legatus Group CEO prepares and distributes to all Constituent Councils a revised Draft 2017/2018 Business Plan that is consistent with the revised Draft 2017/2018 Legatus Group Budget that had been distributed as part of the agenda and that had been previously distributed to Constituent Councils. With a response to be sought within 30 days from all Constituent Councils to allow an out of session decision by the Legatus Group to adopt the 2017/2018 Business Plan and Budget.

ABN: 34 728 242 315

Chairman:
Mayor Peter Mattey

Chief Executive Officer:
Simon Millcock

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Member Councils:

Adelaide Plains Council

Clare and Gilbert Valleys Council

District Council of Barunga West

District Council of Mount Remarkable

District Council of Orroroo Carrieton

District Council of Peterborough

District Council of the Copper Coast

Light Regional Council

Northern Areas Council

Port Pirie Regional Council

Regional Council of Goyder

The Barossa Council

The Flinders Ranges Council

Wakefield Regional Council

Yorke Peninsula Council

DRAFT (2) BUSINESS PLAN AND BUDGET 2017 / 2018

Subject Reference: Business Plan and Budget

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Purpose of Plan

Local Government Act 1999

Introduction and Context

Schedule 2, part 2, clause 24 of the Local Government Act 1999 relates that in consultation with each of its Constituent Councils, a regional subsidiary must prepare and adopt a business plan and must set out:

- The performance targets the subsidiary is to pursue
- A statement of the financial and other resources as well as internal processes that will be required to achieve the subsidiary's performance targets
- The performance measures that are to be used to monitor and assess performance against targets

In a practical sense, in order to function effectively and efficiently and to meet the expectations of members and stakeholders, it is important that any organisation has a clear purpose a relevant and transparent structure and method of operation, meaningful and well communicated objectives and an agreed methodology for achieving and reviewing those objectives within the framework of operation and structure.

In order to maintain relevance, measure progress against its targets and meet the requirements of the *Local Government Act 1999*, this plan should be reviewed on an annual basis.

Role: Central Local Government Region of South Australia (referred to as Legatus Group)

The Central Region was established in 1998 under Section 200 of the Local Government Act 1934 as a controlling authority and continues in existence and as a regional subsidiary of its establishing councils under Part 2 of Schedule 2 of the Local Government Act 1999 ("the Act") by virtue of the provisions of Section 25 of the Local Government (Implementation) Act 1999. In 2016 the Central Local Government Region of South Australia adopted the name of Legatus Group to which it is now referred. The constituent councils (members) of Legatus Group are:

- Adelaide Plains Council
- Clare and Gilbert Valleys Council
- District Council of Barunga West
- District Council of Mount Remarkable
- District Council of Orroroo Carrieton
- District Council of Peterborough
- District Council of the Copper Coast
- Light Regional Council
- Northern Areas Council
- Port Pirie Regional Council
- Regional Council of Goyder
- The Barossa Council
- The Flinders Ranges Council
- Wakefield Regional Council
- Yorke Peninsula Council

Consistent with the charter, the role of Legatus Group is to:

- undertake co-ordinating, advocacy and representational roles on behalf of the members at a regional level;
- 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 members;
- 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;
- develop further co-operation between the members for the benefit of the communities of the region;
- 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;
- undertake projects and activities that benefit the region and its communities;
- associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;

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- provide strong advocacy speaking with one voice on what matters most to the communities of the members;
- work together to make the best use of available resources;
- collaborate to deliver effective services;
- build partnerships with those who can contribute to stronger and sustainable communities; and
- develop and implement a robust Business Plan.

The Legatus Group provides an opportunity for members to have a:

- cohesive point of view;
- combined and collective voice;
- work collaboratively to achieve common goals;
- attract funding and resources;
- be proactive and responsive to regional matters of interest; and
- share experiences and information.

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Vision & Five-Year Targets

VISION

'The Central Local Government Region (Legatus Group) is recognised, respected and supported as a strong and successful region'

FIVE-YEAR TARGETS (2017-2021)

BOARD OPERATION AND GOVERNANCE

Operation of Legatus Group is in accordance with legislative requirements and the boards policies and procedures.

LOCAL GOVERNMENT LEADERSHIP AND SUSTAINABILITY

Legatus Group are well regarded by its members and stakeholders as a valid and relevant organisation that assists with regional collaboration and is supportive of actions on key identified regional priorities.

Support members to engage collaboratively to improve service delivery, resourcing and financial capacity including through identified procurement activities.

Increased awareness by key stakeholders and political decision makers of key regional issues.

REGIONAL & COMMUNITY SUSTAINABILITY

The long-term regional economic, environmental and social sustainability is fostered through pro-active, innovative, efficient and collaborative approaches to priority issues.

Key Priorities and Actions for 2017/2018

1. Board Governance and Operations

Target:

1. **Operation of Legatus Group is in accordance with legislative requirements and board policies and procedures.**

Actions:

a) Operations are conducted under its charter in terms of legislation and current objectives of members. Maintain, review and update policies and procedures to reflect best practice.

b) Implement board governance and operations in accordance with legislative and policy provisions.

2. Local Government Leadership and Sustainability

Targets:

1. **Well regarded by members and stakeholders as valid and relevant through regional collaboration and undertaking or supporting actions on identified priorities.**
2. **Support members to collaboratively improve service delivery, resourcing and financial capacity.**

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3. Increased awareness by key stakeholders and political decision makers of the key regional issues.

Actions:

a) Undertake a review of the Legatus Group 5-year targets and identify regional priorities through collaboration with members and stakeholders and develop agreed actions and/or support.

b) Speak with a united voice on these identified regional priorities.

c) Support activities of the state and national Local Government Authorities and regularly present the views of Legatus Group to these organisations.

d) Build partnerships with those who can contribute to stronger and more sustainable communities.

e) Support and help implement solutions for members sustainability and assist with community building including a review of the Legatus Group Procurement Memorandum of Understanding.

f) Develop and implement a communications plan to members and stakeholders.

g) Finalise an agreed approach on seeking to remove the Rubble Royalties.

h) Develop a report on the issue of rating equity associated with Major Projects that will allow for an agreed State-wide approach to considered.

3. Regional and Community Sustainability

Target:

1. Economic, environmental and social sustainability is fostered through pro-active, innovative, efficient and collaborative approaches to priority issues.

Actions:

a) Actively participate in initiatives to increase collaboration, service delivery and efficiencies between regional organisations.

b) Be a proactive partner in the development and implementation of the Yorke Mid North Regional Plan with Regional Development Australia (RDA) Yorke Mid North and Northern and Yorke Natural Resource Management (NRM).

c) Be a proactive partner for implementing regional plans with RDA Barossa and RDA Far North.

d) Support initiatives to secure the future sustainability of regional communities, including infrastructure, service provision, population growth and leadership development.

a. Be an active supporter of sub regional leadership programs.

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e) Support opportunities for greater efficiencies in Regional Development and Natural Resource Management.

f) Support increased opportunities to build Social Infrastructure, Community Services and Sustainable Economic Development.

g) Identify the impacts to Constituent Councils of the impacts of the roll out of the National Disability Insurance Scheme.

h) Identify, priorities and seek to gain increased release of the Crown Land or State-owned land in the region for economic and community use.

i) Support the development of social capital through regional programs.

j) Develop the Legatus Group 2030 Regional Transport Plan.

k) Continue to support the Regional Climate Change strategies.

l) Facilitate the opportunities for assistance to identified Constituent Councils with Emergency Management Planning.

m) Facilitate the development of sub regional practitioner groups for regional sharing of information on Community Waste Management Schemes.

Budget 2017/2018

Key Assumptions

Budget 2017/18

Profit & Loss Statement

Operating Income

- Council contributions at $10,636
- Interest earnings will remain at 1.5%
- LGA grants received to date and 2nd payment for Rubble Royalties of $100,000 occurs in 17/18

Operating Expenses

- Wages – agreed CEO
- Payment for 4 months for Procurement Officer
- Climate Change Contractor for 2 months
- Increased website and communications presence
- Allocation of resources towards contractor for projects $15,000
- Allocation of resources towards regional plan via regional alliance $3,000
- Office rental remains as per contract $15,000
- Insurance $8,335
- FBT $7,537
- Mobile telephone / internet / communication $4,000
- Conference, meetings, member and delegate allowances $11,764

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Legatus Group
Long Term Financial Plan Summary 2017-2027

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
1. Statement of Comprehensive Income										
OPERATING : Revenue	559,509	221,395	226,960	233,018	239,247	245,285	251,864	258,629	265,184	272,331
Less : OPERATING : Expenditure	567,548	256,389	263,874	271,584	280,163	288,343	296,768	306,142	315,080	324,286
OPERATING SURPLUS/(DEFICIT)	(8,039)	(34,994)	(36,915)	(38,566)	(40,916)	(43,058)	(44,904)	(47,513)	(49,895)	(51,955)
Asset Disposal	-	-	-	-	-	-	-	-	-	-
NET SURPLUS/(DEFICIT) Operations	(8,039)	(34,994)	(36,915)	(38,566)	(40,916)	(43,058)	(44,904)	(47,513)	(49,895)	(51,955)
2. Statement of Cash Flows										
Opening Cash Balance	719,859	(34,994)	(36,915)	(38,566)	(40,916)	(43,058)	(44,904)	(47,513)	(49,895)	(51,955)
Cashflow Movement	(3,279)	(50,308)	(30,044)	(31,696)	(57,843)	(35,550)	(37,396)	(66,009)	(41,691)	(43,751)
Closing Cash Balance	716,580	666,271	636,228	604,532	546,689	511,139	473,743	407,734	366,042	322,291
3. Statement of Financial Position										
Opening Net Assets	716,027	707,888	673,145	636,368	597,823	556,809	513,530	468,279	421,289	370,782
Net Movement	(8,039)	(34,894)	(37,065)	(38,854)	(41,226)	(43,270)	(44,895)	(47,157)	(50,062)	(51,509)
Closing Net Assets	707,988	672,994	636,080	597,513	556,597	513,539	468,636	421,123	371,227	319,272

