

# NOTICE OF COUNCIL MEETING

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

## The Ordinary Meeting of the



will be held in

**Council Chamber  
Redbanks Road  
Mallala**

on

**Monday 25 March 2024 at 5:30pm**

A handwritten signature in blue ink, appearing to read "Thomas Jones".

Thomas Jones

**ACTING CHIEF EXECUTIVE OFFICER**

## INDEX

Page  
Number

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY.....</b>	<b>4</b>
<b>2</b>	<b>ATTENDANCE RECORD.....</b>	<b>4</b>
<b>3</b>	<b>CONFIRMATION OF COUNCIL MEETING MINUTES .....</b>	<b>5</b>
3.1	Confirmation of Minutes - Ordinary Council Meeting - 26 February 2024 .....	6
3.2	Confirmation of Minutes - Special Council Meeting - 4 March 2024 .....	21
<b>4</b>	<b>BUSINESS ARISING.....</b>	<b>28</b>
<b>5</b>	<b>DECLARATION OF MEMBERS' INTEREST .....</b>	<b>28</b>
<b>6</b>	<b>ADJOURNED BUSINESS .....</b>	<b>28</b>
	Nil	
<b>7</b>	<b>MAYOR'S REPORT .....</b>	<b>29</b>
7.1	Mayor's Report - March 2024.....	29
7.2	Deputy Mayor's Report - March 2024 .....	30
<b>8</b>	<b>REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED .....</b>	<b>31</b>
<b>9</b>	<b>DEPUTATIONS .....</b>	<b>32</b>
9.1	Deputation - Rachel Leonow - Regional Development and Engagement Manager for NBN.....	32
9.2	Deputation - Kai-Leigh Wilson - The Plains Community Group.....	38
<b>10</b>	<b>PRESENTATIONS/BRIEFINGS .....</b>	<b>44</b>
10.1	Presentation - Legatus Group (Northern & York Local Government Association) Mr Simon Millcock and Mayor Reid - Proposed Rolling 4-year Business Plan .....	44
<b>11</b>	<b>PETITIONS .....</b>	<b>45</b>
	Nil	
<b>12</b>	<b>COMMITTEE MEETING MINUTES .....</b>	<b>46</b>
12.1	Minutes of the Adelaide Plains Council Historical Committee Meeting held 7 March 2024 .....	46
12.2	Minutes of the Special Audit & Risk Committee Meeting held 4 March 2024 .....	51
12.3	Minutes of the Infrastructure and Environment Committee Meeting held 14 March 2024 .....	59
<b>13</b>	<b>SUBSIDIARY MEETINGS.....</b>	<b>67</b>
13.1	Gawler River Floodplain Management Authority - Minutes of Special Board Meeting .....	67
<b>14</b>	<b>REPORTS FOR DECISION.....</b>	<b>75</b>
14.1	Gawler River Floodplain Management Authority - 2024/2025 Draft Annual Business Plan and Budget.....	75

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14.2	Policy Review - Communication Policy .....	99
14.3	Policy Review - Public Consultation Policy .....	122
14.4	Policy Review - Community Requests, Complaints & Feedback .....	145
14.5	Policy Review - Order Making Policy .....	193
14.6	Amendment - Code of Practice - Meeting Procedures .....	214
14.7	2024/2025 Draft Budget and 2025-2034 Draft Long Term Financial Plan .....	216
14.8	All Historic Mallala Street Party 2024 - costings .....	240
<b>15</b>	<b>REPORTS FOR INFORMATION .....</b>	<b>242</b>
15.1	Council Resolutions - Monthly Status Update .....	242
15.2	Projects Expected to be Carry Over to 2024/2025 Financial Year .....	252
15.3	Capital Works and Operating Program - Monthly Update - March 2024 .....	255
<b>16</b>	<b>QUESTIONS ON NOTICE .....</b>	<b>260</b>
	Nil	
<b>17</b>	<b>QUESTIONS WITHOUT NOTICE .....</b>	<b>260</b>
<b>18</b>	<b>MOTIONS ON NOTICE .....</b>	<b>260</b>
	Nil	
<b>19</b>	<b>MOTIONS WITHOUT NOTICE.....</b>	<b>260</b>
<b>20</b>	<b>URGENT BUSINESS.....</b>	<b>260</b>
<b>21</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>261</b>
21.1	Extension/Amendment to Lease Agreement - Konzag Grains .....	263
<b>22</b>	<b>CLOSURE .....</b>	<b>287</b>

**1 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

**2 ATTENDANCE RECORD**



### **3 CONFIRMATION OF COUNCIL MEETING MINUTES**

#### **3.1 Confirmation of Minutes - Ordinary Council Meeting - 26 February 2024**

##### **RECOMMENDATION**

**“that the minutes of the Ordinary Council Meeting held on 26 February 2024 (MB Folios 17966 to 17980) be accepted as read and confirmed.”**

#### **3.2 Confirmation of Minutes - Special Council Meeting - 4 March 2024**

##### **RECOMMENDATION**

**“that the minutes of the Special Council Meeting held on 4 March 2024 (MB Folios 17981 to 17987) be accepted as read and confirmed.”**

# MINUTES

of the

## Ordinary Council Meeting



Held, pursuant to the provisions of the  
*Local Government Act 1999, in the*

**Council Chamber**  
**Redbanks Road**  
**Mallala**

on

**Monday 26 February 2024 at 5:30pm**

The Mayor formally declared the meeting open at 5:30pm.

## **1 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

## **2 ATTENDANCE RECORD**

### **Present:**

Mayor Mark Wasley  
Councillor Alana Bombardieri  
Councillor Kay Boon  
Councillor Carmine Di Troia  
Councillor Terry-Anne Keen  
Councillor Dante Mazzeo  
Councillor Margherita Panella  
Councillor David Paton  
Councillor Eddie Stubing

### **Staff in Attendance:**

Chief Executive Officer  
Chief Financial Officer  
Acting Director Corporate Services  
Director Development & Community  
Director Infrastructure & Environment  
Manager Governance  
Manager Growth & Investment  
Senior Information Technology Officer  
Property Officer  
Acting Executive Assistant to the CEO/Mayor  
Governance Administration Officer/Minute Taker

Mr James Miller  
Mr Rajith Udugampola  
Ms Amy Fagan  
Mr Michael Ravno  
Mr Thomas Jones  
Ms Rachel Kammermann  
Mr David Bailey  
Mr Sean Murphy  
Mr Maurice Park  
Ms Lauren Bywaters  
Ms Paige Graham

### **Apologies:**

Deputy Mayor Marcus Strudwicke

The Mayor sought leave of the meeting to allow Councillor Panella to stand and sit as needed due to a recent injury. Leave was granted.

The Mayor sought leave of the meeting to allow Councillor Keen to remain seated where a division is called and be able to indicate when voting in the affirmative for a motion by raising her hand. Leave was granted.

**3 MINUTES****3.1 CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING - 29 JANUARY 2024****RESOLUTION 2024/24****Moved: Councillor Keen****Seconded: Councillor Stubing**

**“that the minutes of the Ordinary Council Meeting held on 29 January 2024 (MB Folios 17951 to 17960 be accepted as read and confirmed.”**

**CARRIED UNANIMOUSLY****3.2 CONFIRMATION OF MINUTES - SPECIAL COUNCIL MEETING - 20 FEBRUARY 2024****RESOLUTION 2024/25****Moved: Councillor Di Troia****Seconded: Councillor Mazzeo**

**“that the minutes of the Special Council Meeting held on 20 February 2024 (MB Folios 17961 to 17965) be accepted as read and confirmed.”**

**CARRIED UNANIMOUSLY****4 BUSINESS ARISING**

Nil

**5 DECLARATION OF MEMBERS' INTEREST**

Nil

**6 ADJOURNED BUSINESS**

Nil

**7 MAYOR'S REPORT****7.1 MAYOR'S REPORT - FEBRUARY 2024****RESOLUTION 2024/26****Moved: Councillor Mazzeo****Seconded: Councillor Di Troia**

**“that Council, having considered Item 7.1 – *Mayor's Report*, dated 26 February 2024, receives and notes the report.”**

**CARRIED UNANIMOUSLY****8 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED**

Nil

**9 DEPUTATIONS**

**9.1 DEPUTATION - SPORTING CAR CLUB OF SOUTH AUSTRALIA INC - MALLALA STREET PARTY, FRIDAY 26 APRIL 2024**

Mr Ziggy Cosic, Manager of Sporting Car Club of South Australia Inc, and Gordon Sweeney, Life Member of the Sporting Car Club of South Australia Inc, gave a 10-minute presentation, including taking questions of Members, in relation to the All Historic Mallala Street Party, and requested Council contribute traffic control, lighting, portable toilets and waste for the event.

**9.2 DEPUTATION - MICHEAL TENNANT**

Mr Michael Tennant, a local community member, gave a 6-minute presentation raising concerns about safety issues with overgrown trees at intersections and sharing ideas about a wind break on Gawler Road. Concern was also raised regarding a designated bus drop off point for school children.

**10 PRESENTATIONS/BRIEFINGS**

Nil

**11 PETITIONS**

Nil

**12 COMMITTEE MEETING MINUTES****12.1 MINUTES OF THE ADELAIDE PLAINS COUNCIL HISTORICAL COMMITTEE MEETING HELD 1 FEBRUARY 2024****RESOLUTION 2024/27**

Moved: Councillor Keen

Seconded: Councillor Mazzeo

“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee Meeting held 1 February 2024.”

**CARRIED UNANIMOUSLY**

**12.2 MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD 12 FEBRUARY 2024****RESOLUTION 2024/28**

Moved: Councillor Boon

Seconded: Councillor Mazzeo

“that Council receives and notes the minutes of the Audit and Risk Committee Meeting held 12 February 2024.”

**CARRIED**

**RESOLUTION 2024/29****Moved: Councillor Di Troia****Seconded: Councillor Paton**

**“that Council, having considered Item 12.2 – *Minutes of the Audit and Risk Committee Meeting held 12 February 2024*, dated 26 February 2024, receives and notes the report, and in doing so endorses resolution 2024/004 of the Audit and Risk Committee and in doing so acknowledges the progress made to complete the activities identified for the Audit and Risk Committee during the 2023/2024 Financial Year.”**

**CARRIED UNANIMOUSLY****13 SUBSIDIARY MEETINGS****13.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY - MINUTES OF BOARD MEETING -****RESOLUTION 2024/30****Moved: Councillor Keen****Seconded: Councillor Mazzeo**

**“that Council, receives and notes the draft minutes of the Gawler River Floodplain Management Authority Board Meeting held on 15 February 2024.”**

**CARRIED UNANIMOUSLY****14 REPORTS FOR DECISION****14.1 COMMUNITY & CIVIC HUB INVESTIGATION - PHASE 2****RESOLUTION 2024/31****Moved: Councillor Mazzeo****Seconded: Councillor Paton**

**“that Council, having considered Item 14.1 - *Community and Civic Hub Investigation Phase 2 Summary Report* prepared by Holmes Dyer, dated 26 February 2024, receives and notes the report.”**

**CARRIED UNANIMOUSLY****RESOLUTION 2024/32****Moved: Councillor Keen****Seconded: Councillor Paton**

**“that Council, having considered Item 14.1 - *Community and Civic Hub Investigation Phase 2 Summary Report* prepared by Holmes Dyer, dated 26 February 2024, endorses the Two Wells Office and Library site as the preferred location for the development of a Community and Civic Hub.”**

**CARRIED UNANIMOUSLY**

**RESOLUTION 2024/33****Moved: Councillor Paton****Seconded: Councillor Mazzeo**

**“that Council, having considered Item 14.1 - *Community and Civic Hub Investigation Phase 2 Summary Report* prepared by Holmes Dyer, dated 26 February 2024, in acknowledging the findings, conclusions and recommendations/next steps entailed within the report, determine to pause on any further advancements into the development of a Community and Civic Hub at this time to enable a suite of processes and initiatives to firstly occur, namely:**

- 1. Develop, consult upon and adopt Council’s Strategic Plan 2025-2028 (which may or may not include a pathway forward regarding the development of a Community and Civic Hub); and**
- 2. Continue to advance Council’s adopted position resolved at its 27 November 2023 Ordinary Council Meeting - Item 22.2 Two Wells Service Centre Land Valuation (refer confidential resolutions 2023/373 and 2023/374).**
- 3. Revisit the recommendations comprised within the report in early 2025 and following the completion of items 1 and 2 above.”**

**CARRIED UNANIMOUSLY****14.2 DELEGATION UPDATE****RESOLUTION 2024/34****Moved: Councillor Boon****Seconded: Councillor Di Troia**

**“that Council, having considered Item 14.2 – *Delegation Update*, dated 26 February 2024, receives and notes the report and in doing so:**

- 1. exercises the power contained in section 44 of the *Local Government Act 1999* to hereby delegate, on 26 February 2024, the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in this report to the person occupying the office of the Chief Executive Officer (and anyone acting in that position) subject to the conditions and/or limitations specified herein:**
  - (a) *Burial and Cremations Act 2013***
  - (b) *Expiation of Offences Act 1996***
  - (c) *Local Government Act 1999***
  - (d) *Road Traffic Act 1961*****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 the proposed Instrument of Delegation.**
- 2. exercises the power contained in section 44 of the *Local Government Act 1999*, and section 100 of the *Planning, Development and Infrastructure Act 2016* to hereby delegate, effective from 3 July 2023, the powers and functions under the *Planning, Development and Infrastructure Act 2016 Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority; a Designated Entity – (Instrument A)*, to the person occupying or acting in the Office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions.**

3. exercises the power contained in section 44 of the *Local Government Act 1999*, and section 100 of the *Planning, Development and Infrastructure Act 2016* to hereby delegate, effective from 3 July 2023, the powers and functions under the *Planning, Development and Infrastructure Act 2016 Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority– (Instrument B)*, to the person occupying or acting in the Office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions.”

CARRIED UNANIMOUSLY

#### 14.3 POLICY REVIEW – COMMUNICATION POLICY

Nil

#### 14.4 POLICY REVIEW – PUBLIC CONSULTATION POLICY

Nil

#### 14.5 POLICY REVIEW – COMMUNITY REQUESTS SERVICES, COMPLAINTS & FEEDBACK POLICY

Nil

#### 14.6 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 2024 - MAYOR AND CHIEF EXECUTIVE OFFICER ATTENDANCE

##### RESOLUTION 2024/35

Moved: Councillor Di Troia

Seconded: Councillor Mazzeo

“that Council, having considered Item 14.6 – *Australian Local Government Association - National General Assembly 2024 - Mayor and Chief Executive Officer Attendance*, dated 26 February 2024, receives and notes the report.”

CARRIED

##### RESOLUTION 2024/36

Moved: Councillor Paton

Seconded: Councillor Di Troia

“that Council, having considered Item 14.6 – *Australian Local Government Association - National General Assembly 2024 - Mayor and Chief Executive Officer Attendance*, dated 26 February 2024, endorses:

1. the attendance of Council’s Mayor and Chief Executive Officer at the National General Assembly to be held in Canberra from 2 to 4 July 2024;
2. the Mayor’s attendance at the Australian Council of Local Government Forum on 5 July 2024; and
3. all costs associated with registration, travel, accommodation and reasonable meal expenditure being incurred by Council.”

CARRIED UNANIMOUSLY



# **14.7 CALL FOR MOTIONS - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 2024**

## **RESOLUTION 2024/37**

Moved: Councillor Bombardieri

Seconded: Councillor Di Troia

“that Council, having considered Item 14.7 – *Call for Motions - Australian Local Government Association - National General Assembly 2024* , dated 26 February 2024, receives and notes the report.”

**CARRIED UNANIMOUSLY**

# **14.8 2024/2025 ANNUAL BUSINESS PLAN, BUDGET AND 2025-2034 LONG TERM FINANCIAL PLAN DEVELOPMENT FRAMEWORK**

## **RESOLUTION 2024/38**

Moved: Councillor Boon

Seconded: Councillor Mazzeo

“that Council, having considered Item 14.8 – *2024/2025 Annual Business Plan, Budget and 2025-2034 Long Term Financial Plan Development Framework*, dated 26 February 2024, receives and notes the report and in doing so recommends that Council:

1. endorse the budget parameters and assumptions set out in Table 1 of this Report for the purpose of preparing the draft 2024/2025 Annual Business Plan, Budget and 2025-2034 Long Term Financial Plan; and
2. endorse the schedule set out in Table 2 of this report as the process to be undertaken in the preparation of the 2024/2025 Annual Business Plan, Budget and 2025-2034 Long Term Financial Plan, subject to any date changes the Chief Executive Officer determines necessary.”