4. Reserve Movements Summary

Reserve	Opening Balance											Closing Balance
General	31,093	-	-	-	-	-	-	-	-	-	-	31,093
P003 - Regional Waste M'ment	16,273	(16,273)	-	-	-	-	-	-	-	-	-	-
P022 - Roads & Transport	37,892	(2,500)	(2,575)	(2,652)	(2,732)	(2,814)	(2,898)	(2,985)	(3,075)	(3,167)	(3,262)	9,232
A009 - LGA R&D Projects	15,341	-	-	-	-	-	-	-	-	-	-	15,341
P024 - Climate Change 2015-17	63,472	(63,472)	-	-	-	-	-	-	-	-	-	-
P027 - Reform - Incentive Risk	144,000	-	-	-	-	-	-	-	-	-	-	144,000
P025 - Outreach Phase 2	83,235	(83,235)	-	-	-	-	-	-	-	-	-	-
P028 - Regional Capacity Build	203,026	147,780	-	-	-	-	-	-	-	-	-	350,806
TOTAL EQUITY	$ 594,332	$ 576,632	$ 574,057	$ 571,405	$ 568,673	$ 565,859	$ 562,961	$ 559,976	$ 556,901	$ 553,734	$ 550,473	$ 550,473

Legatus Group
Statement of Comprehensive Income
Annual Budget : 01 July 2017 to 30 June 2018

	Actual 2016	Estimate 2017	Budget 2018
OPERATING : Revenue			
Grants	316,166	355,000	329,477
Interest	13,869	9,500	10,798
Reimbursements	-	25,105	4,500
Other Income	154,140	180,000	214,734
TOTAL	**484,175**	**569,605**	**559,509**
Less : OPERATING : Expenditure			
Employee Costs	92,624	255,000	255,924
Contract	232,005	205,000	261,615
Materials	7,919	25,000	11,150
Financial Charges	-	50	-
Depreciation & Amortisation	3,243	8,000	4,760
Other Expenses	24,819	40,000	34,099
TOTAL	**360,610**	**533,050**	**567,548**
OPERATING SURPLUS/(DEFICIT)	**123,565**	**36,555**	**(8,039)**
REVENUE : Other			
Asset Disposal	-	-	-
TOTAL	-	-	-
NET SURPLUS/(DEFICIT) Operations	**123,565**	**36,555**	**(8,039)**

Type-Plan - 3yr Comparison

Ordinary Council Meeting
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Legatus Group
Statement of Comprehensive Income
Annual Business Plan & Budget : 01 July 2017 to 30 June 2018 , incorp 10 Year Long Term Financial Plan

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
OPERATING : Revenue										
Grants	329,477	40,970	42,199	43,465	44,769	46,112	47,496	48,921	50,388	51,900
Interest	10,798	10,749	9,994	9,543	9,068	8,200	7,667	7,106	6,116	5,491
Reimbursements	4,500	-	-	-	-	-	-	-	-	-
Other Income	214,734	169,676	174,766	180,009	185,410	190,972	196,701	202,602	208,680	214,941
TOTAL	**559,509**	**221,395**	**226,960**	**233,018**	**239,247**	**245,285**	**251,864**	**258,629**	**265,184**	**272,331**
Less : OPERATING : Expenditure										
Employee Costs	255,924	179,273	184,651	190,191	195,897	201,773	207,827	214,061	220,483	227,098
Contract	261,615	33,424	34,426	35,459	36,523	37,618	38,747	39,909	41,107	42,340
Materials	11,150	11,485	11,829	12,184	12,549	12,926	13,314	13,713	14,124	14,548
Financial Charges	-	-	-	-	-	-	-	-	-	-
Depreciation & Amortisation	4,760	6,871	6,871	6,871	7,508	7,508	7,508	8,204	8,204	8,204
Other Expenses	34,099	25,337	26,097	26,880	27,686	28,517	29,372	30,254	31,161	32,096
TOTAL	**567,548**	**256,389**	**263,874**	**271,584**	**280,163**	**288,343**	**296,768**	**306,142**	**315,080**	**324,286**
OPERATING SURPLUS/(DEFICIT)	**(8,039)**	**(34,994)**	**(36,915)**	**(38,566)**	**(40,916)**	**(43,058)**	**(44,904)**	**(47,513)**	**(49,895)**	**(51,955)**
Asset Disposal										
Motor Vehicle	-	-	-	-	-	-	-	-	-	-
TOTAL	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
NET SURPLUS/(DEFICIT) Operations	**(8,039)**	**(34,994)**	**(36,915)**	**(38,566)**	**(40,916)**	**(43,058)**	**(44,904)**	**(47,513)**	**(49,895)**	**(51,955)**

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Statement of Cash Flows

Annual Business Plan & Budget : 01 July 2017 to 30 June 2018 , incorp 10 Year Long Term Financial Plan

Ordinary Council Meeting 18 September 2017

		2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
1. OPERATING	**TOTAL**	(3,279)	(28,123)	(30,044)	(31,696)	(33,408)	(35,550)	(37,396)	(39,309)	(41,691)	(43,751)
Receipts											
	Sub Total	559,509	221,395	226,960	233,018	239,247	245,285	251,864	258,629	265,184	272,331
Payments											
	Sub Total	562,788	249,518	257,004	264,714	272,655	280,835	289,260	297,938	306,876	316,082
2. INVESTING	**TOTAL**	-	(22,185)	-	-	(24,435)	-	-	(26,701)	-	-
Receipts											
	Sub Total	-	-	-	-	-	-	-	-	-	-
Payments											
	Sub Total	-	22,185	-	-	24,435	-	-	26,701	-	-
3. FINANCING	**TOTAL**	-	-	-	-	-	-	-	-	-	-
Receipts											
	Sub Total	-	-	-	-	-	-	-	-	-	-
Payments											
	Sub Total	-	-	-	-	-	-	-	-	-	-
NET CASHFLOW		(3,279)	(50,308)	(30,044)	(31,696)	(57,843)	(35,550)	(37,396)	(66,009)	(41,691)	(43,751)
CUMULATIVE CASHFLOW		(3,279)	(53,587)	(83,631)	(115,327)	(173,170)	(208,720)	(246,116)	(312,125)	(353,816)	(397,567)
CASH RECONCILIATION											
Opening Cash Balance		719,859	716,580	666,271	636,228	604,532	546,689	511,139	473,743	407,734	366,042
Movement - Current		(3,279)	(50,308)	(30,044)	(31,696)	(57,843)	(35,550)	(37,396)	(66,009)	(41,691)	(43,751)
Closing Cash Balance		**716,580**	**666,271**	**636,228**	**604,532**	**546,689**	**511,139**	**473,743**	**407,734**	**366,042**	**322,291**

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BUDGET 2017/18
10 Year LTFP 2017-28

Ordinary Council Meeting
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18 September 2017

Account	Description	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
1. Project A001: General												
	Income											
4-1000	Council Contributions	162,734	167,616	172,645	177,824	183,159	188,653	194,313	200,142	206,147	212,331	
4-3001	Interest : LGFA	10,798	10,749	9,994	9,543	9,068	8,200	7,667	7,106	6,116	5,491	
4-2001	Grants : State Government	39,777	40,970	42,199	43,465	44,769	46,112	47,496	48,921	50,388	51,900	
4-9001	Project Management	50,000	-	-	-	-	-	-	-	-	-	CEO Time Allocation P025
	Total	**263,309**	**219,335**	**224,838**	**230,833**	**236,996**	**242,966**	**249,476**	**256,169**	**262,651**	**269,722**	
	Expenses											
6-1001	Payroll : Gross	203,077	138,462	142,615	146,894	151,301	155,840	160,515	165,330	170,290	175,399	
6-1002	Annual Leave	16,923	11,538	11,885	12,241	12,608	12,987	13,376	13,778	14,191	14,617	
6-1004	Long Service Leave	1,100	3,750	3,863	3,978	4,098	4,221	4,347	4,478	4,612	4,750	
6-1006	Superannuation	20,900	14,250	14,678	15,118	15,571	16,039	16,520	17,015	17,526	18,051	
6-1007	Workers Comp Premium	5,148	3,510	3,615	3,724	3,835	3,951	4,069	4,191	4,317	4,446	
6-3009	Fuel - Unleaded	5,500	5,665	5,835	6,010	6,190	6,376	6,567	6,764	6,967	7,176	
6-4001	FBT	7,537	7,763	7,996	8,236	8,483	8,737	9,000	9,270	9,548	9,834	
6-1008	Other	1,239	-	-	-	-	-	-	-	-	-	CEO Relocation
6-2006	Contractors	3,000	3,090	3,183	3,278	3,377	3,478	3,582	3,690	3,800	3,914	Motor Vehicle
6-9004	Insurance	835	860	886	912	940	968	997	1,027	1,058	1,089	Motor Vehicle
6-9004	Insurance	7,500	7,725	7,957	8,195	8,441	8,695	8,955	9,224	9,501	9,786	Other Insurances
6-3004	Registration	650	670	690	710	732	754	776	799	823	848	Motor Vehicle
6-9006	Travel : Reimbursement	9,500	-	-	-	-	-	-	-	-	-	Procurement
6-9901	Depn : Motor Vehicles	4,760	6,871	6,871	6,871	7,508	7,508	7,508	8,204	8,204	8,204	
6-2003	Audit Fees	1,750	1,803	1,857	1,912	1,970	2,029	2,090	2,152	2,217	2,283	
6-2004	Bank Fees & Charges	200	206	212	219	225	232	239	246	253	261	
6-2006	Contractors	6,000	6,180	6,365	6,556	6,753	6,956	7,164	7,379	7,601	7,829	IT & Website
6-2006	Contractors	4,000	4,120	4,244	4,371	4,502	4,637	4,776	4,919	5,067	5,219	Finance Support
6-2006	Contractors	3,000	-	-	-	-	-	-	-	-	-	Mid North Regional Alliance - Plan
6-3001	Catering	1,000	1,030	1,061	1,093	1,126	1,159	1,194	1,230	1,267	1,305	
6-9009	Other Expenses	2,500	2,575	2,652	2,732	2,814	2,898	2,985	3,075	3,167	3,262	
6-2009	Rent/Hire of Premises/Equip	15,000	15,450	15,914	16,391	16,883	17,389	17,911	18,448	19,002	19,572	
6-3006	Telephone & Internet	4,000	4,120	4,244	4,371	4,502	4,637	4,776	4,919	5,067	5,219	
6-9007	Conferences	6,000	6,180	6,365	6,556	6,753	6,956	7,164	7,379	7,601	7,829	
6-9005	Members Allowances	4,264	4,392	4,524	4,659	4,799	4,943	5,091	5,244	5,402	5,564	Chairman
6-9005	Members Allowances	1,500	1,545	1,591	1,639	1,688	1,739	1,791	1,845	1,900	1,957	Delegates
	Total	**336,883**	**251,754**	**259,100**	**266,667**	**275,098**	**283,126**	**291,394**	**300,607**	**309,379**	**318,415**	

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Account	Description	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
2. Project A009: Special Projects												
	Income											
4-2002	Grants : LGA	16,600	-	-	-	-	-	-	-	-	-	R&D LGA Grant Equity
4-2002	Grants : LGA	23,100	-	-	-	-	-	-	-	-	-	R&D LGA NDIS
	Total	**39,700**	-	-	-	-	-	-	-	-	-	
	Expenses											
6-2006	Contractors	16,600	-	-	-	-	-	-	-	-	-	R&D LGA Grant Equity
6-2006	Contractors	23,100	-	-	-	-	-	-	-	-	-	R&D LGA NDIS
	Total	**39,700**	-	-	-	-	-	-	-	-	-	
3. P003: Regional Waste Management												
	Expenses											
6-2006	Contractors	16,273	-	-	-	-	-	-	-	-	-	
	Total	**16,273**	-	-	-	-	-	-	-	-	-	
4. Project P022: Roads & Transport												
	Income											
4-9000	Other Income	2,000	2,060	2,122	2,185	2,251	2,319	2,388	2,460	2,534	2,610	
	Total	**2,000**	**2,060**	**2,122**	**2,185**	**2,251**	**2,319**	**2,388**	**2,460**	**2,534**	**2,610**	
	Expenses											
6-2006	Contractors	2,500	2,575	2,652	2,732	2,814	2,898	2,985	3,075	3,167	3,262	
6-9009	Other Expenses	2,000	2,060	2,122	2,185	2,251	2,319	2,388	2,460	2,534	2,610	
	Total	**4,500**	**4,635**	**4,774**	**4,917**	**5,065**	**5,217**	**5,373**	**5,534**	**5,700**	**5,871**	
5. Project P024: Climate Change												
	Income											
4-4000	Reimbursement	4,500	-	-	-	-	-	-	-	-	-	
	Total	**4,500**	-	-	-	-	-	-	-	-	-	
	Expenses											
6-2006	Contractors	67,972	-	-	-	-	-	-	-	-	-	
	Total	**67,972**	-	-	-	-	-	-	-	-	-	

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BUDGET 2017/18
10 Year LTFP 2017-28

Account	Description	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
6. Project P025: LGA Outreach Phase 2												
	Income											
4-2002	Grants : LGA	50,000	-	-	-	-	-	-	-	-	-	
	Total	**50,000**	-	-	-	-	-	-	-	-	-	
	Expenses											
6-2010	Project Management - Expense	50,000	-	-	-	-	-	-	-	-	-	CEO Time Allocation 2017/18
	Total	**50,000**	-	-	-	-	-	-	-	-	-	
7. Project P027: Reform Incentive Risk												
	(No Movement)											
8. Project P028: Regional Capacity Building												
	Income											
4-2002	Grants : LGA	200,000	-	-	-	-	-	-	-	-	-	Rubble Royalties
	Total	**200,000**	-	-	-	-	-	-	-	-	-	
	Expenses											
6-2006	Contractors	37,220	-	-	-	-	-	-	-	-	-	Road & transport plan
6-2006	Contractors	15,000	-	-	-	-	-	-	-	-	-	
	Total	**52,220**	-	-	-	-	-	-	-	-	-	

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Capital Expenditure : Plant & Equipment

Annual Business Plan & Budget : 01 July 2017 to 30 June 2018 , incorp 10 Year Long Term Financial Plan

Description	Note	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
1. Motor Vehicle											
TOTAL		-	34,354	-	-	37,539	-	-	41,020	-	-
Income											
Notional Trade In											
TOTAL		-	12,168	-	-	13,104	-	-	14,319	-	-

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Legatus Group
Financial Indicators
Annual Business Plan & Budget : 01 July 2017 to 30 June 2018 , incorp 10 Year Long Term Financial Plan

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
These Financial Indicators have been calculated in accordance with *Information Paper 9 - Local Government Financial Indicators* prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia. Detailed methods of calculation are set out in the SA Model Statements.										
Operating Surplus Ratio										
Operating Surplus	(1.4%)	(15.8%)	(16.3%)	(16.6%)	(17.1%)	(17.6%)	(17.8%)	(18.4%)	(18.8%)	(19.1%)
Total Operating Revenue										
							Group minimum benchmark limit :			
This ratio expresses the operating surplus as a percentage of total operating revenue.										
Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in Council businesses.										
2 **Net Financial Liabilities Ratio**										
Net Financial Liabilities	(123%)	(288%)	(268%)	(248%)	(217%)	(197%)	(177%)	(147%)	(128%)	(108%)
Total Operating Revenue										
						Group maximum benchmark limit :				
Net financial liabilities are defined as total liabilities less financial assets. These are expressed as a % of total operating revenue										
Asset Sustainability Ratio										
Net Asset Renewals	0%	323%	0%	0%	325%	0%	0%	325%	0%	0%
AMP required expenditure										
							Group minimum benchmark :			
Net asset renewals expenditure is defined as net capital expenditure on the renewal and replacement of existing assets, and excludes new capital expenditure on the acquisition of additional assets.										

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Lagatus Group

Uniform Presentation of Finances

Annual Business Plan & Budget : 01 July 2017 to 30 June 2018 , incorp 10 Year Long Term Financial Plan

The following is a high level summary of both operating and capital investment activities of the Group prepared on a simplified Uniform Presentation Framework basis

All Councils in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis

The arrangements ensure that all Councils provide a common 'core' of financial information, which enables meaningful comparisons of each Council's finances

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
	$	$	$	$	$	$	$	$	$	$
Income	559,509	221,395	226,960	233,018	239,247	245,285	251,864	258,629	265,184	272,331
less Expenses	567,548	256,389	263,874	271,584	280,163	288,343	296,768	306,142	315,080	324,286
Operating Surplus / (Deficit)	($8,039)	($34,994)	($36,915)	($38,566)	($40,916)	($43,058)	($44,904)	($47,513)	($49,895)	($51,955)
less **Net Outlays on Existing Assets**										
Capital Expenditure on renewal and replacement of Existing Assets	-	34,354	-	-	37,539	-	-	41,020	-	-
less Depreciation, Amortisation and Impairment	4,760	6,871	6,871	6,871	7,508	7,508	7,508	8,204	8,204	8,204
less Proceeds from Sale of Replaced Assets	-	12,168	-	-	13,104	-	-	14,319	-	-
	($4,760)	$15,314	($6,871)	($6,871)	$16,927	($7,508)	($7,508)	$18,497	($8,204)	($8,204)
Net Lending / (Borrowing) for Financial Year	($3,279)	($50,308)	($30,044)	($31,696)	($57,843)	($35,550)	($37,396)	($66,009)	($41,691)	($43,751)

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Legatus Group

Statement of Financial Position

Annual Business Plan & Budget : 01 July 2017 to 30 June 2018 , incorp 10 Year Long Term Financial Plan

(in $'000s)

	estimated 30th June 2017	Budget 30th June 2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
1. Current Assets											
1. Cash	$ 720	$ 717	$ 666	$ 636	$ 605	$ 547	$ 511	$ 474	$ 408	$ 366	$ 322
2. Receivables	$ 25	$ 25	$ 25	$ 25	$ 25	$ 25	$ 25	$ 25	$ 25	$ 25	$ 25
Current Assets	**$ 745**	**$ 742**	**$ 692**	**$ 662**	**$ 630**	**$ 572**	**$ 537**	**$ 499**	**$ 433**	**$ 391**	**$ 348**
2. Non Current Assets											
1. Property, Plant & Equipment	$ 24	$ 19	$ 34	$ 27	$ 21	$ 38	$ 30	$ 23	$ 41	$ 33	$ 25
Non Current Assets	**$ 24**	**$ 19**	**$ 34**	**$ 27**	**$ 21**	**$ 38**	**$ 30**	**$ 23**	**$ 41**	**$ 33**	**$ 25**
TOTAL ASSETS	**$ 769**	**$ 761**	**$ 726**	**$ 689**	**$ 651**	**$ 610**	**$ 567**	**$ 522**	**$ 474**	**$ 424**	**$ 372**
3. Current Liabilities											
1. Trade & Other Payables	$ 48	$ 47	$ 43	$ 39	$ 35	$ 31	$ 27	$ 23	$ 18	$ 14	$ 9
2. Leave Provisions	$ 5	$ 6	$ 10	$ 14	$ 18	$ 22	$ 26	$ 31	$ 35	$ 40	$ 45
Current Liabilities	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**
4. Non Current Liabilities											
Non Current Liabilities	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
TOTAL LIABILITIES	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**	**$ 53**
NET ASSETS	**$ 716**	**$ 708**	**$ 673**	**$ 636**	**$ 598**	**$ 557**	**$ 514**	**$ 468**	**$ 421**	**$ 371**	**$ 319**
5. Equity											
1. Accumulated Surplus	$ 122	$ 131	$ 99	$ 65	$ 29	-$ 9	-$ 49	-$ 91	-$ 136	-$ 183	-$ 231
2. Reserves - Other	$ 594	$ 577	$ 574	$ 571	$ 569	$ 566	$ 563	$ 560	$ 557	$ 554	$ 550
TOTAL EQUITY	**$ 716**	**$ 708**	**$ 673**	**$ 636**	**$ 598**	**$ 557**	**$ 514**	**$ 469**	**$ 421**	**$ 371**	**$ 319**

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Statement of Changes in Equity

Annual Business Plan & Budget : 01 July 2017 to 30 June 2018 , incorp 10 Year Long Term Financial Plan

(in $'000s)