**CARRIED UNANIMOUSLY**

# **14.9 STRATEGIC PLAN REVIEW**

## **RESOLUTION 2024/39**

Moved: Councillor Boon

Seconded: Councillor Panella

“that Council, having considered Item 14.9 – *Strategic Plan Review*, dated 26 February 2024, receives and notes the report and in doing so:

1. notes the *Strategic Plan 2025–2028 Engagement Plan* presented as Attachment 2 and *Review of the 2020–2024 Strategic Plan* presented as Attachment 3 to this report; and
2. endorses the *Draft Discussion Paper* presented as Attachment 1 to this report and instructs the Chief Executive Officer to finalise the *Draft Discussion Paper* for the purpose of consultation in accordance with Council’s Public Consultation Policy, further noting the output from this consultation will inform the preparation of a *Draft Strategic Plan 2025–2028* to be brought forward for Council consideration.”

**CARRIED UNANIMOUSLY**

**14.10 TWO WELLS RECREATION AND SPORT PRECINCT MASTER PLAN FOR CONSULTATION****RESOLUTION 2024/40****Moved:** Councillor Boon**Seconded:** Councillor Di Troia

**“that Council, having considered Item 14.10 – *Two Wells Recreation and Sport Precinct Master Plan for Consultation*, dated 26 February 2024, receives and notes the report and in doing so:**

- 1. endorses the draft *Two Wells Recreation and Sport Precinct Master Plan* presented as Attachment 2 to this report and instructs the Chief Executive Officer to work with the consultants to make any necessary editorial and mapping alterations to finalise the document for the purpose of undertaking consultation in accordance with Council’s Public Consultation Policy, further noting the output from consultation will be brought forward for Council consideration and endorsing a Master Plan; and**
- 2. affirms an intent to work collaboratively with existing lessees and peak bodies on the physical design, funding, grant funding and precinct management solutions to lead to the realisation of an upgraded Precinct for the betterment of the growing Adelaide Plains community.”**

Councillor Boon called for a **division**:

**In Favour:** Crs Mazzeo, Boon, Stubing and Di Troia

**Against:** Crs Panella, Bombardieri, Paton and Keen

The Mayor declared the motion, on the casting vote of the Mayor, **CARRIED**

**14.11 PRECINCT DEVELOPMENT GRANT APPLICATION****RESOLUTION 2024/41****Moved:** Councillor Keen**Seconded:** Councillor Bombardieri

**“that Council, having considered Item 14.11 – *Precinct Development Grant Application*, dated 26 February 2024, receives and notes the report and in doing so:**

- 1. endorses the proposed *Northern Adelaide Plains Precinct Planning Grant Application* as presented as Attachment 1, 2 and 3 to this report;**
- 2. instructs the Chief Executive Officer to finalise and lodge the *Northern Adelaide Plains Precinct Planning Grant Application* to the Australian Government’s Regional Precincts and Partnerships Program; and**
- 3. acknowledges and expresses thanks to the various groups expressing interest in partnering with Council in precinct planning.”**

**CARRIED UNANIMOUSLY**

Councillor Di Troia left the meeting at 7:08pm.

**14.12 ADELAIDE NORTH TRANSPORT STUDY CONSULTATION****RESOLUTION 2024/42****Moved: Councillor Bombardieri****Seconded: Councillor Keen**

**“that Council, having considered Item 14.12 – *Adelaide North Transport Study Consultation*, dated 26 February 2024, receives and notes the report and in doing so:**

- 1. endorses the following comments to be provided to the Department of Infrastructure and Transport:**
  - (a) supports the investigations and engagement by the Department of Infrastructure and Transport in order to plan ahead for transport needs associated with envisaged population, business and agribusiness growth in Adelaide’s north.**
  - (b) requests the Department of Infrastructure and Transport to:**
    - i. give priority to improving community transport and establishing public transport services to the rapidly growing Two Wells and Lewiston areas.**
    - ii. consider the role of the train line long term for public transport in the northern region and for increasing freight movement from business growth within Adelaide Plains.**
    - iii. improve safety within Two Wells on Gawler and Mallala Roads, drawing on the Two Wells Township Traffic Impact Assessment Report January 2023 by BE Engineering Solutions and the Two Wells Walking Cycling Plan.**
    - iv. investigate improving bypass options from Redbanks Road to Port Wakefield Highway reducing impact of trucks within increasing residential living of Two Wells and Mallala whilst improving freight connectivity, as outlined in Attachment 3 to this report.**
    - v. plan for a network of quiet country roads enabling walking, cycling, and horse-riding connections across Adelaide Plains and connecting to the wider region**
    - vi. review studies and strategies relevant to transport, as outlined in Attachment 2 to this report.**
  - (c) Council looks to work with the Department of Infrastructure and Transport to action these priorities.**
- 2. authorises the Chief Executive officer to prepare a submission based on (1) above to be forwarded to the Department of Infrastructure and Transport;**
- 3. notes that these comments will form an input to the preparation of a Transport Network Action Plan to be prepared for Council consideration, when resources permit.”**

**CARRIED**

Councillor Di Troia returned to the meeting at 7:10pm.

**14.13 MID-YEAR BUDGET REVIEW 2023/2024****RESOLUTION 2024/43****Moved: Councillor Mazzeo****Seconded: Councillor Di Troia**

“that Council, having considered Item 14.13 – *Mid-Year Budget Review 2023/2024*, dated 26 February 2024, receives and notes the report and in doing so:

1. receives and notes the project progress reports presented as Attachment 1 and 2 to this report; and
2. pursuant to regulation 9 (1)(a) of the *Local Government (Financial Management) Regulations 2011*, adopts the revised 2023/2024 Budgeted Financial Statements as contained within Attachment 3 that has been updated following the Mid-Year Budget Review changes identified in Table 1, 2 and Table 3 of the report.”

**CARRIED UNANIMOUSLY****15 REPORTS FOR INFORMATION****15.1 COUNCIL RESOLUTIONS - MONTHLY STATUS UPDATE****RESOLUTION 2024/44****Moved: Councillor Keen****Seconded: Councillor Mazzeo**

“that Council, having considered Item 15.1 – *Council Resolutions - Monthly Status Update*, dated 26 February 2024, receives and notes the report.”

**CARRIED UNANIMOUSLY****15.2 SOCIAL MEDIA UPDATE****RESOLUTION 2024/45****Moved: Councillor Keen****Seconded: Councillor Di Troia**

“that Council, having considered Item 15.2 – *Social Media Update*, dated 26 February 2024, receives and notes the report.”

**CARRIED UNANIMOUSLY**

**15.3 CAMPGROUNDS - OPERATIONS & EXPENDITURE****RESOLUTION 2024/46****Moved: Councillor Keen****Seconded: Councillor Troia****“that:**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except:**
  - Chief Executive Officer;
  - Chief Financial Officer;
  - Acting Director Corporate Services;
  - Director Development and Community;
  - Director Infrastructure and Environment;
  - Manager Governance;
  - Senior Information Technology Officer;
  - Property Officer (*via electronic means*);
  - Acting Executive Assistant to the CEO/Mayor;
  - Governance Administration Officer/Minute Taker; and
  - Mr Michael Kelledy (Kelledy Jones Lawyers) (*via electronic means*);**be excluded from attendance at the meeting of Council for Item 15.3–*Campgrounds–Operations & Expenditure*;**
- 2. Council is satisfied that pursuant to section 90(3)(h) of the *Local Government Act 1999*, Item 15.3–*Campgrounds–Operations & Expenditure* concerns information of a confidential nature, the disclosure of which would involve the unreasonable disclosure of legal advice;**
- 3. Council is satisfied the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

**CARRIED UNANIMOUSLY****RESOLUTION 2024/47****Moved: Councillor Keen****Seconded: Councillor Boon****“that Council, having considered Item 15.3 – *Campgrounds - Operations & Expenditure*, dated 26 February 2024, receives and notes the report.”****CARRIED UNANIMOUSLY****15.4 UPDATE ON SALE OF LAND FOR NON-PAYMENT OF RATES****RESOLUTION 2024/48****Moved: Councillor Paton****Seconded: Councillor Bombardieri****“that Council, having considered Item 15.4 – *Update on Sale of Land for Non-payment of Rates*, dated 26 February 2024, receives and notes the report.”****CARRIED**

**15.5 CAPITAL WORKS AND OPERATING PROGRAM - MONTHLY UPDATE - FEBRUARY 2024**

**RESOLUTION 2024/49**

**Moved: Councillor Keen**

**Seconded: Councillor Di Troia**

**“that Council, having considered Item 15.5 – *Capital Works and Operating Program - Monthly Update - February 2024*, dated 26 February 2024, receives and notes the report.”**

**CARRIED UNANIMOUSLY**

**16 QUESTIONS ON NOTICE**

Nil

**17 QUESTIONS WITHOUT NOTICE**

Nil

**18 MOTIONS ON NOTICE**

**18.1 NOTICE OF MOTION - CONDOLENCES TO GAMEAU FAMILY**

**RESOLUTION 2024/50**

**Moved: Councillor Boon**

**Seconded: Councillor Keen**

**“that Council extend condolences to the family of the late Margaret and Graeme Gameau.”**

**CARRIED UNANIMOUSLY**

**19 MOTIONS WITHOUT NOTICE**

**RESOLUTION 2024/51**

**Moved: Councillor Paton**

**Seconded: Councillor Panella**

**“that the Chief Executive Officer bring back a report to the chamber detailing the costings and/or assistance for the All Historic Mallala Street Party regarding Council providing traffic control, toilets, lighting and waste.”**

**CARRIED**

Councillor Keen left the meeting at 8:09pm.

Councillor Keen returned to the meeting at 8:11pm.

**20 URGENT BUSINESS**

Nil

**21 CONFIDENTIAL ITEMS**

**21.1 FUNDING REQUEST - NAIS STUDY****RESOLUTION 2024/52****Moved: Councillor Keen****Seconded: Councillor Boon****“that:**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except:**
  - Chief Executive Officer;
  - Chief Financial Officer;
  - Acting Director Corporate Services;
  - Director Development and Community;
  - Director Infrastructure and Environment;
  - Manager Governance;
  - Manager Development Assessment (*via electronic means*);
  - Senior Information Technology Officer;
  - Acting Executive Assistant to the CEO/Mayor;
  - Governance Administration Officer/Minute Taker;**be excluded from attendance at the meeting of Council for Item 21.1 - *Funding request - NAIS study*;**
- 2. Council is satisfied that pursuant to sections 90(3)(c), (d)(i)(ii) of the *Local Government Act 1999*, Item 21.1 - *Funding request - NAIS study* concerns information of a confidential nature, the disclosure of which would reveal a trade secret AND commercial information (not being a trade secret) which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party AND on balance, be contrary to the public interest; and**
- 3. Council is satisfied the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

**CARRIED UNANIMOUSLY**

Councillor Paton left the meeting at 8:27pm.

Councillor Paton returned to the meeting at 8:28pm.

**RESOLUTION 2024/54****Moved: Councillor Keen**

**Seconded: Councillor Boon**

“that Council, having considered the matter of Item 21.1 – *Funding Request – NAIS Study* in confidence under sections 90(2) and (3)(c), (d)(i)(ii) of the *Local Government Act 1999*, resolves that:

1. The report, Attachment 1 and minutes pertaining to Item 21.1 - *Funding Request – NAIS Study*, remain confidential and not available for public inspection until further order of the Council;
2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”

**CARRIED UNANIMOUSLY**

**22 CLOSURE**

There being no further business, the Mayor declared the meeting closed at 8:29pm.

Confirmed as a true record.

Mayor:.....

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



# MINUTES

of the

## Special Council Meeting



Held, pursuant to the provisions of the  
*Local Government Act 1999, in the*

**Council Chamber  
Redbanks Road  
Mallala**

on

**Monday 4 March 2024 at 6:30pm**

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

## **1 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

## **2 ATTENDANCE RECORD**

### **Present:**

Mayor Mark Wasley  
Deputy Mayor Marcus Strudwicke  
Councillor Alana Bombardieri  
Councillor Kay Boon  
Councillor Carmine Di Troia  
Councillor Terry-Anne Keen  
Councillor Dante Mazzeo  
Councillor Margherita Panella  
Councillor David Paton  
Councillor Eddie Stubing

### **Staff in Attendance:**

Chief Executive Officer  
Chief Financial Officer  
Acting Director Corporate Services  
Director Development and Community  
Director Infrastructure and Environment  
Senior Information Technology Officer  
Acting Executive Assistant to the CEO and Mayor  
Governance Administration Officer/Minute Taker

Mr James Miller  
Mr Rajith Udugampola  
Ms Amy Fagan  
Mr Michael Ravno  
Mr Thomas Jones  
Mr Sean Murphy  
Ms Lauren Bywaters  
Ms Paige Graham

### **Apologies:**

Nil

## **3 DECLARATION OF MEMBERS' INTEREST**

Nil

#### 4 CONFIDENTIAL ITEMS

##### 4.1 TWO WELLS TOWN CENTRE MARKET ENGAGEMENT - ADELAIDE PLAINS COUNCIL AND PREFERRED PROPONENT LAND FACILITATION AGREEMENT

###### RESOLUTION 2024/55

Moved: Councillor Di Troia

Seconded: Councillor Keen

“that

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

- Chief Executive Officer;
- Chief Financial Officer;
- Acting Director Corporate Services;
- Director Infrastructure & Environment;
- Director Development & Community;
- Senior Information Technology Officer;
- Acting Executive Assistant to the CEO & Mayor;
- Governance Administration Officer/Minute Taker;
- Mr Sean Keenihan of Norman Waterhouse Lawyers;
- Mr Marcus Wallman of Norman Waterhouse Lawyers;
- Mr Ben Koop of Alinea Group;
- Mr Paul Saunders of Alinea Group; and
- Mr Mark Booth of BRM Advisory;

be excluded from attendance at the meeting of Council for Item 4.1 - *Two Wells Town Centre Market Engagement - Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement*;

2. Council is satisfied that pursuant to section 90(3)(b)(i) of the *Local Government Act 1999*, Item 4.1 - *Two Wells Town Centre Market Engagement - Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement* concerns information of a confidential nature, the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of Council;

- 3. Council is satisfied the principal that council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

**CARRIED UNANIMOUSLY**

The Mayor sought leave of the meeting to suspend meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for 30 minutes to facilitate informal discussions in relation to Item 4.1—*Two Wells Town Centre Market Engagement – Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement*.

Leave was granted.

The meeting was suspended at 6:33pm.

The meeting resumed at 7:05pm.

The Mayor sought leave of the meeting to suspend meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a further 20 minutes to facilitate informal discussions in relation to Item 4.1—*Two Wells Town Centre Market Engagement – Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement*.

Leave was granted.

The meeting was suspended at 7:05pm.

The meeting resumed at 7:22pm.



CONFIDENTIAL

**RESOLUTION 2024/64****Moved: Councillor Keen****Seconded: Councillor Boon**

**“that Council, having considered Item 4.1 - *Two Wells Town Centre Market Engagement - Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement* in confidence under sections 90(2) and 90(3)(b)(i) of the *Local Government Act 1999*, resolves that:**

- 1. The report, Attachment 1, Attachment 2, and minutes pertaining to Item 4.1 - *Two Wells Town Centre Market Engagement - Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement* remain confidential and not available for public inspection under further order of the Council;**
- 2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and**
- 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order, in whole or part, to the Chief Executive Officer.”**

**CARRIED UNANIMOUSLY****5 CLOSURE**

There being no further business, the Mayor declared the meeting closed at 7:36pm.

Confirmed as a true record.

Mayor:.....