	Budget 30th June 2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
1. Accumulated Surplus										
Balance at end of previous reporting period	$ 122	$ 131	$ 99	$ 65	$ 29	-$ 9	-$ 49	-$ 91	-$ 136	-$ 183
Net Result for the year	-$ 8	-$ 35	-$ 37	-$ 39	-$ 41	-$ 43	-$ 45	-$ 48	-$ 50	-$ 52
Transfers : P025 to accum surplus	$ 83	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Transfers : Reserves	$ 18	$ 3	$ 3	$ 3	$ 3	$ 3	$ 3	$ 3	$ 3	$ 3
Balance at end of period	**$ 131**	**$ 99**	**$ 65**	**$ 29**	**-$ 9**	**-$ 49**	**-$ 91**	**-$ 136**	**-$ 183**	**-$ 231**
2. Asset Revaluation Reserve										
Balance at end of period	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
3. Other Reserves										
Balance at end of previous reporting period	$ 594	$ 577	$ 574	$ 571	$ 569	$ 566	$ 563	$ 560	$ 557	$ 554
Transfers : P025 to accum surplus	-$ 83	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Transfers : Reserves others	-$ 18	-$ 3	-$ 3	-$ 3	-$ 3	-$ 3	-$ 3	-$ 3	-$ 3	-$ 3
Balance at end of period	**$ 577**	**$ 574**	**$ 571**	**$ 569**	**$ 566**	**$ 563**	**$ 560**	**$ 557**	**$ 554**	**$ 550**
TOTAL EQUITY at the end of the reporting period	**$ 708**	**$ 673**	**$ 636**	**$ 598**	**$ 557**	**$ 514**	**$ 469**	**$ 421**	**$ 371**	**$ 319**

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Adelaide Plains Council	**15.1**	**Council Resolutions/Action Report**
	Department:	**Executive Office**
	Report Author:	**Administration Support Officer**
Date: 18 September 2017	**Container No:**	**CON12/1199**
	Document No:	**D17/22098**

OVERVIEW

To provide for Council's information and monitoring, the status of actions that are currently being processed **(Attachment 1).**

This report provides the status of Council Resolutions that have not yet been closed out (finalised) for the period *April 2015 to July 2017*. However, those previously outstanding matters that have been finalised since the last report to Council are also included for the sake of completeness.

The Council Resolutions for *August 2017* are provided in full for Council Members' information.

Administration acknowledges the efficiencies afforded the Council Members monitoring their performance and the confidence built using transparent control measures.

RECOMMENDATION

"that Council, having considered Item 15.1 – *Council Resolutions/Action Report*, dated 18 September 2017, receives and notes the report."

Attachments

1. **Resolution Status Report**

References

Legislation

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

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 - *Lewiston Community Study Phase 2: Cost Benefit Analysis,* 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 - Staff are continuing negotiations with community groups interested in relocation	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
16-May-16	8.5	Environmental Management Advisory Committee Recommendation - EMAC and Working Party	**Formal Motion** "that this matter lay on the table" ***Committee Recommendation - EMAC and Working Party Membership – Release of Expression of Interests*** *"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."*	**2016/143**	Deferred - laying on the table	Development & Community
20-Jun-16	14.4	Future Annual Staff Costs (CON12/537)	**Formal Motion:** "that this motion lay on the table until after the next meeting of the SPDPC meeting in July 2016." *"that Council adopt and ensure future annual staff cost do not exceed fifty percent Council Rate Revenue income including 2016-17 financial year."*	**2016/181**	Deferred - laying on table	CEO Development & Community
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 - formal Public Consultation to occur followed by a report back to Council	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 2018	Development Services Coordinator
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	Development & Community

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
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	16.5	Request for the Mallala Chamber Refurbishment (CON12/953)	"that Council, having considered Item 16.5 - Request for the Mallala Chamber Refurbishment, dated 19 September 2016, and further that Council adopts option 1 appended to the report with an imminent focus of upgrading the visual equipment in the 2016-2017 financial year with the maximum budget expenditure of $50,000, with a subsequent focus to be on upgrading the audio equipment and chamber furniture in the 2017-2018 financial year."	**2016/298**	Ongoing - part 1 of upgrade is complete, part 2 yet to commence	Infrastructure
19-Sep-16	16.6	Suicide Prevention Network (CON12/1040)	"that Council, having considered Item 16.6 - Suicide Prevention Network dated 19 September 2016, that staff arrange a network proposal meeting with the Office of the Chief Psychiatrist and invite Rod McKenzie from Gawler Suicide Prevention Network, the Hon John Dawkins, Minister Leesa Vlahos, Local Member for Goyder Steven Griffiths, the Mallala Ratepayers Association along with representatives from local SAPOL, CFS, Ambulance, Lions Clubs, sporting clubs, RSL Branches, Elected Members and Staff".	**2016/300**	Ongoing - registration of interests from community members received and currently being assessed	Community Development Officer
19-Sep-16	16.6	Suicide Prevention Network (CON12/1040)	"that Council, having considered Item 16.6 - Suicide Prevention Network dated 19 September 2016, that staff arrange a network proposal meeting with the Office of the Chief Psychiatrist and invite Rod McKenzie from Gawler Suicide Prevention Network, the Hon John Dawkins, Minister Leesa Vlahos, Local Member for Goyder Steven Griffiths, the Mallala Ratepayers Association along with representatives from local SAPOL, CFS, Ambulance, Lions Clubs, sporting clubs, RSL Branches, Elected Members and Staff".	**2016/300**	Ongoing - registration of interests from community members received and currently being assessed	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**	Ongoing - awaiting response from Crown Lands Unit of Department of Environment, Water & Natural Resources	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**	Ongoing - awaiting response from Crown Lands Unit of Department of Environment, Water & Natural Resources	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**	Agenda - 16/10/17	Development & Community
21-Nov-16	17.4	Donation of Water Tanks for Pinery Fire Area	"that Council, having considered Item 17.4 – Donation of water tanks for Pinery fire area dated 21 November 2016, • Instructs the CEO to continue with the investigations of supporting the implementation of the proposal for one (1) donated tank to be located at Moquet Lee Reserve described as Lot 675, FP 17542 comprised in CT 5776/435."	**2016/364**	Ongoing - Development Application for Moquet Lee Reserve approved	Infrastructure
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 dong 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**	Ongoing - awaiting response from Crown Lands Unit of Department of Environment, Water & Natural Resources	CEO Governance & Communications
19-Dec-16	16.5	Control Options for Colomba Daisy and other Declared Plants	"that the matter lay on the table." "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."* *"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."* *"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."*	**2016/384**	Ongoing - lying on table	Infrastructure
19-Dec-16	17.5	Adelaide Plains Equestrian Club – Proposed Licence	"that Council, having considered Item 17.5 – Adelaide Plains Equestrian Club - Proposed Licence dated 19 December 2016, and subject to Development Approval being granted and remnant vegetation being adequately fenced off, authorises, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the Licence Agreement between Council and the Adelaide Plains Equestrian Club Inc, and to execute the licence agreement as amended."	**2016/394**	Ongoing - Staff are continuing negotiations with APEC and other community groups	Development & Community Governance & Communications'

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
19-Dec-16	17.7	The Light and Wakefield Rivers Monitoring and Alert System	"that Council, having considered Item 17.7 - The Light and Wakefield Rivers Monitoring and Alert System, dated 19 December 2016, support the Department of Environment Water and Natural Resources preparation of an application in to the 2015-2017 National Disaster Relief Program. A project that implements a flood monitoring and warning system for the Light and Wakefield River catchments."	**2016/397**	Completed - August 2017 resolution actioned	Infrastructure
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	Governance & Communication
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 legal advice	Governance & Communication
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**	Agenda - 16/10/17	Infrastructure
20-Feb-17	17.4	Section 270 Review – Hayman Road Playground	"that Council, having considered Item 17.4 – Section 270 Review – Hayman Road Playground, dated 20 February 2017, notes that the Chief Executive Officer will give consideration to what action, if any, is required with respect to the investigator's additional recommendations contained at paragraph 5.5 of the investigator's report, and take such action as deemed appropriate."	**2017/042**	Ongoing	Executive Office Governance & Communications
18-Apr-17	12.3.2	Two Wells Stormwater Management Plan – Final Version	"that Council, having considered Item 12.3.2 – Two Wells Stormwater Management Plan for Two Wells – Final version, dated 18 April 2017, receives and notes the report and in doing so: 1. Adopts the Two Wells Stormwater Management Plan (April 2017) as presented in Attachment 1 to this Report" 2. Authorises the General Manager Development & Community to submit the Two Wells Stormwater Management Plan (April 2017) to the Adelaide and Mount Lofty Ranges Natural Resources Management Board and Stormwater Management Authority for approval and subsequent gazettal".	**2017/090**	Ongoing - awaiting SMA Board approval August 2017	Development & Community

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
18-Apr-17	12.5.2	Camping Reserve	"that Council, having considered Item 12.5.2 – Camping Reserves, dated 18 April 2017, seek to commence discussions with interested parties to further develop an enhanced camping ground or caravan park at the new Mallala camp ground, and operate the facility into the future."	**2017/098**	Agenda 18/9/17	Infrastructure / Finance & Economic Development
18-Apr-17	12.5.2	Camping Reserve	"that Council, having considered Item 12.5.2 – Camping Reserves, dated 18 April 2017, 1. Charge a fee of $10 per site per night applied to both Parham and the new Mallala camp ground and a coin operated timer be retrofitted to the existing shower at the Mallala oval set at $2 for a 7 minute shower."	**2017/099**	Ongoing - Council at July 2017 OCM endorsed the procurement of a ticket machine. Shower is now subject to negotiations with Lions re Mallala	Infrastructure / Finance & Economic Development
22-May-17	2.1	Mallala Camping Grounds – Mallala Lions Club Proposal	"that Council, having considered Item 2.1 – Mallala Camping Ground – Mallala Lions Club Proposal, dated 22 May 2017, receives and notes the report and in doing so: - 1. instructs the Chief Executive Officer to continue to liaise with the Mallala Lions Club Executive with a view of negotiating appropriate terms and conditions for the advancement of a more permanent camping ground solution at Mallala."	**2017/144**	Agenda 18/9/17	Governance and Communications
22-May-17	2.3	Cemeteries Policy Review	"that Council, having considered Item 2.3 – Cemeteries Policy Review, dated 22 May 2017, instructs the Chief Executive Officer to commence a process reviewing the capacity of all cemeteries with a view to identifying appropriate land for future burials."	**2017/147**	Ongoing - Policy Review Completed	Infrastructure / Finance & Economic Development
19-Jun-17	4.2	Audit Committee meeting 5 June 2017 Recommendation – Gawler River Floodplain Management Authority	"that Council having considered Item 4.2 – Audit Committee meeting 5 June 2017 Recommendation – Gawler River Floodplain Management Authority, dated 19 June 2017, endorses the Audit Committee resolution number 2017/021 and in doing so, resolves that in order to progress the actions associated with Council Resolution 2017/121:- 1. a report be provided to the Council outlining the financial costs and risk associated with proceeding with membership with the GRFMA or alternatively withdrawing from the GRFMA; and 2. in consideration of the above, Council duly considers its position in respect of activating Clause 20 of the GRFMA Charter (Dispute Resolution) in regard to the GRFMA's apparent unwillingness to review Council contributions."	**2017/152**	Agenda - 18/9/17	Executive Office / Governance and Communications
19-Jun-17	12.1	Audit Committee – minutes of meeting held 5 June 2017	"that Council endorses the recommendation of the Audit Committee, and instructs its Chief Executive Officer to undertake further financial analysis in relation to the application of a separate rate for the Liberty and Eden residential developments. Upon conclusion of the said body of work, a further report is presented to the Audit Committee for consideration."	**2017/157**	Agenda - 18/9/17	Executive Office
17-Jul-17	14.2	Code of Conduct Investigation and Recommendation of Council's Governance Advisory Panel	"that Council, having considered Item 14.2 – Code of Conduct Investigation and Recommendation of Council's Governance Advisory Panel, dated 17 July 2017, receives and notes the report and in doing so formally requests Cr Lawrence to provide a written public apology to the staff concerned."	**2017/202**	Ongoing - awaiting apology	Executive Office
17-Jul-17	14.5	Review of Council's Delegations	"that Council adjourn Item 14.5 - Review of Council's Delegations to the 21 August 2017 Ordinary Council meeting."	**2017/208**	Completed	Governance and Communications

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
17-Jul-17	14.6	Allied Food Industries Land Supply Study	"that Council, having considered Item 14.6 – Allied Food Industries Land Supply Study, dated 17 July 2017, endorses the Draft Allied Food Industries Land Supply Study."	**2017/209**	Completed	Development and Community
17-Jul-17	19.1	Motion Without Notice - Lewiston Playground - Surveillance Cameras	"that a report be brought back to Council with updated costings for the installation of security cameras and signage at the Lewiston Playground, 210 Hayman Road, Lewiston."	**2017/222**	Ongoing - Agenda 16/10/17	Infrastructure
17-Jul-17	21.1	Rubble Raising and Crushing	Confidential	**2017/227**		Infrastructure
17-Jul-17	21.2	Sale of Land for Non-Payment of Rates	"that Council adjourn Item 21.2 – Sale of Land for Non-Payment of Rates to the 21 August 2017 Ordinary Council Meeting."	**2017/229**	Adjourned - Agenda 18/9/17	Finance and Economic Development

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Aug-17	2.1	Confirmation of Minutes	“that the minutes of the Ordinary Council meeting held on Monday 17 July 2017 (MB Folios 13576 to 13592, inclusive), be accepted as read and confirmed.”	**2017/230**	Completed	Governance & Communications
21-Aug-17	4.1	Adjourned Item - Review of Council's Delegations	1. “that Council, having considered Item 4.1 – Review of Council’s Delegations, dated 21 August 2017, receives and notes the report and having conducted its annual review of the Council’s Delegations to the Chief Executive Officer in accordance with Section 44(6) of the Local Government Act 1999, the Council: 1. REVOCATIONS 1.1 Hereby revokes immediately except where otherwise specified its previous delegations to the Chief Executive Officer of those powers and functions under the following: 1.1.1 Community Titles Act 1996; 1.1.2 Development Act 1993 and Development Regulations 2008; 1.1.3 Dog & Cat Management Act 1995 (to take effect from 1 July 2017) 1.1.4 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010; 1.1.5 Expiation of Offences Act 1996; 1.1.6 Fences Act 1975; 1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005; 1.1.8 Food Act 2001; 1.1.9 Freedom of Information Act 1991; 1.1.10 Deliberately left blank; 1.1.11 Land & Business (Sale and Conveyancing) Act 1994; 1.1.12 Liquor Licensing Act 1997; 1.1.13 Local Government Act 1999; 1.1.14 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005; 1.1.15 Roads (Opening & Closing) Act 1991;	**2017/231**	Completed	Governance & Communications

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Aug-17	4.1	Adjourned Item - Review of Council's Delegations	"that Council, having considered Item 4.1 – Review of Council's Delegations, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the Local Government Act 1999, the Council: 2. DELEGATIONS MADE UNDER LOCAL GOVERNMENT ACT 1999 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-25 (each of which is individually identified as indicated below) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer to take immediate effect except where otherwise specified subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation. 2.1.1 Community Titles Act 1996 (Appendix 1) 2.1.2 Dog & Cat Management Act 1995 (to take effect from 1 July 2017) (Appendix 2) 2.1.3 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 3) 2.1.4 Expiation of Offences Act 1996 (Appendix 4) 2.1.5 Fences Act 1975 (Appendix 5) 2.1.6 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 6) 2.1.7 Freedom of Information Act 1991 (Appendix 7) 2.1.8 Deliberately left blank 2.1.9 Land & Business (Sale & Conveyancing) Act 1994 (Appendix 8) 2.1.10 Liquor Licensing Act 1997 (Appendix 9) 2.1.11 Local Government Act 1999 (Appendix 10) 2.1.12 Natural Resources Management Act 2004, Natural Resources Management (General)	**2017/232**	Completed	Governance & Communications
21-Aug-17	4.1	Adjourned Item - Review of Council's Delegations	"that Council, having considered Item 4.1 – Review of Council's Delegations, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the Local Government Act 1999, the Council: 3. DELEGATIONS MADE UNDER DEVELOPMENT ACT 1993 3.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation to the Chief Executive Officer under the Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008 and marked Appendix 26) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993. 3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993."	**2017/233**	Completed	Governance & Communications

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Aug-17	4.1	Adjourned Item - Review of Council's Delegations	“that Council, having considered Item 4.1 – Review of Council’s Delegations, dated 21 August 2017, and having conducted its annual review of the Council’s Delegations to the Chief Executive Officer in accordance with Section 44(6) of the Local Government Act 1999, the Council: 4. DELEGATIONS MADE UNDER FOOD ACT 2001 4.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation under the Food Act 2001 and marked Appendix 27) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer (‘the head of the enforcement agency’ for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001. 4.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.”	**2017/234**	Completed	Governance & Communications
21-Aug-17	4.1	Adjourned Item - Review of Council's Delegations	“that Council, having considered Item 4.1 – Review of Council’s Delegations, dated 21 August 2017, and having conducted its annual review of the Council’s Delegations to the Chief Executive Officer in accordance with Section 44(6) of the Local Government Act 1999, the Council: 5. DELEGATIONS UNDER SUPPORTED RESIDENTIAL FACILITIES ACT 1992 5.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation under the Supported Residential Facilities Act 1992 and marked Appendix 28) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992. 5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.”	**2017/235**	Completed	Governance & Communications

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Aug-17	4.1	Adjourned Item - Review of Council's Delegations	"that Council, having considered Item 4.1 – Review of Council's Delegations, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the Local Government Act 1999, the Council: 6. AUTHORISATIONS AND SUBDELEGATION UNDER THE ROAD TRAFFIC ACT 1961 6.1 In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements: Martin Waddington Paul Cleghorn 6.2 In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument: Martin Waddington Paul Cleghorn 6.3 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Subdelegation (annexed to the Report dated 21 August 2017 and entitled Subdelegation to the Chief Executive Officer under the Road Traffic Act 1961 made in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure and marked Appendix 29) (distributed under separate cover) is hereby sub-delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer of the Council	**2017/236**	Completed	Governance & Communications
21-Aug-17	4.1	Adjourned Item - Review of Council's Delegations	"that Council, having considered Item 4.1 – Review of Council's Delegations, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the Local Government Act 1999, the Council: 7. DELEGATIONS UNDER SAFE DRINKING WATER ACT 2011 (OF ENFORCEMENT AGENCY) 7.1 In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation under the Safe Drinking Water Act 2011 and marked Appendix 17) (distributed under separate cover) are hereby delegated this 21 August 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011. 7.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011."	**2017/237**	Completed	Governance & Communications

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Aug-17	4.1	Adjourned Item - Review of Council's Delegations	"that Council, having considered Item 4.1 – Review of Council's Delegations, dated 21 August 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the Local Government Act 1999, the Council: 8. DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES ACT 2005 TO A FIRE PREVENTION OFFICER 8.1 In exercise of the power contained in Section 93 of the Fire and Emergency Services Act 2005 the powers and functions under the Fire and Emergency Services Act 2005 contained in the proposed Instrument of Delegation (annexed to the Report dated 21 August 2017 and entitled Instrument of Delegation to Fire Prevention Officer(s) under the Fire Emergency Services Act 2005 and marked Appendix 30 (distributed under separate cover) are hereby delegated this 21 August 2017 to the person appointed Fire Prevention Officer of the Council under the Fire and Emergency Services Act 2005 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005. 8.2 Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005."	**2017/238**	Completed	Governance & Communications
21-Aug-17	9.2	Deputation - Mr John Lush	"that the correspondence and hard copy deputation presentation from Mr John Lush be received."	**2017/239**	Completed	
21-Aug-17	12.1	Mallala and Districts Historical Committee – meeting held 5 July 2017	"that Council receives and notes the minutes of the Mallala and Districts Historical Committee meeting held 5 July 2017."	**2017/240**	Completed	
21-Aug-17	12.2	Chief Executive Officer Review Committee – meeting held 14 August 2017	"that Council receives and notes the minutes of the Chief Executive Officer Review Committee meeting held 14 August 2017."	**2017/241**	Completed	
21-Aug-17	14.1	Policy Review – Code of Practice – Meeting Procedures	"that Council, having considered Item 14.1 – Review of Code of Practice – Meeting Procedures, dated 21 August 2017, receives and notes the report and in doing so:- 1. Endorses the updated Code of Practice – Meeting Procedures (as set out in Attachment 1) with the following amendments:- a. 11.1 and 11.2 Deputations as noted, b. the deletion of Public Open Forum point 3, and c. insertion at clause 15 between 11 and 12 – a member may seek leave of the meeting to remain seated while addressing the meeting; 2. Authorises the Chief Executive Officer to make any necessary final amendments to the document."	**2017/242**	Completed	
21-Aug-17	14.2	Policy Review – Public Consultation Policy	"that Council, having considered Item 14.2 – Policy Review – Public Consultation Policy, dated 21 August 2017, receives and notes the report and in doing so adopts the revised Public Consultation Policy – Attachment 1."	**2017/243**	Completed	