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

**4 BUSINESS ARISING**

**5 DECLARATION OF MEMBERS' INTEREST**

**6 ADJOURNED BUSINESS**

Nil



## **7 MAYOR'S REPORT**

### **7.1 MAYOR'S REPORT - MARCH 2024**

**Record Number:** D24/12593

**Prepared for:** Mayor Mark Wasley

Reporting Period - Thursday 22 February 2024 to Sunday 10 March 2024

#### Friday 23 February 2024

Legatus Group Meeting

2024 Citizen of the Year Awards, Government House

#### Monday 26 February 2024

South Australia Coastal Councils Alliance Committee Meeting

Mayor / CEO Meeting – Various Matters

Ordinary Council Meeting

#### Thursday 29 February 2024

Adelaide Plains Business Breakfast, Two Wells Cricket / Football Clubrooms

Regional Reform Roundtable, Member for Light Electorate Office, Gawler

#### Monday 4 March 2024

Special Audit and Risk Committee Meeting

Special Council Meeting

#### Wednesday 6 March 2024

Mayor / CEO Meeting – Various Matters

Leyton Land Facilitation Agreement Execution

#### Thursday 7 March 2024

Mayor / CEO Meeting – Various Media Matters

## **RECOMMENDATION**

**“that Council, having considered Item 7.1 – *Mayor's Report*, dated 25 March 2024, receives and notes the report.”**

**7.2 DEPUTY MAYOR'S REPORT - MARCH 2024**

**Record Number: D24/12601**

**Prepared for: Deputy Mayor Strudwicke**

Reporting Period - Monday 11 March 2024 to Wednesday 20 March 2024

Tuesday 12 March 2024

Council Member Workshop – 2024/2025 Budget

Thursday 14 March 2024

Infrastructure and Environment Committee Meeting

Monday 18 March 2024

Council Member Unit Presentation and Policy Workshop

**RECOMMENDATION**

**“that Council, having considered Item 7.2 – *Deputy Mayor’s Report*, dated 25 March 2024, receives and notes the report.”**

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

## **9 DEPUTATIONS**

### **9.1 DEPUTATION - RACHEL LEONOW - REGIONAL DEVELOPMENT AND ENGAGEMENT MANAGER FOR NBN**

**Record Number:** D24/12013

**Author:** Governance Administration Officer

**Authoriser:** Manager Governance

**Attachments:** 1. Deputation Request Form - Rachel Leonow - NBN [!\[\]\(ec9132f1d27c8919987d92907322654d\_img.jpg\)](#) 



## DEPUTATION REQUEST FORM

Please complete this request and return to the principal office of Adelaide Plains Council **five (5) clear days**\* before the date of the Council meeting at which you wish to appear.

*\*Please note that the calculation of 'clear days' does not take into account the day on which the request is received or the day of the meeting. For example, in relation to a meeting scheduled on a Monday, the deputation request form must be submitted **by 5pm on the Tuesday prior**\**

To: **Chief Executive Officer**

### DETAILS

I/We hereby request to be heard at the next meeting of Council on 25 /03 /2024

**Surname:** Leonow

**Given Name(s):** Rachel

**Address:**

Suburb

P/Code

**Postal Address:**

(if different from above)

Suburb

P/Code

**Contact Number:**

Home

Work

Mobile

**Email Address:**

I will be speaking on my own behalf

☒ Yes

or

As the spokesperson of a group of persons

☒ Yes

**Name/Details of Person or Group Representing: (if applicable)**

nbn co

*If you have a set of Rules by which the group is governed, please provide a copy of these.*

### TOPIC OR ISSUE

Adelaide Plains Council - PO Box 18, MALLALA SA 5502  
Website: [www.apc.sa.gov.au](http://www.apc.sa.gov.au) Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)

The topic or issue I wish to speak about is: *(please give sufficient details of the matter to enable consideration of your request for a deputation)*

As the Regional Development and Engagement Manager for NBN I would like to provide an overview of recently announced infrastructure upgrades across all technologies and how these upgrades will provide direct benefit to the communities within the APC LGA.

***It is strongly encouraged that Council's administration receives a copy of any notes or other relevant information regarding your Deputation Request.***

## GUIDELINES

Adelaide Plains Council - PO Box 18, MALLALA SA 5502  
Website: [www.apc.sa.gov.au](http://www.apc.sa.gov.au) Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)

Please note the following guidelines:

- a. You will be allocated up to 10 minutes to speak. You do not need to use the whole 10 minutes.
- b. Your presentation will be limited to the topic or issue which you have nominated above.
- c. If you wish to use digital media for your presentation you have the following options to ensure a smooth meeting:

**Option 1:** Leave your PowerPoint presentation at the Council Office to be scanned before loading to Council's network ready for presentation ☐ Yes ☒ No

**Option 2:** Email (\*please note - files are not to exceed 10mb\*) ☒ Yes ☐ No

**Option 3:** Connect straight from your tablet/laptop to the projector ☒ Yes ☐ No

- d. After your presentation, be prepared to respond to any questions the Council Members may have of you.
- e. You should be aware that Council meetings are open to the public. There is unlikely to be any legal protection or other privilege in relation to any statements that you may make in this forum. This means that anything you say would be subject to the normal laws of defamation. Consequently, you should take care in how you make your address.
- f. **If you are seeking funding from Council, please be aware that this needs to occur through Council's budget and forward planning processes and can only be achieved through a resolution of Council at a formal meeting.**

### DECLARATION

I have read and understood the Deputation Guidelines and Information Sheet, and agree to abide by them.

Name: Rachel Leonow

(In full – Please Print)

Signature: \_\_\_\_\_

Date: 29/2/24

**Once completed, please return to the Adelaide Plains Council, either in person, by post, facsimile or email ([info@apc.sa.gov.au](mailto:info@apc.sa.gov.au))**

## DEPUTATION INFORMATION SHEET

### 1. Speaking to Council

There is the ability, in many cases for an individual (or group) to appear before a Council in order to address the Council on a particular matter of concern to either themselves or a group of people whom they represent. This is called a Deputation. You can apply to do so by following the procedures set out below and completing the Deputation Request Form.

This Form can be obtained from:-

Principal Office: Adelaide Plains Council, 2a Wasleys Road, Mallala

Sub Office: Two Wells Service Centre, Old Port Wakefield Road, Two Wells

Telephone: (08) 8527 0200

Facsimile: (08) 8527 2242

Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au) or

Website: [www.apc.sa.gov.au](http://www.apc.sa.gov.au)

Further information on the process can be found in Council's document 'Code of Practice for Meeting Procedures'.

### 2. Making a Request

You can make a request for a deputation by filling in all details on the Deputation Request Form and lodging that Form with Council's Chief Executive Officer via the principal office at least five (5) clear days before the meeting at which you nominate to speak.

*\*Please note that the calculation of 'clear days' does not take into account the day on which the request is received or the day of the meeting. For example, in relation to a meeting scheduled on a Monday, the deputation request form must be submitted **by 5pm on the Tuesday prior**\**

You are required to provide sufficient information on the Deputation Request Form regarding the issue, keeping details clear in stating the topic and how this is relevant to matters to which Council has responsibility.

### 3. What will happen to your request once you give it to the Council?

Once the completed Deputation Request Form has been received, it is entered into Council's records system and provided to the Chief Executive Officer and the Presiding Member.

### 4. How will I know when my request is going to be heard by Council?

The Presiding Member will confer with the Chief Executive Officer and advise him/her whether or not the deputation is allowed. You will be contacted by a member of staff to advise if the request to address Council has been approved and to confirm the date, day, time and location of the relevant meeting.

The decision whether to allow a deputation is made by the Presiding Member in accordance with the *Local Government (Procedures at Meetings) Regulations 2013* and Council's *Code of Practice – Meeting Procedures*.

If a deputation request is refused, the Presiding Member will report that decision at the next Council meeting. The Council (or Council Committee) may allow a deputation despite a contrary ruling by the Presiding Member.



Clause 11 of Council's *Code of Practice – Meeting Procedures* is provided for below. The full document is available on Council's website.

**Clause 11 – Deputations**

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

**5. At the Meeting**

Once you have received confirmation of the time and date of the deputation you are ready to attend the Council/Committee meeting.

At the appropriate time during the meeting you will be invited by the Presiding Member to come forward and make your deputation on the topic or issues which you have nominated.

You will be asked to state your name and topic(s) to discuss, which will be recorded in the minutes, and you will be given 10 minutes speaking time. At the completion of your address, the Presiding Member may invite members of Council to ask you questions in relation to your deputation.

You will be expected to conduct yourself in an orderly and respectful manner and to be mindful of the level of formality appropriate to the meeting. During the meeting you will be expected to address Council Members by the titles of the offices that they hold (i.e. the Presiding Member is to be addressed as "Mayor" and the Elected Members as "Councillor").

Please refrain from making defamatory or derogatory comments. Council meetings are open to the general public and there are no privileges protecting you in relation to defamation.

You may find it helpful to prepare brief notes of the matters upon which you wish to speak to the Council and use those notes when you address the meeting. It is often helpful if you can supply a copy of those notes to Council following your deputation.

**9.2 DEPUTATION - KAI-LEIGH WILSON - THE PLAINS COMMUNITY GROUP**

**Record Number:** D24/12903

**Author:** Governance Administration Officer

**Authoriser:** Manager Governance

**Attachments:** 1. Deputation Request Form - Kai-Leigh Wilson - The Plains Community Group [!\[\]\(a870788d6ed9b8fd294b7654a8c8526b\_img.jpg\)](#) 



**Adelaide  
Plains  
Council**

Adelaide Plains Council

RECEIVED

14 MAR 2024

## DEPUTATION REQUEST FORM

Please complete this request and return to the principal office of Adelaide Plains Council **five (5) clear days**\* before the date of the Council meeting at which you wish to appear.

*\*Please note that the calculation of 'clear days' does not take into account the day on which the request is received or the day of the meeting. For example, in relation to a meeting scheduled on a Monday, the deputation request form must be submitted by 5pm on the Tuesday prior\**

To: Chief Executive Officer

### DETAILS

I/We hereby request to be heard at the next meeting of Council on        /        /20

<b>Surname:</b>	Wilson		
<b>Given Name(s):</b>	Kai=Leigh Ann		
<b>Address:</b>	7		
	Suburb		P/Code
<b>Postal Address:</b> (if different from above)	Suburb		P/Code
<b>Contact Number:</b>	Home	Work	
	Mobil		

**Email Address:**

I will be speaking on my own behalf ☒ Yes

or

As the spokesperson of a group of persons ☒ Yes

<b>Name/Details of Person or Group Representing:</b> (if applicable)	The Plains Community Group Inc {PCG}
---	--------------------------------------

*If you have a set of Rules by which the group is governed, please provide a copy of these.*

### TOPIC OR ISSUE

Adelaide Plains Council - PO Box 18, MALLALA SA 5502

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Ph: (08) 8527 0200

Fax: (08) 8527 2242

1 | Page

The topic or issue I wish to speak about is: *(please give sufficient details of the matter to enable consideration of your request for a deputation)*

A new initiative called Preserving & Connecting Generations.

Older South Australians are very diverse - no less on the plains. They have different priorities, aspirations, experiences, cultures and backgrounds. It is desired to not only preserve but communicate these to all. Information will be collected in one-on-one conversations/interviews which will be uploaded on social media; local newspapers, council website, PCG website and local bulletins.

Additionally individuals and/or groups will be invited to share their stories/adventures with various age groups in the area eg schools, which want to be involved - hoping this will encourage schools to engage older people in students' studies eg communication, history, social context, language, culture etc. Hopefully this will encourage meaningful connections and create a more meaningful, inclusive community.

The production of a 'coffee-table style book will ensure the people's legacies will remain for all to view and gain a broader more emphatic understanding of our living historians.

Hopefully through this grassroots project we would be doing a small part in developing a society where every person is valued, connected/reconnected and respected regardless of age, health or ethnicity.

Any funding we receive from grants will be spent on equipment - video, cameras, tripods and the like, plus book printing.

Request from Councillors

- to notify constituents
- let us know of anyone they know of ~~anyone~~ who - has a good story to tell - is disconnected - needs assistance <sup>or</sup> is distanced/isolated etc

Thank You

***It is strongly encouraged that Council's administration receives a copy of any notes or other relevant information regarding your Deputation Request.***

## GUIDELINES

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 Ph: (08) 8527 0200 Fax: (08) 8527 2242

2 | Page

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**Option 3:** Connect straight from your tablet/laptop to the projector ☐ Yes ☒ No

- d. After your presentation, be prepared to respond to any questions the Council Members may have of you.
- e. You should be aware that Council meetings are open to the public. There is unlikely to be any legal protection or other privilege in relation to any statements that you may make in this forum. This means that anything you say would be subject to the normal laws of defamation. Consequently, you should take care in how you make your address.
- f. **If you are seeking funding from Council, please be aware that this needs to occur through Council's budget and forward planning processes and can only be achieved through a resolution of Council at a formal meeting.**

### DECLARATION

I have read and understood the Deputation Guidelines and Information Sheet, and agree to abide by them.

Name: Kai-Leigh Ann Wilson

(In full – Please Print)

Signature \_\_\_\_\_

Date: 13/3/24

**Once completed, please return to the Adelaide Plains Council, either in person, by post, facsimile or email ([info@apc.sa.gov.au](mailto:info@apc.sa.gov.au))**

## DEPUTATION INFORMATION SHEET

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### 3. What will happen to your request once you give it to the Council?

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### 4. How will I know when my request is going to be heard by Council?

The Presiding Member will confer with the Chief Executive Officer and advise him/her whether or not the deputation is allowed. You will be contacted by a member of staff to advise if the request to address Council has been approved and to confirm the date, day, time and location of the relevant meeting.

The decision whether to allow a deputation is made by the Presiding Member in accordance with the *Local Government (Procedures at Meetings) Regulations 2013* and Council's *Code of Practice – Meeting Procedures*.

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4 | Page

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

**5. At the Meeting**

Once you have received confirmation of the time and date of the deputation you are ready to attend the Council/Committee meeting.

At the appropriate time during the meeting you will be invited by the Presiding Member to come forward and make your deputation on the topic or issues which you have nominated.

You will be asked to state your name and topic(s) to discuss, which will be recorded in the minutes, and you will be given 10 minutes speaking time. At the completion of your address, the Presiding Member may invite members of Council to ask you questions in relation to your deputation.

You will be expected to conduct yourself in an orderly and respectful manner and to be mindful of the level of formality appropriate to the meeting. During the meeting you will be expected to address Council Members by the titles of the offices that they hold (i.e. the Presiding Member is to be addressed as "Mayor" and the Elected Members as "Councillor").

Please refrain from making defamatory or derogatory comments. Council meetings are open to the general public and there are no privileges protecting you in relation to defamation.

You may find it helpful to prepare brief notes of the matters upon which you wish to speak to the Council and use those notes when you address the meeting. It is often helpful if you can supply a copy of those notes to Council following your deputation.

**10 PRESENTATIONS/BRIEFINGS****10.1 PRESENTATION - LEGATUS GROUP (NORTHERN & YORK LOCAL GOVERNMENT ASSOCIATION)****MR SIMON MILLCOCK AND MAYOR REID - PROPOSED ROLLING 4-YEAR BUSINESS PLAN****Record Number:** D24/6654**Author:** Governance Administration Officer**Authoriser:** Manager Governance**Attachments:** Nil

Mr Simon Millcock, Chief Executive Officer, Legatus Group (Northern & York Local Government Association), and Mayor Reid of Wakefield Regional Council, will be in attendance to present on the Proposed rolling 4-year Business Plan for Legatus Group (Northern & York Local Government Association).



**11      PETITIONS**

Nil

## 12 COMMITTEE MEETING MINUTES

### 12.1 MINUTES OF THE ADELAIDE PLAINS COUNCIL HISTORICAL COMMITTEE MEETING HELD 7 MARCH 2024

**Record Number:** D24/12156

**Author:** Manager Library and Community

**Authoriser:** Director Development and Community

**Attachments:** 1. Draft Minutes - Adelaide Plains Council Historical Committee - 7 March 2024  

#### OVERVIEW

Seven members attended the 7 March 2024 Adelaide Plains Council Historical Committee (APCHC) held at the Museum's School Room.

With the Mallala Primary School's Community Engagement Officer in attendance, discussions arose on how best the Mallala Museum could work together with the local primary school in 2024. The COVID-19 pandemic had a noticeable impact on the reduced number of school and group visits once the Museum was allowed to reopen its doors. Museum volunteers attending school assemblies showcasing Museum exhibit pieces, had been well received in the past. Additionally, Museum volunteers had the capacity to work with individual classes and target tours specifically to support the curriculum's priorities.

Display preparations for May's History Festival was also deliberated, as well as the regular monthly financial, resolutions action update and correspondence reports.

#### RECOMMENDATION

**"that Council receives and notes the draft Minutes of the Adelaide Plains Council Historical Committee Meeting held 7 March 2024, presented as Attachment 1 to this report."**

# MINUTES

of the

## **Adelaide Plains Council Historical Committee Meeting**



Held, pursuant to the provisions of the  
*Local Government Act 1999, in the*

**Mallala Museum  
1 Dublin Road  
Mallala**

on

**Thursday 7 March 2024 at 11:00am**

The Chairperson formally declared the meeting open at: 11.00 am.