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Aug-17	14.3	Proposed Road Closure and Disposal – Portion of Old Port Wakefield Road Two Wells	"that Council, having considered Item 14.4 - Proposed Road Closure and Disposal – Portion of Old Port Wakefield Road Two Wells dated 21 August 2017 receives and notes the report and in doing so:- 1. Council make a Road Process Order in accordance with the Roads (Opening and Closing) Act 1991 to close the said portion of road marked "A" on Preliminary Plan 17/0038 for the purpose of Agreement for Transfer to OTR 137 Pty Ltd for the consideration of $60,000.00 (excluding GST) for merging with the adjoining Allotment 179 Filed Plan 162528 in Certificate of Title Volume 5306 Folio 163; 2. A Final Plan be prepared based on Preliminary Plan 17/0038 with no amendments; 3. Pursuant to Section 38 and 44 of the Local Government Act 1999, Council authorise the Mayor and Chief Executive Officer to sign and affix Council's seal to the necessary documents to give effect to the Road Process Order; and 4. That Council reaffirms it position that all costs associated with this project shall be borne by OTR 137 Pty Ltd."	**2017/244**	Ongoing	Governance & Communications
21-Aug-17	14.4	Strategic Plan 2017-2020	"that Council, having considered Item 14.4 – Strategic Plan 2017 – 2020, dated 21 August 2017, received and notes the report and in doing so endorses the Strategic Plan 2017 – 2020 as presented in Attachment 1 to this report."	**2017/245**	Completed	Development & Community
21-Aug-17	14.5	Gawler Community Plan 2017 – 2027	"that Council, having considered Item 14.5 – Gawler Community Plan 2017-2027, dated 21 August 2017, receives the report and in doing so, endorses the proposed feedback to Town of Gawler as set out in Attachment 1."	**2017/246**	Completed	
21-Aug-17	14.6	Draft Northern Food Bowl Protection Areas – Development Plan Amendment	"that Council, having considered Item 14.6 – Draft Northern Food Bowl Protection Areas Development Plan Amendment – Statutory Consultation, dated 21 August 2017, receives and notes the report and in doing so:- 1. authorises the Chief Executive Officer to release the Draft Northern Food Bowl Protection Areas Development Plan Amendment for concurrent Agency and Public Consultation pursuant to Section 25 (8)(b) of the Development Act 1993, subject to minor technical amendments as requested by DPTI; and, 2. authorises the Chief Executive Officer to coordinate a meeting open to the public to hear community representations (if required) on 30 October 2017 at 5.30pm at the Adelaide Plains Council Chambers, Redbanks Road, Mallala and provide advice to Council in respect to this matter pursuant to Section 25 (11) (b) of the Development Act 1993."	**2017/248**	Ongoing - Agenda - 18/9/17	Development & Community
21-Aug-17	14.7	Successful Grant Update - Light, Gilbert and River Catchments for an Advanced Monitoring and Alert System	"that Council, having considered Item 14.7 – Successful Grant Update - Light, Gilbert and River Catchments for an Advanced Monitoring and Alert System, dated 21 August 2017 receives and notes the report and in doing so:- 1. Adopts the required funding contributions in partnership with the four participating councils for the installation of a regional flood monitoring and warning/alert system for the Light and Wakefield River catchments; 2. Allocates $4,500 towards the project through reallocations identified in the 2017-2018 Q1 budget review; and 3. Allocates $16,500 towards the project in 2018-2019 plus maintenance costs thereafter of approximately $2,000 to $3,000 per annum."	**2017/249**	Completed	Infrastructure

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Aug-17	15.1	Council Resolutions/Actions Report	"that Council, having considered Item 15.1 – Council Resolutions/Action Report, dated 21 August 2017, receives and notes the report."	**2017/250**	Completed	Governance & Communications
21-Aug-17	15.2	Gawler River Floodplain Management Authority Membership Review – Status Update	"that Council, having considered Item 15.2 – Gawler River Floodplain Management Authority Membership Review – Status Update, dated 21 August 2017, formally receives and notes the report."	**2017/251**	Completed	Executive Office
21-Aug-17	15.3	Dog and Cat Management – Board Membership Nominations	"that Council, having considered Item 15.3 – Dog and Cat Management – Board Membership Nominations, dated 21 August 2017, receives and notes the report."	**2017/252**	Completed	Executive Office
21-Aug-17	15.4	Dog and Cat Management – Board Membership Nominations	"that Council, having considered Item 15.3 – Dog and Cat Management – Board Membership Nominations, nominates Councillor Keen to put forward an application to the LGA for the Board Member position."	**2017/253**	Completed	Executive Office
21-Aug-17	18.1	Motion of Notice - Road Upgrade Assessment Tool	"that Council requests a report that addresses road upgrades in the context of Council's Asset Management Plan, and seeks to reintroduce a multi-criteria selection process broadly based on the existing 'Roads Matrix', with improvements that take into consideration the various purposes of road candidates, that if upgraded would provide economic, environmental or aesthetic benefits together with funding considerations."	**2017/254**	Agenda - 20/11/17	Infrastructure
21-Aug-17	20.1	Legatus Group – Draft Business Plan 2017/2018	"that Council, having considered Item 20.1 – Legatus Group – Draft Business Plan 2017/2018, dated 21 August 2017, receives and notes the report and in doing so instructs the Chief Executive Officer to advise the Legatus Group that Adelaide Plains Council has no objections with the Draft Budget 2017/2018."	**2017/255**	Completed	Executive Office
21-Aug-17	18.2	Rescind Motion (2017/227)	"that, under the provisions of Section 90(2) of the Local Government Act 1999, an order be made that the public with the exception of [Chief Executive Officer, General Manager – Infrastructure, Acting General Manager – Development and Community, General Manager – Governance and Communications, Minute Secretary] be excluded from attendance at the meeting of the Council in order to consider in confidence this item. 18.2 – Rescind Motion (2017/227) The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting: • on the grounds provided by Section 90(3)(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 the third party; and (ii) would, on balance, be contrary to the public interest; and • on the basis that information within the report and attachments: o contains information about the commercial information, constituting information relevant to the potential appointment and suitability for being awarded the Rubble Raising Services 2017 - 2023 o it would be unreasonable to disclose this information as part of the confidential tender process. Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential."	**2017/256**	Completed	
21-Aug-17	4.2	Sale of Land for Non-Payment of Rates	"that Council, having considered Item 4.2 – Sale of Land for Non-Payment of Rates, dated 21 August 2017, resolve that the matter be adjourned."	**2017/257**	Completed	

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Aug-17	12.2	Chief Executive Officer Review Committee meeting – held 14 August 2017	"that, under the provisions of Section 90(2) of the Local Government Act 1999, an order be made that the public with the exception of [Chief Executive Officer and Minute Secretary] be excluded from attendance at the meeting of the Council in order to consider in confidence this item. 12.2 – Chief Executive Officer Review Committee meeting – held 14 August 2017 The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting: • on the grounds provided by Section 90(3)(a), information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and • on the basis that information within the report and attachments: o contains information about the personal affairs of person, constituting information relevant to the sale of land for non-payment of rates; and o it would be unreasonable to disclose this information. Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential."	**2017/258**	Completed	
21-Aug-17	12.2	Chief Executive Officer Review Committee meeting – held 14 August 2017	Confidential	**2017/259**		Executive Office
21-Aug-17	12.2	Chief Executive Officer Review Committee meeting – held 14 August 2017	Confidential	**2017/260**		Executive Office
21-Aug-17	12.2	Chief Executive Officer Review Committee meeting – held 14 August 2017	Confidential	**2017/261**		Executive Office
21-Aug-17	12.2	Chief Executive Officer Review Committee meeting – held 14 August 2017	Confidential	**2017/262**		Executive Office
21-Aug-17	12.2		Confidential	**2017/263**		
21-Aug-17	12.2	Chief Executive Officer Review Committee meeting – held 14 August 2017	Confidential	**2017/264**		Executive Office
21-Aug-17	12.2	Chief Executive Officer Review Committee meeting – held 14 August 2017	"that, in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item 12.2 – Chief Executive Officer Review Committee meeting – held 14 August 2017 for the meeting of the Council held on 21 August 2017, was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the Local Government Act 1999, this meeting of the Council, does order that: (a) the agenda item, report, attachments and minutes, in relation to the matter remain confidential and not available for public inspection until further order of the Council."	**2017/265**	Completed	Executive Office

	15.2	**Mallala Camping Ground – Mallala and Districts Lions Club Inc Proposal**
	Department:	**Finance and Economic Development**
	Report Author:	**General Manager – Finance and Economic Development**
Date: 18 September 2017	**Container No:**	**CON17/116**
	Document No:	**D17/20507**

OVERVIEW

Management has been negotiating with the Mallala and Districts Lions Club Inc to prepare a Lease Agreement over the Mallala Camping Grounds.

Previous reports to Council on this matter are as follows:

- Meeting held on 18 April 2017, adopted the below resolution (2017/98):

  "that Council, having considered Item 12.5.2 – Camping Reserves, dated 18 April 2017, seek to commence discussions with interested parties to further develop an enhanced camping ground or caravan park at the new Mallala camp ground, and operate the facility into the future."