## **1 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

## **2 ATTENDANCE RECORD**

**PRESENT:** Cr M Strudwicke (Deputy Mayor),

Mr P Angus

Mr R Bevan

Mr V Chenoweth

Mr J Franks

Ms L Parsons (entered the meeting at 11.05 am)

Mrs C Young

**IN ATTENDANCE:** Ms A Sawtell, Manager Library and Community

Ms S Dugan, Community Development Officer

Mrs J Tiller, Community Engagement Officer, Mallala Primary School

Mr R Davies

**APOLOGIES:** Mr G Tucker

## **3 MINUTES**

### **3.1 CONFIRMATION OF MINUTES - ADELAIDE PLAINS COUNCIL HISTORICAL COMMITTEE MEETING - 1 FEBRUARY 2024**

#### **COMMITTEE RESOLUTION 2024/5**

**Moved:** Mr P Angus

**Seconded:** Mr R Bevan

**"that the minutes of the Adelaide Plains Council Historical Committee Meeting held on 1 February 2024 be confirmed."**

**CARRIED**

## **4 BUSINESS ARISING**

Nil

**5 DECLARATION OF MEMBERS' INTEREST**

Nil

**6 REPORTS FOR INFORMATION****6.1 RESOLUTIONS ACTION REPORT - FEBRUARY 2024****COMMITTEE RESOLUTION 2024/6**

Moved: Mrs C Young

Seconded: Mr P Angus

*"that the Adelaide Plains Council Historical Committee, having considered Item 6.1 – Resolutions Action Report - February 2024, dated 7 March 2024, receives and notes the Report."*

**CARRIED**

Ms L Parsons entered the meeting at 11.05 am.

**6.2 MONTHLY CORRESPONDENCE, SCHOOL & GROUP VISITS REPORT - FEBRUARY 2024****COMMITTEE RESOLUTION 2024/7**

Moved: Ms L Parsons

Seconded: Mr V Chenoweth

*"that the Adelaide Plains Council Historical Committee, having considered Item 6.2 – Monthly Correspondence, School & Group Visits Report - February 2024, dated 7 March 2024, receives and notes the Report."*

**CARRIED****6.3 MONTHLY FINANCIAL REPORT - FEBRUARY 2024****COMMITTEE RESOLUTION 2024/8**

Moved: Mr P Angus

Seconded: Mrs C Young

*"that the Adelaide Plains Council Historical Committee, having considered Item 6.3 – Monthly Financial Report - February 2024, dated 7 March 2024, receives and notes the Report."*

**CARRIED****7 QUESTIONS WITHOUT NOTICE**

Nil

**8 MOTIONS WITHOUT NOTICE**

Mr J Franks left the meeting at 11.57 am.

**HISTORY WEEK DISPLAY 2024****COMMITTEE RESOLUTION 2024/9**

Moved: Mrs C Young

Seconded: Mr R Bevan

“That the Adelaide Plains Council Historical Committee authorises Mrs C Young to spend up to \$250 to enlargen various photos for the 2024 History Month Display.”

**CARRIED**

**9 URGENT BUSINESS**

Nil

**10 NEXT MEETING**

4 April 2024

**11 CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 12.02 pm.

Confirmed as a true record.

Chairperson:.....

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

**12.2 MINUTES OF THE SPECIAL AUDIT & RISK COMMITTEE MEETING HELD 4 MARCH 2024****Record Number:** D24/12410**Author:** Audit & Risk Committee - Chairperson**Authoriser:** Acting Chief Executive Officer**Attachments:** 1. Draft Minutes - Audit & Risk Committee Special Meeting Minutes - 4 March 2024  **OVERVIEW**

The purpose of this report is to:

- provide Council Members with a report summarising the work of the Audit & Risk Committee (the Committee) for the period 13 February 2024 to 4 March 2024; and
- facilitate the receiving and noting of the draft Minutes from the Committee meeting held 4 March 2024 (**Attachment 1**).

**RECOMMENDATION**

**“that Council receives and notes the draft Minutes of the Special Audit & Risk Committee Meeting held 4 March 2024, presented as Attachment 1 to this report.”**

**Background**

With the commencement of section 126(8) of the *Local Government Act 1999* (the Act), effective from 30 November 2023, the Committee must:

“(8) ...

- a) provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting; and*
- b) provide an annual report to the council on the work of the committee during the period to which the report relates.”*

Accordingly, this report covers the work of the Committee for the period 13 February 2024 to 4 March 2024, and the outcomes of the meeting held 4 March 2024.

**Discussion****Work of the Committee preceding meeting on 4 March 2024:**

- Nil

**Outcomes of Committee meeting held 4 March 2024:*****Decision Reports***

- Two Wells Town Centre Market Engagement - Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement:

- The Committee members received confidential briefings from Council's probity, retail and commercial advisors with regard to the draft Land Facilitation Agreement (LFA) between the Council and the Leyton Property.
- There was a detailed examination and discussing regarding the draft LFA.

**Conclusion**

This report covers the work of the Committee for the period 13 February 2024 to 4 March 2024 and provides the minutes of the draft Special Audit & Risk Committee meeting held on 4 March 2024.

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**References**Legislation

*Local Government Act 1999*

Council Policies/Plans

*Audit and Risk Committee Works Program 2023-2024*



# MINUTES

of the

## **Special Audit & Risk Committee Meeting**



Held, pursuant to the provisions of the  
*Local Government Act 1999, in the*

**Council Chamber  
Redbanks Road  
Mallala**

on

**Monday 4 March 2024 at 4:30pm**

The Chairperson formally declared the meeting open at 4:30pm.

## **1 ACKNOWLEDGEMENT OF COUNTRY**

Audit and Risk Committee acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

## **2 ATTENDANCE RECORD**

### **2.1 Present**

Mr Alan Rushbrook (Chairperson)

Mr Peter Fairlie-Jones (Independent Member)

Mr Peter Scargill (Independent Member)

Deputy Mayor Marcus Strudwicke

Mayor Mark Wasley

#### **Also in Attendance**

Chief Executive Officer

Mr James Miller

Chief Financial Officer

Mr Rajith Udugampola

Acting Director Corporate Services

Ms Amy Fagan

Director Development & Community

Mr Michael Ravno

Director Infrastructure & Environment

Mr Thomas Jones

Acting Executive Assistant to the Mayor & Chief Executive Officer

Ms Lauren Bywaters

Governance Administration Officer (Minute Taker)

Ms Paige Graham

### **2.2 APOLOGIES**

NIL

## **3 BUSINESS ARISING**

Nil

## **4 DECLARATION OF MEMBERS' INTEREST**

Nil

## **5 QUESTIONS WITHOUT NOTICE**

Nil

**6 MOTIONS WITHOUT NOTICE**

Nil

**7 URGENT BUSINESS**

Nil

**8 CONFIDENTIAL ITEMS****8.1 TWO WELLS TOWN CENTRE MARKET ENGAGEMENT - ADELAIDE PLAINS COUNCIL AND PREFERRED PROPONENT LAND FACILITATION AGREEMENT****COMMITTEE RESOLUTION 2024/11**

Moved: Deputy Mayor Strudwicke

Seconded: Mayor Wasley

“that

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Audit and Risk Committee orders that all members of the public, except:
  - Chief Executive Officer;
  - Chief Financial Officer;
  - Acting Director Corporate Services;
  - Director Infrastructure & Environment;
  - Director Development & Community;
  - Acting Executive Assistant to the CEO & Mayor;
  - Governance Administration Officer/Minute Taker;
  - Mr Sean Keenihan of Norman Waterhouse Lawyers;
  - Mr Marcus Wallman of Norman Waterhouse Lawyers;
  - Mr Ben Koop of Alinea Group;
  - Mr Paul Saunders of Alinea Group; and
  - Mr Mark Booth of BRM Advisorybe excluded from attendance at the meeting of the Audit and Risk Committee for Item 8.1 - *Two Wells Town Centre Market Engagement – Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement*.
2. The Audit and Risk Committee is satisfied that pursuant to section 90(3)(b)(i) of the *Local Government Act 1999*, Item 8.1 - *Two Wells Town Centre Market Engagement – Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement* concerns information of a confidential nature, the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of Council;
3. The Audit and Risk Committee is satisfied the principal that meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

CARRIED UNANIMOUSLY

The Chairperson sought leave of the meeting to suspend meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a period of time sufficient to facilitate informal discussions in relation to *Item 8.1 – Two Wells Town Centre Market Engagement – Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement*. Leave was granted.

The meeting suspended at 4:32pm.

The meeting resumed at 5:23pm.

Confirmation

Subject to Confirmation

**COMMITTEE RESOLUTION 2024/17****Moved:** Mayor Wasley**Seconded:** Deputy Mayor Strudwicke

**"that the Audit and Risk Committee, having considered Item 8.1 - *Two Wells Town Centre Market Engagement – Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement* in confidence under sections 90(2) and 90(3)(b)(i) of the *Local Government Act 1999*, resolves that:**

- 1. The report, Attachment 1, Attachment 2, and minutes pertaining to Item 8.1 - *Two Wells Town Centre Market Engagement – Adelaide Plains Council and Preferred Proponent Land Facilitation Agreement* remain confidential and not available for public inspection under further order of the Audit and Risk Committee;**
- 2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and**
- 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Audit and Risk Committee delegates the power to revoke this confidentiality order, in whole or part, to the Chief Executive Officer."**

**CARRIED****9 NEXT MEETING**

Tuesday, 16 April 2024 at 4:30pm.

**10 CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 5:33pm.

Confirmed as a true record.

Chairperson:.....

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





### 12.3 MINUTES OF THE INFRASTRUCTURE AND ENVIRONMENT COMMITTEE MEETING HELD 14 MARCH 2024

**Record Number:** D24/12674

**Author:** Director Infrastructure and Environment

**Authoriser:** Acting Chief Executive Officer

**Attachments:**

1. Draft Minutes - Infrastructure & Environment Committee - 14 March 2024  
2. Draft 4 Year Capital Renewal Program  

#### OVERVIEW

The purpose of this report is for Council to consider the Infrastructure and Environment Committee's recommendations, made at its meeting on 14 March 2024. A copy of the minutes of this meeting is presented as **Attachment 1** to this report.

A summary of the items for Council consideration is provided as follows:

- Minutes of the Infrastructure and Environment Committee meeting held 14 March 2024
- Draft 2024-2028 – 4 Year Capital Program, and
- Waste Management Data Collection

Click Agenda [here](#) to view the Agenda for the Infrastructure and Environment Committee Meeting on 14 March 2024.

Further to resolution 2024/02 of the Committee, Management provide the following information;

- Two Wells Mainstreet Playground upgrade – the replacement of existing soft fall only (which is currently not complying) will cost \$60,000.
- Township entrance signage – The township entrance signage will be consistent with Council adopted wayfinding strategy (page 404 of the agenda) presented to the 23 October 2023 Council meeting.

#### RECOMMENDATION 1

**“that Council receives and notes the draft Minutes of the Infrastructure and Environment Committee Meeting held 14 March 2023, presented as Attachment 1 to this report.”**

#### RECOMMENDATION 2

**“that Council notes resolution 2024/002 of the Infrastructure and Environment Committee and in doing so adopts the draft 2024-2028, 4 Year Capital Renewal Program as presented at Attachment 2 to the report.”**

**Or**

**“that Council notes resolution 2024/002 of the Infrastructure and Environment Committee and in doing so adopts the draft 2024-2028, 4 Year Capital Renewal Program as presented at Attachment 2 to this report subject to the following amendments:**

1. 

#### RECOMMENDATION 3

**“that Council notes resolution 2024/003 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to undertake a rigours data collection campaign to establish a baseline of Adelaide Plains Council waste management performance.”**

# MINUTES

of the

## Infrastructure & Environment Committee Meeting



Held, pursuant to the provisions of the  
*Local Government Act 1999, in the*

**Council Chamber  
Redbanks Road  
Mallala**

on

**Thursday 14 March 2024 at 5:30pm**



The Chairperson formally declared the meeting open at: 5:29pm.

## **1 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

## **2 ATTENDANCE RECORD**

### **2.1 Present**

Mr Howard Lacy (Chairperson)

Acting Mayor Marcus Strudwicke (*Present in place of Mayor Mark Wasley*)

Councillor Alana Bombardieri

Councillor Kay Boon

Councillor Terry-Anne Keen

Councillor Eddie Stubing

### **Also in Attendance**

Acting Chief Executive Officer

Mr Thomas Jones

Acting Director Corporate Services

Ms Amy Fagan

Director Development & Community

Mr Michael Ravno

Administration Support Officer Infrastructure and Environment  
(Minute Taker)

Ms Lauren Bywaters

### **Apologies**

Mayor Mark Wasley

Councillor Dante Mazzeo

**3 MINUTES****3.1 CONFIRMATION OF MINUTES - INFRASTRUCTURE & ENVIRONMENT COMMITTEE MEETING  
- 17 AUGUST 2023****COMMITTEE RESOLUTION 2024/1****Moved: Councillor Boon****Seconded: Acting Mayor Strudwicke**

**"that the minutes of Infrastructure & Environment Committee Meeting held on Thursday 17 August 2023 (MB 111 to 118, inclusive), be accepted as read and confirmed."**

**CARRIED****4 BUSINESS ARISING**

Nil

**5 DECLARATION OF MEMBERS' INTEREST**

Nil

**6 REPORTS FOR DECISION****6.1 DRAFT 2024-2028 - 4 YEAR CAPITAL PROGRAM****COMMITTEE RESOLUTION 2024/2**

The Chairperson sought leave of the meeting to suspend meeting procedures pursuant to Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013 for a period of time sufficient to facilitate informal discussions in relation to Item 6.1 – Draft 2024-2028 - 4 Year Capital Program.

Leave was granted.

The meeting was suspended at 5:45pm.

The meeting resumed at 5:59pm.

**Moved: Councillor Boon****Seconded: Acting Mayor Strudwicke**

**"that the Infrastructure and Environment Committee, having considered Item 6.1 – *Draft 2024-2028 - 4 Year Capital Program*, dated 14 March 2024, receives and notes the Report and in doing so recommends to Council that it adopts the draft 2024-2028, 4 Year Capital Renewal Program as presented at Attachment 1 to this Report subject to the review of:-**

**1.Two Wells Mainstreet Playground upgrade**

**2.Township entrance signage."**

**CARRIED**

**6.2 WASTE MANAGEMENT DATA COLLECTION****COMMITTEE RESOLUTION 2024/3**

Moved: Acting Mayor Strudwicke

Seconded: Councillor Bombardieri

“that Infrastructure and Environment Committee, having considered Item 6.2 – Waste Management Data Collection, dated 14 March 2024, receives and notes the Report and in doing so recommends to Council that it undertakes a rigours data collection campaign to establish a baseline of Adelaide Plains Council waste management performance.”

**CARRIED**

**7 REPORTS FOR INFORMATION****7.1 COMMITTEE RESOLUTIONS****COMMITTEE RESOLUTION 2024/4**

Moved: Councillor Keen

Seconded: Councillor Stubing

“that the Infrastructure and Environment Committee, having considered Item 7.1 – *Committee Resolutions*, dated 14 March 2024, receives and notes the Report.”

**CARRIED**

**7.2 INFRASTRUCTURE AND ASSET MANAGEMENT PLAN****COMMITTEE RESOLUTION 2024/5**

Moved: Councillor Boon

Seconded: Acting Mayor Strudwicke

“that Infrastructure and Environment Committee, having considered Item 7.2 – *Infrastructure and Asset Management Plan*, dated 14 March 2024, receives and notes the Report.”

**CARRIED**

**7.3 TRANSPORT INVESTIGATIONS****COMMITTEE RESOLUTION 2024/6**

Moved: Councillor Keen

Seconded: Councillor Bombardieri

“that Infrastructure and Environment Committee, having considered Item 7.3 – *Transport Investigations*, dated 14 March 2024, receives and notes the Report.”

**CARRIED**

**7.4 SALT CREEK REMEDIATION****COMMITTEE RESOLUTION 2024/7****Moved:** Acting Mayor Strudwicke**Seconded:** Councillor Stubing

**"that Infrastructure and Environment Committee, having considered Item 7.4 – *Salt Creek Remediation*, dated 14 March 2024, receives and notes the Report."**

**CARRIED****7.5 TWO WELLS TOWNSHIP LEVEE****COMMITTEE RESOLUTION 2024/8****Moved:** Councillor Boon**Seconded:** Councillor Stubing

**"that Infrastructure and Environment Committee, having considered Item 7.5 – *Two Wells Township Levee*, dated 14 March 2024, receives and notes the Report."**

**CARRIED****8 QUESTIONS WITHOUT NOTICE**

Nil

**9 MOTIONS WITHOUT NOTICE**

Nil

**10 URGENT BUSINESS**

Nil

**11 NEXT MEETING**

To be advised

**12 CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 6:30pm.

Confirmed as a true record.

Chairperson:.....

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

Number	Asset Class	Expenditure	Project Description	2024/2025	2025/2026	2026/2027	2027/2028
1	Plant and Fleet	Renewal	Plant and Fleet Replacement	1,325,000	800,000	1,100,000	200,000
2	Street Scape (Footpath, Kerbing and Street Trees)	New	Streetscape - Wasleys Road (Campground to Oval Entrance)	32,295	-	-	-
3	Street Scape (Footpath, Kerbing and Street Trees)	New	Streetscape - Carmel Street (Calagora Street to Hall Road)	35,295	-	-	-
4	Street Scape (Footpath, Kerbing and Street Trees)	New	Streetscape - Seventh Street (Second Street to Third Street)	28,913	-	-	-
5	Street Scape (Footpath, Kerbing and Street Trees)	New	Streetscape - Elizabeth Street (Two Wells) (Donaldson Road to End)	42,803	-	-	-
6	Street Scape (Footpath, Kerbing and Street Trees)	New	Streetscape - Old Mallala Road and Mallala Road	23,500	-	-	-
5	Street Scape (Footpath, Kerbing and Street Trees)	New	Streetscape - Two Wells Main Street (design and construct over 2 years)	50,000	150,000	-	-
7	Street Scape (Footpath, Kerbing and Street Trees)	New	Future Street Scape Program Allocation	-	100,000	100,000	100,000
8	Pram Ramps	Renewal	Pram Ramp renewal to DDA compliant	10,000	10,000	10,000	10,000
9	Kerbing	New	South Terrace (Dublin) - Old Port Wakefield Road to Seventh Street	-	285,000	-	-
10	Kerbing	Renewal	Redbanks Road - Butler Street to Irish Street	30,000	280,000	-	-
11	Sealed Roads	Renewal	Intersection upgrades - Gawler River Road (Germantown Road and Bethesda Road)	100,000	-	-	-
12	Sealed Roads	Renewal	Port Gawler Road - Reseal and shoulder rehabilitation	615,000	-	-	-
13	Sealed Roads	Renewal	Various reseals	513,000	700,000	700,000	700,000
14	Sealed Roads	New	Sealing of Wasleys Road (Cheek Road To Boundary Road - Special Local Roads)	-	596,000	-	-
15	Unsealed Roads	Renewal	Various resheets	1,532,000	1,100,000	1,100,000	1,100,000
16	Car Parks & Traffic Control	New	Ruskin Road (Thompson Beach) - Car Parking	-	60,000	-	-
17	Car Parks & Traffic Control	New	Coastal Carpark Formalise, Adelaide International Bird Sanctuary (AIBS)	-	45,000	-	-
18	Site Improvements	New	Street & Reserves/Parks Furniture Program	20,000	-	20,000	20,000
19	Site Improvements	New	Streetscape and WSUD	50,000	50,000	50,000	50,000
20	Site Improvements	New	Lewiston Wetland Trails - paths, signage	50,000	-	-	-
21	Site Improvements	New	Township Entrance Signs - Allocation	100,000	-	-	-
22	Site Improvements	New	Middle Beach - Foreshore upgrade (design and construct over 2 years)	100,000	500,000	-	-
31	Site Improvements	New	Lewiston Dog Park Shelter	30,000	-	-	-
33	Site Improvements	New	Two Wells Mainstreet Playground and off street car parking lighting	150,000	-	-	-
34	Site Improvements	Renewal	Two Wells Mainstreet Playground Upgrade	250,000	-	-	-
36	Site Improvements	Renewal	Future Site Improvements Renewal	200,000	200,000	200,000	200,000
23	Site Improvements	New	Open Space & Recreation Strategy Outcomes (Allocation)	-	50,000	-	50,000
24	Site Improvements	New	Stage 2 - Two Wells/Mallala Ovals - Implementation	-	500,000	-	-
25	Site Improvements	New	Stage 2A - Two Wells/Mallala Ovals - Implementation	-	500,000	-	-
26	Site Improvements	New	Stage 3 - Two Wells Oval - Additions, Support to Area (Possible New Sport Facilities)	-	350,000	-	-
21	Site Improvements	New	Bakers Wetland - paths, signage	-	50,000	-	-
27	Site Improvements	New	Stage 1 - Police Block - Shelter, Skate Park, Masterplan/Concepts	-	50,000	-	-
28	Site Improvements	New	Stage 2 - Police Block - Shelter, Skate Park, Masterplan/Concepts	-	-	150,000	-
29	Site Improvements	Renewal	Open Space & Recreation Strategy Outcomes (Allocation)	-	50,000	50,000	-
30	Site Improvements	New	Wetland Trails - Lewiston Shelter	-	30,000	-	-
32	Site Improvements	Renewal	Bakers Wetland - Shelter	-	30,000	-	-
35	Site Improvements	Renewal	Lewiston Playground Upgrade	-	250,000	-	-
47	Site Improvements	New	Donaldson Road - Open space elements	-	200,000	-	-
37	Stormwater	New	Redbanks Road (005) from Mallala - Two Wells Road to Irish Street	-	100,000	-	-
38	Stormwater	Renewal	Allocation - Pump Station, Pump Replacements	10,000	10,000	10,000	10,000
46	Stormwater	New	Donaldson Road - WSUD Infrastructure	50,000	-	-	-
39	Building	Renewal	Mallala CWA Entrance	15,000	-	-	-
40	CWMS	Renewal	Mallala - Replacement of Property Pumps	15,000	20,000	20,000	20,000
41	CWMS	Renewal	Middle Beach - CWMS Shed	-	7,000	-	-
42	CWMS	Renewal	Middle Beach - Incoming Tank	60,000	-	-	-
43	CWMS	Renewal	Middle Beach - Allocation	10,000	-	-	-
44	Operating	New	Two Wells Cemetery - Landscaping	30,000	-	-	-
45	Operating	New	Two Wells Library - Salt damp treatment	60,000	-	-	-
48	Operating	New	Street/Verge Tree Planting	30,000	30,000	30,000	30,000
49	Operating	New	Levee, Hickinbotham - Component A5 - Area 6 Flood Management Timing Plan	-	94,000	-	-
50	Operating	New	Levee, Hickinbotham - Component A3 - Area 4 Flood Management Timing Plan	-	70,000	-	-
51	Operating	New	Levee, Hickinbotham - Component A4 - Area 5 Flood Management Timing Plan	-	105,000	-	-
52	Operating	New	Levee, Hickinbotham - Component A1 - Area 2 Flood Management Timing Plan	-	-	16,000	-

Page 66

## 13 SUBSIDIARY MEETINGS

### 13.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY - MINUTES OF SPECIAL BOARD MEETING

**Record Number:** D24/12558

**Author:** Executive Assistant to the Chief Executive Officer and Mayor

**Authoriser:** Acting Chief Executive Officer

**Attachments:**

1. Gawler River Floodplain Management Authority - Minutes - Special Board Meeting 7 March 2024 [!\[\]\(642aa997563f9a325b310230bb5078b7\_img.jpg\)](#) [!\[\]\(9bef82f5a53106f2ad06a2de7acf5bcf\_img.jpg\)](#)
2. Appointment of Gawler River Floodplain Management Authority Chairperson, Independent Member [!\[\]\(7ed4b959e7161d2c60a33aeb43710ff2\_img.jpg\)](#) [!\[\]\(9a1c9bf02665d1d8af419e98d46187a2\_img.jpg\)](#)

#### OVERVIEW

- The purpose of this report is for Council to receive and note the minutes of the Gawler River Floodplain Management Authority (GRFMA) Special Board Meeting held on 7 March 2024 (**Attachment 1**).
- The Executive Officer of the GRFMA has written to each of its constituent councils advising of the subsidiary's decision to appoint Mr Lino Di Lernia to the position of GRFMA Chairperson, Independent Member, for a term of 3 years effective from 19 April 2024 (**Attachment 2**). The term of appointment of the current GRFMA Chairperson, Mr Ian Baldwin will then conclude.
- The GRFMA Charter requires all 6 constituent councils to endorse the appointment of Chairperson and it is the Chief Executive Officer's (CEO) recommendation that Mr Lino Di Lernia be appointed to the Board as Independent Chairperson.

#### RECOMMENDATION

**"that Council, having considered Item 13.1 – *Gawler River Floodplain Management Authority - Minutes of Special Board Meeting*, dated 25 March 2024, receives and notes the report and in doing so:**

1. receives and notes the minutes of the Gawler River Floodplain Management Authority Special Board Meeting minutes held on 7 March 2024;
2. endorses the appointment of Mr Lino Di Lernia to the position of Gawler River Floodplain Management Authority Chairperson for a term of 3 years, to commence on 19 April 2024; and
3. instructs the Chief Executive Officer to write to the Executive Officer of the Gawler River Floodplain Management Authority to advise of Adelaide Plains Council's decision."

#### BUDGET IMPACT

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

#### RISK ASSESSMENT

All 6 constituent councils are required to consider the endorsement or otherwise of the nominated Chairperson as put forward by the GRFMA prior to the end of the current Chair's term. Failure to do so will place the subsidiary in a position where it is without a Chairperson.

**DETAILED REPORT****Purpose**

The purpose of this report is to furnish Council with the GRFMA's preferred candidate recommendation to fill the position of Chair of the subsidiary for a term of 3 years and obtain a resolution in support of the Board's recommendation.

**Background**

Mr Ian Baldwin has recently provided notice of his intention to not participate in the expression of interest process for the position of Independent Chair of the GRFMA. Against that backdrop the GRFMA duly underwent a recruitment process headed up by McArthur Recruitment Services and having gone through candidate interviews, the subsidiary arrived at a preferred candidate, namely Mr Lino Di Lernia.

**Discussion**

Mr Di Lernia was determined as the preferred candidate due to his political acumen, leadership, knowledge, networks and understanding of local, state, and federal government.

Key positions held include.

- Deputy Chief Executive SA Department of Planning, Transport, and Infrastructure.
- Program Director, Advanced Train Management System Proof of Concept, Australian Rail Track Corporation.
- Director Projects, Office of Major Projects and Infrastructure, Department for Transport, Energy and Infrastructure.
- Managing Director and Chief Finance Officer, Australian National Railways Commission
- Chief Executive Officer Motor Accident Commission.

Notable achievements:

Managed

- \$800 million delivery of public transport infrastructure.
- \$50 million environmental remediation program of over 600 Australian National Railway Commission sites.
- \$185 million sale of the Adelaide Casino for superannuation fund manager, Funds SA.

Developed

- 5-year strategic plan for the State Bank of South Australia post its collapse.
- The design, development, integration, testing and documentation of a world-breaking train management technology.

Directed

- The public-private partnership development of the port of Adelaide and industrial areas.
- The closure of Australian National Railways Commission operations.
- The downsizing and closure of The State Bank of South Australia's International bank offices in London, New York and Auckland.



**Conclusion**

Upon the adoption of the recommendation contained within this report, the CEO will be in a position to notify the GRFMA of Council's decision which, if supported by the other 5 constituent Councils, will see the appointment of Mr Lino Di Lernia to the Board.

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**References**Legislation

*Local Government Act 1999*

## MINUTES

### GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY SPECIAL BOARD MEETING

5:00pm Thursday 7 March 2024  
MS Teams Online Meeting

#### 1. Meeting of the Board

##### 1.1 Welcome by the GRFMA Chairperson

Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members and the Executive Officer and opened the 148th meeting of the Board.

##### 1.2 Present

- Mr Ian Baldwin, Independent Board Member, Chair
- Cr Terry-Anne Keen, Adelaide Plains Council, Board Member
- Mr James Miller, Adelaide Plains Council, Board Member
- Cr Bruce Preece, The Barossa Council, Board Member
- Mr Jake McVicar, The Barossa Council, Board Member
- Cr Paul Koch, Town of Gawler, Board Member
- Ms Whendee Young, Town of Gawler, Board Member
- Mr Richard Dodson, Light Regional Council, Board member
- Cr Peter Rentoulis, City of Playford, Deputy Board Member
- Mr Greg Pattinson, City of Playford, Board Member
- Mr David Hitchcock, Executive Officer
- Cr Malcolm Herrmann, Adelaide Hills Council, Board Member (attended at 5.20pm following earlier technical difficulties)

##### 1.3 Apologies

- Mr Ashley Curtis, Adelaide Hills Council, Board Member
- Cr Michael Phillips-Ryder, Light Regional Council, Board
- Cr Clint Marsh, City of Playford, Board Member

##### 1.4 Appointment of Observers

Nil

##### 1.5 Declarations of Interest

Nil

#### 2. Confidential Reports

##### 2.1 Appointment GRFMA Chairperson

Mr James Miller, Chair GRFMA Chairperson appointment panel, provided a verbal outline of the process undertaken in conducting interviews of candidates for the position of GRFMA Chairperson, Independent Member.

Discussion regarding the preferred candidate, included suitable remuneration and receipt of comment from independent referees.

**GB20/24**      **Appointment GRFMA Chairperson, Independent Member**  
**Moved:**      Cr Bruce Preece  
**Seconded:**   Mr Greg Pattinson

*That:*

- 1. Pursuant to Section 90(2) of the Local Government Act 1999, an Order is made that the public be excluded from attendance at the meeting.*  
  
*in order to consider in confidence agenda item 2.1 Appointment GRFMA Chairperson, Independent Member, pursuant to Section 90(3)(a) of the Local Government Act 1999 on the basis of: containing information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
- 2. This matter is confidential because the information herein provides commercial terms and conditions for the position of Appointment GRFMA Chairperson. Independent Member.*
- 3. On the basis of this information, the principle that meetings of the GRFMA should be conducted in a place open to the public has been outweighed in this instance: the Committee consider it necessary to consider this matter in confidence.*

**CARRIED UNANIMOUSLY**

5.06pm confidential session commenced.

**GB21/24**      **Appointment GRFMA Chairperson, Independent Member**  
**Moved:**      Mr James Miller  
**Seconded:**   Cr Bruce Preece

*That the GRFMA:*

- 1. Following the process of a public call for expressions of interest for the GRFMA Chairperson Independent Member position, and subsequent recommendation by the Panel, endorses Mr Lino Di Lernia as the preferred candidate for appointment to that position for a term of three years commencing upon conclusion of Constituent Council approval processes.*
- 2. Directs the GRFMA Executive Officer and Panel Member Cr Bruce Preece to negotiate with Mr Lino Di Lernia suitable remuneration conditions to achieve an annual allowance that does not exceed \$20,000.*
- 3. Directs the GRFMA Executive Officer to correspond with Constituent Councils seeking resolution for appointment of Mr Lino Di Lernia, as required pursuant to Section 4.4.1 of the GRFMA Charter.*

**CARRIED UNANIMOUSLY**

**GB22/24**      **Appointment GRFMA Chairperson, Independent Member**  
**Moved:**      Mr James Miller  
**Seconded:**      Mr Greg Pattinson

*That:*

1. *Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following aspects of item 2.1 GRFMA Chairperson, Independent Member be kept confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3) (a) of the Local Government Act 1999:*
  - *Report for Item 2.1*
  - *Attachment for Item 2.1*
2. *This order shall operate until reviewed and determined as part of the annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.*

**CARRIED UNANIMOUSLY**

5:35pm confidential session concluded.

### **3. Closure**

The Chairperson thanked the members for their attendance and contributions and closed the meeting at 5:37pm.

Chair \_\_\_\_\_ Date \_\_\_\_\_

Gawler River Floodplain Management Authority  
PO Box 366 Seacliff Park, SA 5049  
Telephone: 0407717368 Email: eo@grfma.com  
Website: [www.gawler.sa.gov.au/grfma](http://www.gawler.sa.gov.au/grfma)

James Miller  
Chief Executive Officer  
Adelaide Plains Council  
2a Wasleys Road  
MALLALA SA 5502  
By email [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)  
12/03/2024

Dear James,

Appointment of GRFMA Chairperson, Independent Member.

I am writing seeking Councils approval and a resolution of formal appointment of Mr Lino Di Lernia as GRFMA Chairperson, Independent Member, for a term of three years.

The GRFMA Charter provides.

*4.4.1 A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils*

The GRFMA current Chairperson, Mr. Ian Baldwin has previously advised he will not be extending his current term of appointment and is assisting with temporary continuation, until a substantive appointment is approved by the Board, endorsed by Constituent Councils and the successful applicant commences in the position of Chairperson.

Following the unsuccessful expression of interest process in 2023, a new public call for the position has now been completed by Mc Arthur Recruitment Services.