- Meeting held on 22 May 2017, adopted the below resolution (2017/144):

  "that Council, having considered Item 2.1 – Mallala Camping Ground – Mallala Lions Club Proposal, dated 22 May 2017, receives and notes the report and in doing so: -

  1. *Instructs the Chief Executive Officer to continue to liaise with the Mallala Lions Club Executive with a view of negotiating appropriate terms and conditions for the advancement of a more permanent camping ground solution at Mallala."*

Following May Council meeting, Council staff representing Planning, CWMS, Compliance, Environmental Health, Assets, Governance and Economic Development had an internal meeting to discuss how to progress the discussion with the Mallala and Districts Lions Club Inc to achieve mutually beneficial outcomes in the long run that will deliver sustainable financial benefits to both the Council and the Lions Club.

A further meeting was held between Council staff and representatives of the Mallala and Districts Lions Club Inc on 29 August 2017 to finalise the terms and conditions of the proposed Lease Agreement. Accordingly, management has offered to lease Council owned

land to operate Mallala Camping Ground **(Attachment1)** with the followings terms and conditions. Mallala and District Lions Club have indicated that they are satisfied with all of the 34 terms and conditions, except for the following two items:

Management Suggestion	Position of Mallala and District Lions Club
Surplus funds to be used for future projects on Council land in the Adelaide Plains Council area	Surplus funds to be spent on Community projects and Disaster relief within the APC area but not restricted to on council land. Management Comment to the Lions Club position: We would like Lions Club to set aside money (at least equivalent to depreciation) for future upgrade of the assets (in camping site and toilet block) in a reserve fund before spending on Community /Disaster relief projects.
Council will pay 5% of the cost of preparation of lease and public notices	Lease preparation and public consultation to be paid wholly by APC. Management Comment to the Lions Club position: Council has paid 50% costs in the past that involve community leases without any commercial aspects. This particular lease is more extensive than community leases. The *Retail and Commercial Leases Act 1995* is applicable and the lease involves income generation. Therefore, Council would contribute the same percentage of revenue sharing.

Following are detailed list of terms and conditions discussed with the Mallala and District Lions Club:

General Terms of Proposed Lease

1) The Lessee to be the Mallala and Districts Lions Club Inc - ABN: 98 124 467 020.
2) The initial lease period to be five (5) years with a further three (3) rights of renewal of five (5) years each (total of 20 years).
3) Commencement Date – to be determined.
4) Annual Rent – 5% of gross takings from the camping fees.

5) The lessee is to maintain separate financial records on the operations of the camping site and Annual Audited Financial Statements to be submitted to Council by 31 August each year.

6) Rent Reviews – To be reviewed every five (5) years as part of the three (3) rights of renewal.

7) Camping Fees, net of annual rent to the Council is to be retained by the Mallala and Districts Lions Club Inc to cover the operating costs and new infrastructure on the Camping Grounds.

8) Surplus funds to be used for future projects on Council land in the Adelaide Plains Council area.

9) Permitted Use – Camping Grounds (with no reference to use as Caravan Park).

10) Public Risk Insurance and Property Insurance as detailed under Insurance to be obtained and paid for by the Mallala and Districts Lions Club Inc.

11) The property covered under the lease would attract Council rates and as well as NRM and Emergency Service Levy (ESL). However, Council will provide 100% rebate on the Council rates, NRM and ESL.

12) CWMS Charges are payable by the lessee as applicable to the other users of the Mallala CWMS and being a user pay system, Council will not provide a rebate on CWMS charges. Waste levy is applicable if the lessee applies for the service.

13) Special Conditions relating to Lessees Responsibilities including:-

    a. General Maintenance of Amenities Block by Mallala and Districts Lions Club Inc – Public toilet however, will be available for sporting bodies during game days or other community events;

    b. Electricity supply and charges existing electricity sub meter will be used in accordance with a Memorandum of Understanding with Mallala Football Club;

    c. Water Supply and charges – Mallala and Districts Lions Club Inc will have new water meter installed;

    d. Cleaning of Amenities – Mallala and Districts Lions Club Inc will be responsible;

    e. Maintenance of trees, grasses, shrubs and removal of rubbish - Mallala and Districts Lions Club Inc will be responsible; and

    f. Maintain and Operation of site power heads, tapware and lighting - Mallala and Districts Lions Club Inc will be responsible.

Camping Ground Area

14) The proposed leased area is as per the area outlined in red on the attached aerial map.

15) The leased area **(Attachment 1)** will include portion of Allotment 20 comprised in Deposited Plan 95617 and as identified in Certificate of Title Registered Book Volume 6163 Folio 218; currently part of the area leased to the Mallala Football Club and an amendment will be required to the Mallala Football Club Lease.

16) The western area of the proposed lease, being portion of Allotment 20 comprised in Deposited Plan 95617 and as identified in Certificate of Title Registered Book Volume 6163 Folio 218; incorporating the toilet/shower block, CWMS Pumping Station and skate park ramp is to be fenced. The public toilets to be made available for sporting bodies during game days or other community events.

17) The actual camping area for campers and vehicles covers two separate titles being portion of Allotments 20 and 21 comprised in Deposited Plan 95617 and as identified in Certificate of Title Registered Book Volume 6163 Folio 218 and Certificate of Title Registered Book Volume 6163 Folio 219 as gazetted on 19 January 2017 at page 94 **(Attachment 2** and **Attachment 3)**.

18) Both areas are classified as Community Land and will require public consultation in accordance with Section 202 of the *Local Government Act 1999* prior to finalising the lease.

Development of Camping Grounds

19) Development Application to be submitted by Mallala and Districts Lions Club Inc for any construction of infrastructure within the leased area. Council will waive the development application fees.

20) No cabins or other structures to be installed on the camping grounds.

21) Detailed Operation and Management Plan to be submitted to the Council by the Mallala and Districts Lions Club Inc including:-

a. Occupancy Limits – e.g. maximum number of camping sites, estimated at 17;

b. Camping Fees proposed, collection, record keeping and occupation statistics;

c. Permit parking will be allocated by the Lessee through a website;

d. Details of persons managing the site;

e. Entrance/exit to be from Wasleys Road;

f. Separate Water Meter to be installed and SA water accounts to be issued in the name of the Mallala and Districts Lions Club Inc;

g. Existing electricity sub meter to be installed and electricity charges to be determined in accordance with Memorandum of Understanding with Mallala Football Club; and

h. Risk Management Plan to be prepared to conform with occupational health and Safety requirements pursuant to the *Work Health and Safety Act and regulations 2012*.

Ownership of Assets

22) Ablution block to become the asset of the Lessee.

23) CWMS Pump Chamber to become asset of Lessee and Council will provide a rebate on electricity expenses as applicable to similar CWMS Pump Chambers.

24) Skate Park ramp to be disposed of and not relocated to an alternative site.

25) Proposed BBQ and Shelter and cost of construction to be funded by the Lessee and will become their asset.

26) Proposed installation of Dump Point (Dump Easy) to be at Lessees cost and become the asset of Mallala and Districts Lions Club Inc.

27) Installation of Powered Sites to be at Lessees cost and become the asset of Lessee.

Insurance

28) The Mallala and Districts Lions Club Inc will be responsible for insuring the assets as detailed above under Ownership of Assets against damage by fire, storm, tempest, earthquake, flood, explosion, lightning, malicious damage and such other risks as the Council thinks fit for full reinstatement value.

29) The Mallala and Districts Lions Club Inc are required to take out Public Risk Insurance to the value of $20m.

30) The Mallala and Districts Lions Club Inc may utilise the Local Community Insurance Services under the jurisdiction of Local Government Risk Services.

Legislative Compliance

31) The Mallala and Districts Lions Club Inc will comply with Council By-Laws including *Local Government Land – By-Law No 2* and Councils *Short Stay Accommodation Policy*.

32) The Mallala and Districts Lions Club Inc will comply with any State, Federal and Local Government legislation.

Cost of Preparation of Lease and Public Notices

33) The Mallala and Districts Lions Club Inc to reimburse Council 95% of the cost of the preparation of the lease by Council's solicitors which is around $2,700 to $3,600 (excluding GST).

34) Similarly, the Club will reimburse Council 95% the cost of advertising relating to public consultation in the Bunyip and Plains Producer Newspapers estimated at $300.00 each (excluding GST).

SUMMARY

- Norman Waterhouse Lawyers will be instructed to prepare a Lease Agreement between Adelaide Plains Council and the Mallala and Districts Lions Club Inc over the Mallala Camping Ground, as per the Map of Leased Area (**Attachment 1**) and above terms and conditions.
- The proposed leased area will be over portion of Allotment 20 in CT 6163/218 and Allotment 21 in CT 6163/219, and both titles are classified as Community Land.
- Accordingly, pursuant to Section 202 of the *Location Government Act 1999*, Council is required to undertake public consultation, inviting public comment on the proposed lease, in accordance with Council's Public Consultation Policy.
- The lease must be consistent with Council's designated Management Plan assigned to the land which is *Management Plan 1 – Major Sport and Recreation Precincts*.
- The draft lease will be presented to the October Ordinary Council Meeting for consideration, and subject to Council consent will be made available for public inspection.

RECOMMENDATION

"that Council, having considered Item 15.2 – *Mallala Camping Ground – Mallala and Districts Lions Club Inc Proposal*, dated 18 September 2017, receives and notes the report and in doing so supports the general direction of negotiations to date."

Attachments

1. **Map of Leased Area**
2. **Copy of Gazette Notice of Designated Camping Area**
3. **Enlargement of Designated Camping Area**

References

Legislation

Local Government Act 1999

Retail and Commercial Leases Act 1995

Council Policies / By-Law

Short Stay Accommodation Policy

Public Consultation Policy

Local Government Land – By-Law No. 2

Council's Strategic Plain

4.2.1.2 – Growing Economy – Promote the growth of tourism.

4.5.1.6 – Accountable and Sustainable Governance – Strategically plan for an sustainably maintain Council's assets and finances.