On conclusion of candidate interviews, the panel established to manage the process determined and unanimously agreed that the preferred candidate is Mr Lino Di Lernia.

Following the panel interviews McArthur performed reference checks and background and social media checks which did not identify any concerns or issues.

Lino was determined as the preferred candidate due to his political acumen, leadership, knowledge, networks and understanding of local, state, and federal government.

Key positions held include.

- Deputy Chief Executive SA Department of Planning, Transport, and Infrastructure.
- Program Director, Advanced Train Management System Proof of Concept, Australian Rail Track Corporation.

- Director Projects, Office of Major Projects and Infrastructure, Department for Transport, Energy and Infrastructure.
- Managing Director and Chief Finance Officer, Australian National Railways Commission
- Chief Executive Officer Motor Accident Commission.

Notable achievements.

#### Managed

- \$800 million delivery of public transport infrastructure.
- \$50 million environmental remediation program of over 600 Australian National Railway Commission sites.
- \$185 million sale of the Adelaide Casino for superannuation fund manager, Funds SA.

#### Developed

- 5-year strategic plan for the State Bank of South Australia post its collapse.
- The design, development, integration, testing and documentation of a world-breaking train management technology.

#### Directed

- The public-private partnership development of the port of Adelaide and industrial areas.
- The closure of Australian National Railways Commission operations.
- The downsizing and closure of The State Bank of South Australia's International bank offices in London, New York and Auckland.

The 7/3/2024 GRFMA special meeting endorsed the recommendation of Mr. Di Lerna as preferred candidate GRFMA Chairperson, Independent Member and directed that I seek Constituent Council approval of appointment pursuant to clause 4.4.1 of the GRFMA Charter.

I would be pleased to receive Councils approval and a resolution of formal appointment of Mr. Lino Di Lerna as GRFMA Chairperson, Independent Member, for a term of three years: effective following formal appointment to the position by all the Constituent Councils of the GRFMA.

A response by Wednesday 17 April 2024 will assist in enabling the GRFMA to formally confirm Mr. Di Lerna's appointment at the Thursday 18 April 2024 GRFMA meeting.

Yours Sincerely



David Hitchcock, Executive Officer

## 14 REPORTS FOR DECISION

### 14.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY - 2024/2025 DRAFT ANNUAL BUSINESS PLAN AND BUDGET

**Record Number:** D24/12571

**Author:** Executive Assistant to the Chief Executive Officer and Mayor

**Authoriser:** Acting Chief Executive Officer

**Attachments:**

1. Letter from GRFMA Executive Officer, David Hitchcock, dated 23 February 2024 [!\[\]\(642aa997563f9a325b310230bb5078b7\_img.jpg\)](#)
2. Gawler River Floodplain Management Authority - Budget 2024/2025 [!\[\]\(9bef82f5a53106f2ad06a2de7acf5bcf\_img.jpg\)](#)
3. Gawler River Floodplain Management Authority - Business Plan 2024/2025 [!\[\]\(7ed4b959e7161d2c60a33aeb43710ff2\_img.jpg\)](#)

#### EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider the 2024/2025 draft Gawler River Floodplain Management Authority (GRFMA) Annual Business Plan and Budget.
- Council is one of 6 constituent councils that are members of GRFMA.
- The GRFMA Charter provides that the GRFMA must prepare an Annual Business Plan (ABP) and Budget for the forthcoming year, and prior to adopting its ABP and Budget, the GRFMA must consult with constituent councils.
- The draft ABP and Budget must not be adopted by the GRFMA until after 31 May 2024 but before 30 September 2024, and the GRFMA must provide a copy of its budget to each constituent council within 5 business days after adoption.
- It is recommended that Council consider the GRFMA draft ABP and Budget and in doing so advise the GRFMA of its support, or otherwise, accordingly.

#### RECOMMENDATION

**“that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority - 2024/2025 Draft Annual Business Plan and Budget*, dated 25 March 2024, receives and notes the report and in doing so instructs the Chief Executive Officer to write to the Executive Officer of the Gawler River Floodplain Management Authority to advise that Council is in support of the thrust and direction of the Draft 2024/2025 Annual Business Plan and Budget.”**

#### BUDGET IMPACT

Estimated Cost:	\$86,558 (of this, \$25,000 is for advancements on Business Plan)
Future ongoing operating costs:	To be determined in future GRFMA budgets
Is this Budgeted?	Yes

#### RISK ASSESSMENT

Council is one of 6 constituent councils on the GRFMA whose input to decisions of the Board is critical. The ability to provide comment on the draft ABP and Budget is now before Council and failure to do so would place the adoption of same in jeopardy.

## DETAILED REPORT

### Purpose

The purpose of this report is for Council to consider the 2024/2025 Draft Gawler River Floodplain Management Authority (GRFMA) Annual Business Plan and Budget.

### Discussion

Adelaide Plains Council (Council) is one of 6 constituent councils that are members of the GRFMA.

The GRFMA Charter provides that the GRFMA must prepare an Annual Business Plan (ABP) and Budget for the forthcoming year, and prior to adopting its ABP and Budget, the GRFMA must consult with constituent councils.

The draft ABP and Budget must not be adopted by the GRFMA until after 31 May but before 30 September, and the GRFMA must provide a copy of its budget to each constituent council within five business days after adoption.

Both documents have been endorsed by the GRFMA Audit Committee (7 February 2024) and the GRFMA meeting (15 February 2024)

Mr David Hitchcock, Executive Officer of the GRFMA, has written to all constituent councils seeking feedback on the draft ABP and Budget through correspondence dated 20 February 2024 (**Attachment 1**).

A summary of the GRFMA Draft ABP and Budget is provided within the letter from the GRFMA (**Attachment 1**) and greater detail is contained within **Attachment 2** and **Attachment 3** to this report.

### Conclusion

It is for Council to consider the GRFMA draft ABP and Budget and in doing so advise the GRFMA of its support, or otherwise, accordingly.

The CEO sees no reason why Council ought to object to the draft ABP and Budget on grounds of the subsidiary continuing its work in such spaces and generally believes that the thrust and direction of the Board's activities for 2024/2025 are both manageable and provide opportunity for Council to continue its advocacy role in shaping the strategic direction of the GRFMA.

### References

#### Legislation

*Local Government Act 1999*

#### Council Policies/Plans

*Strategic Plan 2021-2024*

*Draft 2024/2025 Annual Business Plan and Budget*



Gawler River Floodplain Management Authority  
PO Box 366 Seacliff Park, SA 5049  
Telephone: 0407717368 Email: [eo@grfma.com](mailto:eo@grfma.com)  
Website: [www.gawler.sa.gov.au/grfma](http://www.gawler.sa.gov.au/grfma)

James Miller  
Chief Executive Officer  
Adelaide Plains Council  
2a Wasleys Road  
MALLALA SA 5502  
By email [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)  
23/02/2024

Dear James,

Draft 2024/2025 GRFMA Annual Business Plan and Draft Budget.

I am writing seeking Councils consideration of the draft 2024/2025 GRFMA Annual Business Plan and Draft Budget.

The GRFMA Charter provides that the Authority must prepare an Annual Business Plan and Budget for the forthcoming financial year.

The format of the Annual Business Plan and Budget has been constructed referencing the GRFMA Strategic Plan 2021-2026, the GRFMA Long Term Financial Plan 2022/23 - 2031/32 and the GRFMA Asset Management Plan 2023-2032.

The 2024/2025 Annual Business Plan and Budget also includes considered response to the final Gawler River Flood Management Business Case and the Infrastructure SA(ISA) Gate 2 assurance review and recommendations. GRFMA Chairperson, Mr. Ian Baldwin, will be corresponding separately with Council regarding this matter.

Prior to setting the draft budget each year the Authority must review its annual business plan in conjunction with the constituent councils.

The annual budget must be consistent with and account for activities and circumstances referred to in the Authority's annual business plan and must be submitted in *draft form to each constituent council before 31 March* for approval.

The budget must not be adopted by the Authority until after 31 May but before 30 September; and the Authority must then provide a copy of its budget to each constituent council within five business days after adoption.

Both the 2024/2025 Annual Business Plan and draft Budget documents have been endorsed by the 7/02/2024 GRFMA Audit Committee meeting and the 15/02/2024 GRFMA meeting.

**GRFMA Annual Business Plan**

Key elements contained in the 2024/2025 draft Annual Business Plan identify:

The Department for Environment and Water (DEW), in partnership with the GRFMA, has facilitated development of a Gawler River Flood Management Business Case to identify a shared vision and objectives to improve flood management in the Gawler River region.

The Gawler River Flood Management initiative was included in Infrastructure SA's (ISA) Capital Intentions Statement in 2021 as a priority for business case development. Further work was undertaken in conjunction with ISA, project partners and stakeholders throughout 2021 and 2022 to provide additional information and details regarding the initiative. The work culminated in DEW completing the ISA Assurance Framework (ISAAF) Gate 1 review in May 2022 and the Business Case and Gate 2 review process on 4 December 2023.

DEW has recently provided the Authority with the final Gawler River Flood Management Business Case and the Infrastructure SA (ISA) Gate 2 assurance review and recommendations.

The GRFMA is of view that a number of measures are further required to be undertaken to facilitate progress to the point where the GRFMA, constituent councils and potentially the SA and Australian Governments could make an informed funding and investment decisions regarding mitigation options.

Options identified are.

- Increasing the height of the Bruce Eastick Dam on the North Para River (nominally a 10 m increase in the height of the dam wall)
- Improving planning controls for developments near the Gawler River that will reduce the likelihood of flood and the impacts of flood inundation on new developments – this may include advocating for policy changes in the flood hazard overlay, making recommendations for inclusion in regional plans, working with local councils to set local development policies.
- Implementing a Community Flood Awareness Campaign • Undertaking the repair and maintenance of existing riverside levee banks in the lower Gawler River, which play a critical role in constraining floodwaters to the river channel during high flow events, and reducing potential damage of flood

The Authority will separately engage with constituent councils to identify a suitable and acceptable investment strategy.

Development of the Stormwater Management Plan (SMP) for the Gawler River is nearing completion. The plan will provide background and strategic direction for managing stormwater in the Gawler River for the main channel below the confluence of the North Para and South Para Rivers.

Maintenance and operations of the scheme during 2024 to 2025 include.

- Work identified in the previously established, Bruce Eastick North Para Flood Mitigation Dam Maintenance Cost Analysis 2023-2032.
- Scheduled inspections and environmental management of land associated with the Dam location. Routine (monthly), Intermediate (annually), Comprehensive (every 5 years due 2028/2029).

- Continuation of the revegetation program around land associated with the Bruce Eastick North Para Flood Mitigation Dam.
- Implementation of an Information Management Framework for a digital environment

See attached for a copy of the 2024/2025 draft GRFMA Annual Business Plan.

### **2024/2025 Draft Budget**

The Authority has endeavoured to minimise cost increases in delivering the functions, operations and project management required.

The Authority has ongoing annual commitment costs of \$69,995 toward the 10-year Bruce Eastick North Para Flood Mitigation Dam maintenance program and \$70,00 for annual repayment reduction of the existing Cash Advance Debenture which was secured to facilitate capital repair to the Bruce Eastick North Para Flood Mitigation Dam in 2022.

#### Revenue

Budget revenue is sourced from predetermined “formula based” financial contributions by the six constituent councils, opportunistic funding applications and some interest from financial institutions.

#### Expenditure

Expenditure is budgeted on estimated costs of Executive Management and administrative and governance requirements of the Authority according to its charter. Other costs are incurred with maintenance of the Bruce Eastick North Para River Flood Mitigation Dam site and access.

Provision of \$150,000 has been included to support further development of the Business Case, as recommended by the Infrastructure SA Assurance Review Report.

#### Operational Contributions (Member subscriptions))

Operational contributions are calculated to include the costs reflective of Administration of the GRFMA, plus general costs for the provision of consultancies to pursue outcomes envisaged in flood mitigation strategies (Business Case, Stormwater Management Plan) and does not include capital works or maintenance of Assets.

#### Key Budget Outcome Operational items

- Administration of the GRFMA
- Business Case /SMP – Further works as recommended ISA Gate 2 and Stormwater Management Plan, consultancies feasibility or initial design studies,
- Information Management Framework for a digital environment
- Less income earned, bank interest etc.

Total Operation cost \$277,371

#### Maintenance Contributions (Council subscriptions)

Maintenance contributions are calculated from the costs reflective of capital works or maintenance works for the Bruce Eastick Flood Mitigation Dam and any approved flood mitigation capital works.

Maintenance and operations of the scheme during 2024 to 2025 will include work identified in the previously established, Bruce Eastick North Para Flood Mitigation Dam Maintenance Cost Analysis 2023-2032, continuation of the revegetation program around land associated with the Bruce Eastick and repayment of the Cash Advance Debenture previously raised to fund Dam repairs in 2022.

Key Budget Outcome Maintenance items

- Dam Maintenance Cost Analysis 2024/2025
- Rates and levies, ESL
- Cash Advance Debenture repayments (principal and interest)

Total Maintenance cost \$ 139,550

Depreciation of Assets

The GRFMA Asset Management Plan 2023-2032 provides:

*Funding (cash allocation) of annual depreciation calculations is not undertaken, rather the policy is ensuring the GRFMA is provided with sufficient cash flow to maintain the Dam at required service provision levels. This plan covers the infrastructure assets that provide Flood Mitigation comprising of: • Bruce Eastick North Para Flood Mitigation Dam • Associated land • Road Access*

In November 2023 North Projects (NP) was engaged by the Gawler River Flood Management Authority (GRFMA) to conduct a revaluation of the Bruce Eastick North Para Flood Mitigation Dam structure to determine the replacement cost of the dam at 2023/2024 prices.

The completed report identified the Current Valuation for the Bruce Eastick North Para Flood Mitigation Dam is \$54,036,053 based on 2023/2024 market conditions and the Written Down Value is \$43,313,042.

Annual depreciation of the Dam, land and road access is \$706,098. (1.25% annually)

The net equity share (of annual depreciation costs) of each constituent council is subsequently reflected in the (Financial Statements) Schedule of constituent councils interest in net assets as at 30 June each year and a statement is prepared to meet the requirements of clause 16.6 of the GRFMA charter.

Summary

Constituent council contributions for 2024/2025 total \$416,921 which is a budgeted increase from \$289,387 in 2024/2025. This increase is principally as result of the \$150,000 provision to support further development of the Business Case, as recommended by the Infrastructure SA Assurance Review Report.

A net operating loss of (\$706,098) is forecast for 2024/2025. This is the amount of unfunded depreciation.

See below Table 1 - constituent council shares proposed as per draft 2024/2025 GRFMA Budget.

See separate attachment for copy of GRFMA 2024/2025 budgeted financial statements presented, in a manner consistent with the Model Financial Statements, pursuant to section 123(10)(b) of the Local Government Act 1999: MYOB format which identifies the 2024/2025 Draft Budget income and expenditure proposals.

Table 1

Constituent council shares proposed as per the draft 2024/2025 GRFMA Budget \_ Member Subscriptions (\$277,371) and Council Subscriptions (\$139,550).

	2023/24	2023/24	2023/24	2024/25	2024/25	2024/25
Council	Operational	Maint	TOTAL	Operational	Maint	TOTAL
<b>Adelaide Plains Council</b>	24,938	40,390	<b>\$65,328</b>	46,228	40,330	<b>\$86,558</b>
<b>Adelaide Hills Council</b>	24,938	2,418	<b>\$27,356</b>	46,228	2,414	<b>\$48,643</b>
<b>The Barossa Council</b>	24,938	12,117	<b>\$37,055</b>	46,228	12,099	<b>\$58,327</b>
<b>Town of Gawler</b>	24,938	24,234	<b>\$49,172</b>	46,228	24,198	<b>\$70,426</b>
<b>Light Regional Council</b>	24,938	12,117	<b>\$37,055</b>	46,228	12,099	<b>\$58,327</b>
<b>City of Playford</b>	24,938	48,482	<b>\$73,420</b>	46,229	48,410	<b>\$94,639</b>
<b>Total</b>	149,630	139,758	<b>\$289,387</b>	277,371	139,550	<b>\$416,921</b>

Table 2 Percentage Share

<b>Constituent Council</b>	<b>Capital Works</b> Council Subscriptions	<b>Maintenance of Assets</b> Council Subscriptions	<b>Operational Costs</b> Member Subscriptions
	<b>Percentage Share</b>	<b>Percentage Share</b>	<b>Percentage Share</b>
Adelaide Plains Council	28.91%	28.91%	16.66%
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%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

I would be pleased if this matter could be included in the next available council meeting agenda and subsequent indication of Councils approval or otherwise of the draft 2024/2025 GRFMA Annual Business Plan and Draft Budget being provided to [eo@grfma.com](mailto:eo@grfma.com) by Monday 10 June 2024.

Yours Sincerely



David Hitchcock, Executive Officer

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY  
CONSOLIDATED DRAFT BUDGET 2024/2025**

**STATEMENT OF COMPREHENSIVE INCOME**

<b>2023/2024 FULL YEAR REVISED ESTIMATE \$</b>	<b>INCOME</b>	<b>2024/2025 DRAFT BUDGET \$</b>
559,808	Subscriptions	416,921
-	Grants Subsidies and Contributions	-
780	Investment Income	824
104	Other	-
<hr/>		<hr/>
560,692	<b>TOTAL REVENUES</b>	<b>417,745</b>
	<b>EXPENSES</b>	
490,331	Materials, Contracts and Other Expenses	347,745
15,000	Finance Costs	15,000
322,298	Depreciation, amortisation & impairment	706,098
<hr/>		<hr/>
827,629	<b>Total Expenses</b>	<b>1,068,843</b>
(266,937)	<b>OPERATING SURPLUS/(DEFICIT) BEFORE CAPITAL AMOUNTS</b>	<b>(651,098)</b>
-	Net gain (loss) on disposal or revaluation of assets	-
-	Amounts specifically for new or upgraded assets	-
-	Physical resources received free of charge	-
 (266,937)	<b>TOTAL COMPREHENSIVE INCOME</b>	<b>(651,098)</b>
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23/02/2024

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY  
CONSOLIDATED DRAFT BUDGET 2024/2025**

**CASH FLOW STATEMENT**

<b>2023/2024 FULL YEAR REVISED ESTIMATE</b>		<b>2024/2025 DRAFT BUDGET</b>
<b>\$</b>		<b>\$</b>
Inflows		Inflows
(Outflows)		(Outflows)
	<b>CASHFLOWS FROM OPERATING ACTIVITIES</b>	
	<b>RECEIPTS</b>	
559,912	Operating Receipts	416,921
780	Investment Receipts	824
	<b>PAYMENTS</b>	
(490,331)	Operating payments to suppliers & employees	(347,745)
(15,000)	Finance Payments	(15,000)
<u>55,361</u>	<b>Net Cash provided by (or used in) Operating Activities</b>	<u>55,000</u>
	<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>	
	<b>RECEIPTS</b>	
-	Grants specifically for new or upgraded assets	-
0	Sale of Assets	0
	<b>PAYMENTS</b>	
-	Capital Expenditure on renewal/replacement of assets	-
-	Capital Expenditure on new/upgraded assets	-
<u>-</u>	<b>Net Cash provided by (or used in) Investing Activities</b>	<u>-</u>
	<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>	
	<b>RECEIPTS</b>	
-	Proceeds from Borrowings	-
(55,000)	<b>PAYMENTS</b>	(55,000)
	Repayment of Borrowings	
<u>(55,000)</u>	<b>NET CASH USED IN FINANCING ACTIVITIES</b>	<u>(55,000)</u>
	<b>NET INCREASE (DECREASE) IN CASH HELD</b>	<u>-</u>
361	<b>CASH AT BEGINNING OF YEAR</b>	29,857
29,496	<b>CASH AT END OF YEAR</b>	29,857
<u>29,857</u>		<u>29,857</u>

23/02/2024



**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY  
CONSOLIDATED DRAFT BUDGET 2024/2025**

**BALANCE SHEET**

<b>2023/2024 FULL YEAR REVISED ESTIMATE</b>		<b>2024/2025 DRAFT BUDGET</b>
	<b>ASSETS</b>	
	<b>CURRENT ASSETS</b>	
\$		\$
29,857	Cash and cash equivalents	29,857
91,125	Trade & other receivables	91,125
-	Inventories	-
<u>120,982</u>	<b>TOTAL CURRENT ASSETS</b>	<u>120,982</u>
	<b>NON-CURRENT ASSETS</b>	
-	Financial Assets	-
43,832,305	Infrastructure, Property, Plant & Equipment	43,126,207
<u>43,832,305</u>	<b>TOTAL NON-CURRENT ASSETS</b>	<u>43,126,207</u>
<u>43,953,288</u>	<b>TOTAL ASSETS</b>	<u>43,247,190</u>
	<b>LIABILITIES</b>	
	<b>CURRENT LIABILITIES</b>	
67,733	Trade & Other Payables	67,733
385,409	Borrowings	330,409
-	Short-term Provisions	-
<u>453,142</u>	<b>TOTAL CURRENT LIABILITIES</b>	<u>398,142</u>
	<b>NON-CURRENT LIABILITIES</b>	
-	Long-term Borrowings	-
-	Long-term Provisions	-
<u>-</u>	<b>TOTAL NON-CURRENT LIABILITIES</b>	<u>-</u>
<u>453,142</u>	<b>TOTAL LIABILITIES</b>	<u>398,142</u>
<u>43,500,146</u>	<b>NET ASSETS</b>	<u>42,849,048</u>
	<b>EQUITY</b>	
12,294,265	Accumulated Surplus	11,643,167
31,205,881	Asset Revaluation	31,205,881
-	Other Reserves	-
<u>43,500,146</u>	<b>TOTAL EQUITY</b>	<u>42,849,048</u>

23/02/2024

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY  
CONSOLIDATED DRAFT BUDGET 2024/2025**

**STATEMENT OF CHANGES IN EQUITY**

<b>2023/2024 FULL YEAR REVISED ESTIMATE \$</b>		<b>2024/2025 DRAFT BUDGET \$</b>
	<b>ACCUMULATED SURPLUS</b>	
12,561,202	Balance at end of previous reporting period	12,294,265
-266,937	Net Result for Year	-651,098
0	Transfer From Reserves	0
0	Transfer To Reserves	0
<u>12,294,265</u>	<b>BALANCE AT END OF PERIOD</b>	<u>11,643,167</u>
	<b>ASSET REVALUATION RESERVE</b>	
8,664,973	Balance at end of previous reporting period	31,205,881
22,540,908	Gain on revaluation of infrastructure, property, plant & equipment	0.00
0.00	Transfer to Accumulated Surplus on sale of infrastructure, property, plant & equipment	0.00
<u>31,205,881</u>	<b>BALANCE AT END OF PERIOD</b>	<u>31,205,881</u>
<u><b>43,500,146</b></u>	<b>TOTAL EQUITY AT END OF REPORTING PERIOD</b>	<u><b>42,849,048</b></u>

23/02/2024

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY  
CONSOLIDATED DRAFT BUDGET 2024/2025**

**UNIFORM PRESENTATION OF FINANCES**

<b>2023/2024 FULL YEAR REVISED ESTIMATE</b>		<b>2024/2025 DRAFT BUDGET</b>
<b>\$</b>		<b>\$</b>
560,692	Operating Revenues	417,745
(827,629)	less Operating Expenses	(1,068,843)
<u>(266,937)</u>	<b>Operating Surplus / (Deficit) before Capital Amounts</b>	<u>(651,098)</u>
	<b>Less Net Outlays in Existing Assets</b>	
-	Capital Expenditure on renewal and replacement of Existing Assets	-
(322,298)	less Depreciation, Amortisation and Impairment	(706,098)
<u>-</u>	less Proceeds from Sale of Replaced Assets	<u>-</u>
<u>(322,298)</u>		<u>(706,098)</u>
	<b>Less Net Outlays on New and Upgraded Assets</b>	
-	Capital Expenditure on New and Upgraded Assets	-
-	less Amounts received specifically for New and Upgraded Assets	-
<u>-</u>	less Proceeds from Sale of Surplus Assets	<u>-</u>
<u>-</u>		<u>-</u>
55,361	<b>Net Lending / (Borrowing) for Financial Year</b>	55,000

23/02/2024

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Gawler River Floodplain Manage Auth

**Profit & Loss [Budget Analysis]**

July 2024 To June 2025

ABN: 12 925 534 861

	Selected Period	Budgeted	\$ Difference
<b>Income</b>			
Admin of GRFMA			
Member Subscriptions	\$0	\$277,371	-\$277,371
Interest LGFA	\$0	\$824	-\$824
Total Admin of GRFMA	\$0	\$278,195	-\$278,195
Operations Flood Mit Scheme			
Council Subscriptions	\$0	\$139,550	-\$139,550
Total Operations Flood Mit Scheme	\$0	\$139,550	-\$139,550
<b>Total Income</b>	<b>\$0</b>	<b>\$417,745</b>	<b>-\$417,745</b>
<b>Gross Profit</b>	<b>\$0</b>	<b>\$417,745</b>	<b>-\$417,745</b>
<b>Expenses</b>			
Admin of GRFMA			
Executive Officer Contract	\$0	\$58,800	-\$58,800
Adv, printing, stationery post	\$0	\$1,300	-\$1,300
Travelling Expenses	\$0	\$4,200	-\$4,200
Insurance PL & PI	\$0	\$9,600	-\$9,600
Audit Committee	\$0	\$2,600	-\$2,600
Audit Fees	\$0	\$6,175	-\$6,175
Bank Fees	\$0	\$120	-\$120
Honorarium - Chairperson	\$0	\$14,400	-\$14,400
Other	\$0	\$10,800	-\$10,800
Total Admin of GRFMA	\$0	\$107,995	-\$107,995
GRFM Business Case			
Consultancies	\$0	\$20,000	-\$20,000
Business Case	\$0	\$150,000	-\$150,000
Total GRFM Business Case	\$0	\$170,000	-\$170,000
Maint Flood Mitigation Scheme			
BENPFM Dam repairs	\$0	\$69,550	-\$69,550
Rates & Levies	\$0	\$200	-\$200
Total Maint Flood Mitigation Scheme	\$0	\$69,750	-\$69,750
Depreciation			
Depreciation	\$0	\$706,098	-\$706,098
<b>Total Expenses</b>	<b>\$0</b>	<b>\$1,053,843</b>	<b>-\$1,053,843</b>
<b>Operating Profit</b>	<b>\$0</b>	<b>-\$636,098</b>	<b>\$636,098</b>
<b>Total Other Income</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Other Expenses			
Interest Expense	\$0	\$70,000	-\$70,000
Total Other Expenses	\$0	\$70,000	-\$70,000
<b>Net Profit/(Loss)</b>	<b>\$0</b>	<b>-\$706,098</b>	<b>\$706,098</b>



# GRFMA ANNUAL BUSINESS PLAN

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## 2024-2025

Draft 15/02/2024

## Gawler River Floodplain Management Authority

### Constituent Councils:

*Adelaide Hills Council*

*Adelaide Plains Council*

*The Barossa Council*

*Town of Gawler*

*Light Regional Council*

*City of Playford*

**Gawler**







# Business Plan 2024-2025

## Gawler River Floodplain Management Authority (GRFMA)

### The Gawler River

The Gawler River is formed by the confluence of the North Para and South Para in the town of Gawler and is located in the Adelaide Plains district of South Australia. The district surrounding the river produces cereal crops and sheep for both meat and wool, as well as market gardens, almond orchards and vineyards. The farm gate output of the Gawler River floodplain horticultural areas is estimated to be at least \$355 million.

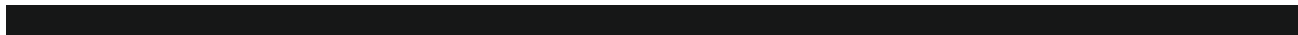
### History

The river is subject to periodic flood events.



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

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





## Purpose of the GRFMA

The Gawler River Floodplain Management Authority (GRFMA) was formed as a Regional Subsidiary under Section 43 and Schedule 2 of the Local Government Act 1999 on 22 August 2002. The Constituent Councils are the Adelaide Hills Council, The Adelaide Plains Council, The Barossa Council, The Town of Gawler, Light Regional Council, and the City of Playford.

The Authority has been established for the following purposes:


- 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;
- to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;
- 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; and
- upon application of one or more Constituent Councils pursuant to clause 12.4:
  - to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and
  - to enter into agreements with one or more of the Constituent Councils for the purpose of managing and developing the Gawler River.

Numerous factors have a significant influence on the operations of the Authority.

These include:

- Arrangements for managing stormwater in South Australia are very complicated, reflecting incremental changes over time in legislation, guidelines, structures, and funding arrangements.

For the Authority, specific concerns are:

- There is no clear definition of the responsibilities of levels of government for managing stormwater.
  - Floodplain management is not well recognised in the current framework for stormwater management.
  - Responsibilities for different aspects of managing the Gawler River sit with various (mostly SA Government) agencies, yet there is no overarching structure, body, or plan to ensure an integrated approach to managing it.
  - Most of the Gawler River is located on private land (a common situation in South Australia) which restricts the ability of the Authority (and other bodies) to carry out its functions.
  - Most flood management initiatives within the Gawler River catchment and floodplain are beyond the capacity of Constituent Councils to fund and State and Federal Government engagement and funding support will be required before any such initiatives are to be realised.
- 



- The effects of flooding on intensive food production and residential properties on the Northern Adelaide Plains.
- Impacts of climate change on the timing, frequency, and volumes of flows into the river.
- Changes in stormwater flows and the risks of flooding associated with new residential development in the Gawler River catchment.
- The level of community understanding of the risks of flooding within the entire catchment and how individuals can reduce the risks.
- Signs of growing interest in the concept of water cycle management with greater integration of different aspects of water management, including stormwater and floodwater.
- Differences in perspectives and priorities between upstream and downstream Constituent Councils in relation to beneficiaries, funding arrangements, and priorities.
- The limited resource base of the Authority, which is supplemented on an ad-hoc basis through partnering with Constituent Councils.

## Governance

The Authority is governed by the Board of Management. The Board comprises of:

- One independent person, who is not an officer, employee or elected member of a Constituent Council, to be appointed as the Chairperson of the Board of Management of the GRFMA for a term of two years.
- Two persons appointed from each of the six constituent councils (12 members in total). Council appointees comprise of the Council CEO, or delegate and one Elected Member.
- Deputy Board members as appointed by each constituent council.

### The Board

The Members of the Board are:

Council	Board Members	Deputy Board Members
<b>Chairperson and Independent Member</b>	Mr Ian Baldwin	
<b>Adelaide Hills Council</b>	Cr Malcolm Herrmann Mr Ashley Curtis	Ms Natalie Armstrong
<b>Adelaide Plains Council</b>	Cr Terry-Anne Keen Mr James Miller	Cr Dante Mazzio Mr. Tom Jones
<b>The Barossa Council</b>	Cr Bruce Preece, Mr Jake Mc Vicar	Ben Clark
<b>Town of Gawler</b>	Cr Paul Koch Ms Whendee Young	Cr Brian Sambell
<b>Light Regional Council</b>	Cr Michael Phillips-Ryder, Mr Richard Dodson	
<b>City of Playford</b>	Cr Clinton Marsh Mr Greg Pattinson	Cr Peter Rentoulis

A Technical Assessment Panel has been appointed to support the decision-making processes of the Board with delegated powers to provide advice and manage the technical aspects of the design, assessment and construction of the various parts of the Scheme.

The Members of the Panel are:

- Mr Ian Baldwin, Independent Chair
- Ms Ingrid Franssen, Manager Flood Management, DEW (vacant), SA Water
- 1 constituent council representative Shaun Fielding , City of Playford
- 1 constituent council representative, Mr. Braden Austin, The Barossa Council
- Mr David Hitchcock, Executive Officer

An Audit and Risk Committee has been appointed to review:

- The annual financial statements to ensure that they present fairly the financial state of affairs of the Board; and
- The adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Board on a regular basis.

The Members of the Audit and Risk Committee are:

- Mr. Peter Brass, Independent Member and Chair
- Cr Malcolm Herrmann, Adelaide Hills Council
- Mr. Greg Pattinson, City of Playford

A suite of Policies has been adopted to provide management guidelines for the day-to-day business of the GRFMA.


Policies include.

- Fraud, Corruption, Misconduct and Maladministration Prevention
- Public Consultation
- Procurement and Procedures
- Code of Practice for Meeting Procedures
- Internal Review of Decisions
- Freedom of Information Statement
- Work Health and Safety
- Anti-Discrimination/Fair Treatment
- Dam Valuation
- Treasury Management
- Internal Review of Decisions



To meet the statutory and operational responsibilities the Authority maintains appointment of a part time Executive Officer, and External Auditor, on a contract basis.