Adelaide Plains Council

This map is a representation of the information currently held by District Council of Mallala. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

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D17/16321

CAMPBELLTOWN CITY COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Alexandra Avenue, Magill

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that Campbelltown City Council proposes to make a Road Process Order to close and merge with the adjoining Allotments 146 and 147 in D3022 portion of the public road (Alexandra Avenue) more particularly delineated and lettered 'A' in Preliminary Plan No. 16/0046.

A copy of the plan and a statement of persons affected are available for public inspection at the offices of the Council, 172 Montacute Road, Rostrevor and at the Adelaide office of the Surveyor-General during normal working hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the Council, P.O. Box 1, Campbelltown, S.A. 5074, within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which time the matter will be considered.

Dated 20 December 2016.

P. DI IULIO, Chief Executive Officer

CITY OF PLAYFORD

ROADS (OPENING AND CLOSING) ACT 1991

Proposed Road Closures—Lawder Road and Scoular Road, Blakeview

NOTICE is hereby given pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that the City of Playford proposes to make Road Process Orders to close portions of Lawder Road and Scoular Road, Blakeview, subject to any easements that may be required.

The portion of road to be closed at Lawder Road, Blakeview is marked as 'A', 'B' and 'C' on Preliminary Plan No. 17/0001. The portion road to be closed marked 'A' is to be merged with adjoining land described as Allotment 701 in Deposited Plan 46009 in Certificate of Title 5373/582. The portion of road to be closed marked 'B' and 'C' is to be merged with adjoining land described as Allotment 1845 in Deposited Plan 89932 in Certificate of Title 6108/12.

The portion of road to be closed at Scoular Road, Blakeview is marked as 'A', and 'B' on Preliminary Plan No. 17/0002. The portion road to be closed marked 'A' is to be merged with adjoining land described as Allotment 1882 in Deposited Plan 95220, in Certificate of Title 6150/857. The portion of road to be closed marked 'B' is to be merged with adjoining land described as Allotment 2007 in Deposited Plan 91667, in Certificate of Title 6113/588.

A copy of the plans and statements of persons affected are available for public inspection at Playford Civic Centre, 10 Playford Boulevard, Elizabeth, Playford Operations Centre, 12 Bishopstone Road, Davoren Park, Stretton Centre, 307 Peachey Road, Munno Para and the office of the Surveyor-General, 101 Grenfell Street, Adelaide during normal office hours.

Any application for easement or objection must be made in writing within 28 days from 19 January 2017, to the Council at 12 Bishopstone Road, Davoren Park, S.A. 5113 and the Surveyor-General, G.P.O. Box 1354 Adelaide, S.A. 5001, and must set out the full name, address and details of the submission. Where a submission is made, Council will give notification of a meeting at which the matter will be considered.

Enquiries relating to this proposal can be directed to Laura Tully on 8256 0138.

Dated 19 January 2017.

M. HEMMERLING, Chief Executive Officer

CITY OF VICTOR HARBOR

PUBLIC CONSULTATION

Review of Elector Representation

NOTICE is hereby given that the Council has undertaken a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council.

As an outcome of this review Council proposes the following:

(1) The principal member of Council continue to be a Mayor, elected by the community.

(2) The existing 'no wards' structure be retained.

(3) The future elected body of Council comprise nine elected members (area councillors) who shall represent the whole of the Council area and shall be elected by the community at council wide elections.

Report

Council has prepared a Representation Review Report which details the review process, the public consultation undertaken and the proposal Council considers should be carried into effect. A copy of this report is available on the Council website www.yoursay.victor.sa.gov.au, or at the Council office, 1 Bay Road, Victor Harbor.

Written Submissions

Written submissions are invited from interested persons and should be directed to the Chief Executive Officer, City of Victor Harbor, P.O. Box 11, Victor Harbor, S.A. 5211, or emailed to localgov@victor.sa.gov.au by the close of business on Friday, 10 February 2017.

Further information regarding the elector representation review can be obtained by contacting Deb Blagrove, Governance Officer, on telephone 8551 0500.

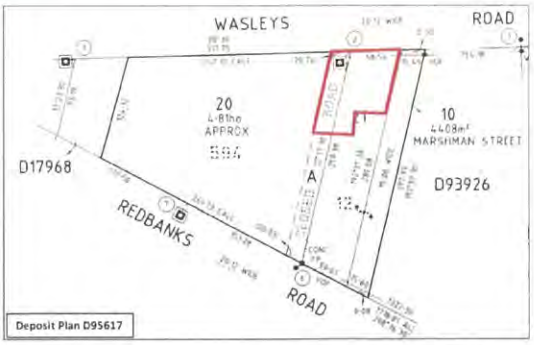
Any person(s) making a written submission will be given the opportunity to appear before a meeting of Council or Council Committee to be heard in support of their submission.

K. JESSEP, Acting Chief Executive Officer

ADELAIDE PLAINS COUNCIL

Notice of Application of Local Government Land By-law

PURSUANT to Section 246 (4a) of the Local Government Act 1999, ('the Act'), notice is hereby given that at its Ordinary Council meeting held on 19 December 2016, in exercise of its powers under Section 246 (3) *(e)* of the Act, the Council resolved to apply Clause 2.5 of By-law No. 2—Local Government Land 2012, to the land adjacent to the Mallala Oval (portion of land contained within Certificate of Title Register Book (part) Volume 6163, Folio 218 and (part) Volume 6163, Folio 219) outlined in the map below. The effect of Council's decision is that camping is now permitted at this location, subject to a permit first being obtained.



J. MILLER, Chief Executive Officer

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metres
Legend
Mallala Oval
Camping Reserve

Adelaide Plains Council	**16.1 Council Vehicle Policy**
	Container No: CON12/537-2
Report Date: 18 September 2017	**Prepared by:** Councillor Jones

Councillor Jones gave notice of his intention to ask the following questions:	
Preamble	
Question 1:	**What is the total number of vehicles under council control/ownership for use on council business?**
Answer:	There are 21 vehicles (utilities and cars) not including plant.
Question 2:	**How may council vehicles are designated for private use?**
Answer:	There are 9 vehicles.
Question 3:	**How much in fringe benefit tax do private use vehicles attract in fringe benefit tax?**
Answer:	$61,564
Question 4:	**Does council vehicle insurance policies cover all private use by staff including interstate travel, towing, off road use, non designated drivers and passengers etc?**
Answer:	Yes insurance covers all legal uses within Australia
Question 5:	**What, if any, additional costs are required if this type of activity is an extra on a standard policy and if this is the case, who is responsible for these costs, council or staff member?**
Answer:	There is no additional insurance cost for vehicles with personal use.

Adelaide Plains Council	**16.2 Rate Revenue and Expenditure**
	Container No: CON12/537-2
Report Date: 18 September 2017	**Prepared by:** Councillor Daniele

Councillor Daniele gave notice of his intention to ask the following questions:	
Preamble	As a lot of ratepayers have questioned me about where ratepayer's money has been spent. My question is about the following:-
Question 1:	**How much rate revenue from each Ward has been raised since 2010 – until now in 2017?**
Answer:	Although Council does not account for rates on a ward basis the following has been calculated for the 8 years for each of the three wards. Mallala-Dublin:-total $19,357,856 an average of $2,419,732 per year. Lewiston:-total $18,418,547 an average of $2,302,318 per year. Two Wells:-total $15,973,815 an average of $1,996,727 per year.
Question 2:	**How much has been spent in each Ward from 2010 until now in 2017?**
Answer:	Council does not separate expenditure based on wards but rather on activities, any calculated expenditure would be an estimate and require significant time to prepare.
Question 3:	**Do outside staff fill out daily time sheets? If they don't – who does keep the records of work being done in all these wards?**
Answer:	Outside staff do fill out daily timesheets but as the accounting system is not based on wards only estimates of their time could be calculated after further analysis.

Adelaide Plains Council	**18.1 Short Stay Accommodation Policy**
	Container No: CON12/537-2
Report Date: 18 September 2017	**Prepared by:** Councillor Strudwicke

Preamble:	In response to a request form the Ratepayers Association I wish to move the following motion:-
Motion 1:	**"that council staff meet with several community members, nominated by the Ratepayers Association, and representatives of the Mallala Lions Club, with a view to develop and propose any modifications to the Short Stay Accommodation Policy, that addresses issues such as fees charged, payment methods, and time limit exemptions (such as for part time workers). Any requested policy revisions to be presented in a report to a future meeting of council."**

Adelaide Plains Council	**18.2 Tourism Strategy Development**
	Container No: CON12/537-2
Report Date: 18 September 2017	**Prepared by:** Councillor Strudwicke

Preamble:	In response to a request from the Ratepayers Association I wish to move the following motion:-
Motion 1:	**"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."**

Adelaide Plains Council	**18.3 Mallala CWMS Anglican Church Exemption**
	Container No: CON12/537-2
Report Date: 18 September 2017	**Prepared by:** Councillor Strudwicke

Preamble:	In a response to request from the Anglican Church I wish to move:-
Motion 1:	**"that council exempt St Peters Anglican Church, Mallala, from the annual CWMS service charge for the current financial year"**

Adelaide Plains Council	**18.4 Donation for Food Festival**
	Container No: CON12/537-2
Report Date: 18 September 2017	**Prepared by:** Councillor Lawrence

Preamble:	
Motion 1:	**"that council donate $2,000 for the food and wine festival to be held on the 25 March 2018."**

Adelaide Plains Council	**18.5 Code of Conduct for Council Members**
	Container No: **CON12/537-2**
Report Date: **18 September 2017**	**Prepared by:** Mayor Flaherty

Preamble:	In consideration of the *Code of Conduct for Council Members* and the following clauses:- *2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.* *3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator r Ombudsman) under Part 2 is also grounds for a complaint under this Part.* Failure to provide a formal written public apology to the staff concerned is a further breach of Part 3 of the Code of Conduct. Part 2.16 of the Code of Conduct states that:- *"A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this part."* All councillors have an obligation to comply with the aforementioned clause of the Code of Conduct. It is for these reasons that I herby move the following amendment to motion 2017/202:-
Motion 1:	**"that Council formally request Councillor Lawrence provides a written public apology to the staff concerned by close of business on Tuesday, 3 October 2017, otherwise this matter will be referred to the Ombudsman as required by clause 3.18 of the Code of Conduct for Council Members."**