On 28/06/2023 the GRFMA engaged LUVROK Pty Ltd to undertake GRFMA Executive Officer services, in accordance with the agreed contract for service, for the term 1 July 2023 to 31



December 2025. Mr David Hitchcock is identified as the key person providing the services pursuant to agreed terms.

Dean Newbery and Partners are appointed as the external auditor until completion of the 2023/24 audit process. The Board has recently resolved to facilitate reappointment of Dean & Newbery Pty Ltd as GRFMA External Auditor for a term of three plus two years, effective 1 July 2024.

The Authority has also facilitated the appointment of a part time administrative assistant on a contract basis.

The Authority is required to hold a minimum of 6 meetings per year and to provide the required Business Plans, Budgets Reports and Audited Statements to its Constituent Councils required by the Charter and Local Government 1999.

The format of the Annual Business Plan has been constructed referencing the GRFMA Strategic Plan 2021-2026, the GRFMA Long Term Financial Plan 2022/23 – 2031/32 and the GRFMA Asset Management Plan 2023-2032.

The Authority will conduct two reviews each year of its performance against the targets set in this Annual Business Plan that will form part of the report to its constituent councils and will be included in its Annual Report.

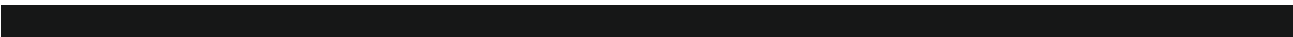
## Cost of Operations

The budget revenue is sourced from predetermined “formula based” financial contributions by the six constituent councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

Expenditure is budgeted on estimated costs of executive management and administrative and governance requirements of the Authority according to its charter. Other costs are incurred with maintenance of the Bruce Eastick North Para River Flood Mitigation Dam site and access.

Recently work has been progressed by the Department for Environment and Planning to facilitate the Gawler River Flood Mitigation Business Case. This is an important and complementary project to the GRFMA Stormwater Management Plan and collaborative approaches will be of benefit to all parties. There is an expectation by the state Government that the GRFMA (including constituent councils) will contribute to the development and completion of the business case.

The contributions of the constituent councils are based on the following percentage shares for capital works, maintenance of Scheme assets and operational costs of the Authority. (GRFMA Charter Clause 10).



## Constituent Council Shares for Contributions

Constituent Council	Capital Works	Maintenance of Assets	Operational Costs
	Percentage Share	Percentage Share	Percentage Share
Adelaide Hills Council	1.73%	1.73%	16.66%
Adelaide Plains Council	28.91%	28.91%	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%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

The GRFMA Strategic Plan 2021-2026 is arranged under three themes, each with its own objective, related to the outcomes to be pursued.

**Theme 1: Design, build, and maintain physical flood mitigation infrastructure.**

Objective: To have in place an agreed extent of physical flood mitigation infrastructure that is fit for purpose and achieves the targeted levels of performance.

**Theme 2: Develop and evolve key relationships.**

Objective: To maintain key relationships that are most important to the Authority achieving its purpose.

**Theme 3: Ensure good governance and ongoing financial sustainability.**

Objective: To ensure that the Authority meets legislative requirements and contemporary standards of governance and is financially sustainable for the long term.

## Priority Actions 2024/2025


The Department for Environment and Water (DEW), in partnership with the GRFMA, has facilitated development of a Gawler River Flood Management Business Case to identify a shared vision and objectives to improve flood management in the Gawler River region.

The Gawler River Flood Management initiative was included in Infrastructure SA's (ISA) Capital Intentions Statement in 2021 as a priority for business case development. Further work was undertaken in conjunction with ISA, project partners and stakeholders throughout 2021 and 2022 to provide additional information and details regarding the initiative. The work culminated in DEW completing the ISA Assurance Framework (ISAAF) Gate 1 review in May 2022 and the Business Case and Gate 2 review process on 4 December 2023.

The Business Case recommends a portfolio of actions to improve flood protection in the Gawler River.

These initiatives are considered feasible and provide complementary benefits for the management of flood in the Gawler River, and comprise:

- Increasing the height of the Bruce Eastick Dam on the North Para River (nominally a 10 m increase in the height of the dam wall)
- Improving planning controls for developments near the Gawler River that will reduce the likelihood of flood and the impacts of flood inundation on new developments – this may include advocating for policy



changes in the flood hazard overlay, making recommendations for inclusion in regional plans, working with local councils to set local development policies.

- Implementing a Community Flood Awareness Campaign
- Undertaking the repair and maintenance of existing riverside levee banks in the lower Gawler River, which play a critical role in constraining floodwaters to the river channel during high flow events, and reducing potential damage of flood

The Authority will continue to work with the Department for Environment and Water to determine a course of action to consider and progress recommendations. Considerations will include regard to recommendations from the GRFMA Strategic Plan 2021-2026 and the Gawler River Stormwater Management Plan.

#### **GRFMA Strategic Plan priorities**

**Work to facilitate delivery of the objectives of the Gawler River Stormwater Management Plan.** The Gawler River Stormwater Management Plan is the key GRFMA document to assist in determining physical and other works required to reduce the risks and impacts of flooding.

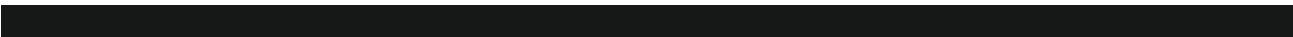
**Review, with Constituent Councils and stakeholders, design standards for infrastructure works including costs and benefits.** The default policy position of the Authority has been for a 1 in 100-year design standard. Reviewing that policy position through consideration of the costs and benefits of various design standard scenarios will assist in identifying appropriate standards.

**In conjunction with the Constituent Councils, develop and implement a schedule of flood mitigation infrastructure works for the Gawler River referencing the Gawler River Stormwater Management Plan.** A schedule of works is to be consolidated from the recommendations from the completed GRFMA Gawler River Stormwater Management Plan and the Department for Environment and Planning, Gawler River Flood Mitigation Business Case. Considered funding will be sought from the State and Federal Governments and where appropriate commercial investment.

**Working with the Constituent Councils, develop a framework to clearly articulate the respective roles and responsibilities of the Authority and the Councils and suitable partnering arrangements to maintain a low-cost base for the Authority.** Identification of partnering opportunities within the capacities of the Councils (e.g., in relation to monitoring information about climate change and climate change policy, and water policy) in delivering the functions, operations and project management required of the Authority would help to keep the Authority's administrative costs low.

**Continue to advocate for improved governance and funding arrangements for flood avoidance, resilience, and mitigation in South Australia** with frontline experience the Authority is well positioned to develop a narrative about changes that are required to improve governance and funding arrangements for flood avoidance and mitigation.

The Authority will continue to work with the Department for Environment and Planning, in consultation with constituent councils, on implementation and funding arrangements for the State Government funded Gawler River Flood Mitigation Business Case.



10

**Assist the Constituent Councils in communicating with general communities and specific interest groups in relation to flood mitigation for the Gawler River.** Communication with communities is likely to be a joint activity between the constituent councils and the Authority.

**Gawler River Storm Water Management Plan recommended options**

- Enlarged Bruce Eastick North Para Flood Mitigation Dam (Bruce Eastick Dam)
- Northern Floodway and Levee Improvements
- Southern Floodway and Levee Improvements
- Strategic Levees – Gawler, Virginia and Two Wells combined.

**Maintenance and operations of the scheme during 2024 to 2025**

- Work identified in the previously established, Bruce Eastick North Para Flood Mitigation Dam Maintenance Cost Analysis 2023-2032.
- Scheduled inspections and environmental management of land associated with the Dam location. Routine (monthly), Intermediate (annually), Comprehensive (every 5 years due 2028/2029).
- Continuation of the revegetation program around land associated with the Bruce Eastick North Para Flood Mitigation Dam.
- Implementation of an Information Management Framework for a digital environment






## 14.2 POLICY REVIEW - COMMUNICATION POLICY

Record Number: D24/10928

Author: Manager Governance

Authoriser: Acting Director Corporate Services

Attachments: 1. Council Member Communication Policy (Current) [↓](#)   
2. Communication Policy (Proposed) [↓](#)   
3. Compare Report [↓](#) 

### EXECUTIVE SUMMARY

- Council's current *Council Member Communication Policy* was last reviewed 2019.
- As Council now has a dedicated governance team, Council are currently undertaking a thorough review of all Council policies. Each "new" policy will include the adoption of the new template, and will be "revision 1". Thus, the current policies are recommended to be revoked, and a new policy adopted.
- Council's new approach to policies intends to make them a "user friendly" resource, and simplify the information provided in Council's policies. Additionally, the new approach intends to reduce the amount of repetition throughout Council documents, and the inclusion of "procedures" in policies.
- While there is no legislative requirement for Council to have a policy in relation to communication, the implementation of this policy will assist both Council Members and employees in the day-to-day operations of Council, and highlights Council Member responsibilities (such as those under sections 59(3) and 62(4c)(4d) of the *Local Government Act 1999*).
- The key change to this proposed "new" Communication Policy, is the inclusion of "Exceptions to authorised communication with employees (section 6 of the proposed policy)", which sets out instances where Council Members may need to communicate with employees, other than those authorised by the Chief Executive Officer as "Appropriate communication with employees" (section 5 of the proposed policy).
- As requested by Council Members at its 26 February 2024 Ordinary Council Meeting, "mark-up"/"track-changes" of the current Council Member Communication Policy (**Attachment 1**) and the proposed Communication Policy (**Attachment 2**) has been included as **Attachment 3**.

### RECOMMENDATION (OPTION 1)

"that Council, having considered Item 14.2 – *Policy Review - Communication Policy*, dated 25 March 2024, receives and notes the Report and in doing so:

1. revokes the *Council Member Communication Policy*, adopted on 25 March 2019; and
2. adopts the *Communication Policy* presented as Attachment 2 to this report."

### RECOMMENDATION (OPTION 2)

"that Council, having considered Item 14.2 – *Policy Review - Communication Policy*, dated 25 March 2024, receives and notes the report and in doing so:

1. revokes the *Council Member Communication Policy*, adopted on 25 March 2019;
2. adopts the *Communication Policy* presented as Attachment 2 to this report with the following amendments:
  - (a) ...; and

**3. Authorises the Chief Executive Officer to make any further necessary final amendments to the document.”**

**BUDGET IMPACT**

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

**RISK ASSESSMENT**

The adoption of this *Communication Policy* clearly sets out Council’s expectations relating to communication between Council Members and Council employees, and relates to Council Member duties and responsibilities under the *Local Government Act 1999*.



## DETAILED REPORT

### Purpose

The purpose of this report is to consider the proposed “new” Communication Policy.

### Background

Council’s current *Council Member Communication Policy* was last reviewed 2019.

As Council now has a dedicated governance team, Council are currently undertaking a thorough review of all Council policies. Each “new” policy will include the adoption of the new template, and will be “revision 1”. Thus, the current policies are recommended to be revoked, and a new policy adopted. Council’s new approach to policies intends to make them a “user friendly” resource, and simply the information provided in Council’s policies. Additionally, the new approach intends to reduce the amount of repetition throughout Council documents, and the inclusion of “procedures” in policies.

While there is no legislative requirement for Council to have a policy in relation to communication, the implementation of this policy will assist both Council Members and employees in the day-to-day operations of Council, and highlights Council Member responsibilities (such as those under sections 59(3) and 62(4c)(4d) of the *Local Government Act 1999*).

### Discussion

In addition to incorporating minor administrative/formatting changes, a summary of the more notable changes is as follows:

- Amendments to “purpose” and scope” to clearly/simple outline purpose and application.
- Inclusion of Council’s core values.
- Removal of unrelated/repeated information that is found in other policies. Where this has been removed it has been noted where to find that information as you will see in **Attachment 2**.
- Footnoting for reference of legislation. Removing clause 5 of **Attachment 1** and simply including a brief summary in the purpose and scope whilst footnoting the section of the Local Government Act where you can go to further understand and read.
- Removing of reference to code of conduct. Council now has Behavioural Standards as gazetted which has been mentioned in related documents in **Attachment 2**.

### Conclusion

To ensure Council Members and employees understand their obligations and the importance of a strong working relationships, it is recommended that the *Communication Policy* be adopted by Council, subject to any amendments it may wish to make.

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### References

#### Legislation


*Local Government Act 1999 (various sections)*

#### Council Policies/Plans

*Behavioural Standards for Council Members*

*Council Members Information Management Policy*

*Council Member Information Technology Policy*

 <b>Adelaide Plains Council</b>	<b>Council Members Communication Policy</b>	
	<b>Adoption by Council:</b> 25 March 2019 <b>Resolution Number:</b> 2019/106 <b>Current Version:</b> V3	
	<b>Administered by:</b> Chief Executive Officer	<b>Last Review Date:</b> 2019 <b>Next Review Date:</b> 2021
<b>Document No:</b> D19/10490	<b>Strategic Objective:</b> 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.

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, Deputy Mayor and Chief Executive Officer for discussion at their regular meetings. The Council Member should be advised of the outcome of their request.

**Note:** Electronic version in TRIM is the controlled version. Printed copies are considered uncontrolled.  
Before using a printed copy, verify that it is the current version.

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, Council Members, Chief Executive Officer (CEO) and General Managers are responsible for the implementation and monitoring of this Policy and associated processes.

This Policy does not derogate from requirements and obligations under the *Local Government Act*, in particular, section 58(1) which provides that the role of the Mayor is to act as the principal spokesperson of the Council.

### 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 thereof, 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;

**Council Business** – means the official functions and duties related to the performance or discharge of the roles or duties of a Council Member;

**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 conversion 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 workflow 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.

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**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 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.

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- (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.

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).

## 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 Governance and Executive staff is appropriate for Council Member requests and enquiries addressed to the Chief Executive Officer, and other matters of a governance nature.
- 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 should avoid 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 Policies).
- 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 for Council business is prohibited and will of itself constitute a breach of the *Code of Conduct* (noting that any such use will result in emails being discoverable under the *Freedom of Information Act 1991*).
- 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.
  - 8.3.1 If hardcopy, to PO Box 18, Mallala SA 5502 or 2a Wasleys Road, Mallala SA 5502.

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- 8.4 If via email, Council Members must copy in ("cc") Council via [info@apc.sa.gov.au](mailto: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. To provide guidance, some examples of the types of requests where Council Members are required to copy in all other Council Members are provided below:-
- Queries regarding Council's strategic or financial documents, policies or procedures (implementation, reviews, interpretation etc).
  - Requests for services or information (also refer clause 10), including general queries regarding meetings or workshops.
- 8.5.1 When a Council Member has copied in all other Council Members (in accordance with clause 8.5), staff, in their response, will also copy in all Council Members.
- 8.6 Council Members are not required to copy in other Council Members to correspondence of a confidential nature, for example, in relation to complaints or matters concerning the personal affairs of a particular Council (or staff) Member. In this instance, staff, in their response, are not required to copy in other Council Members.
- 8.7 Council Members must avoid copying in members of the community who are not directly associated with the request/query (also refer clause 15 below).

## 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 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.

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- 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 not direct or influence 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](mailto:info@apc.sa.gov.au)) or by completing the 'Customer Request Form' on Council's website ([www.apc.sa.gov.au](http://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.
- 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.

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- 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 The Chief Executive Officer has complete discretion in relation to whether to provide access to a document or other information of a sensitive nature. 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. Alternatively, the Council Member may be entitled to the information in accordance with Section 61 of the Act.

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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**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.

Basic communications regarding Council Meetings, such as queries regarding commencement time or sending in an apology, may be directed to Council's Governance and Executive staff (refer clause 6.2 above).

**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.

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.

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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.

**15. Confidentiality**

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 8.7 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.

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.

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**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*  
*Workers Health and Safety Act 2012*

**21. Further Information**

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

2a Wasleys Rd, Mallala SA 5502

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

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

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## Communication Policy

<b>Adoption by Council:</b>	DD Month YYYY
<b>Resolution number:</b>	YYYY/###
<b>Current version:</b>	1
<b>Administered by:</b>	Chief Executive Officer
<b>Last review date:</b>	2024
<b>Next review date:</b>	2026
<b>Document number:</b>	D24/2123
<b>Strategic outcomes:</b>	Proactive Leadership

<b>Related documents:</b>	Behavioural Standards for Council Members Community Requests, Complaints & Feedback Policy Information Technology Policy Information Management Policy
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## Contents

1. Purpose .....	2
2. Scope .....	2
3. Definitions .....	2
4. Our Core Values .....	2
5. Appropriate communication with employees .....	3
6. Exceptions to authorised communication with employees.....	3
7. Other policies related to communication .....	3
8. References.....	4
9. Records management .....	4
10. Document review .....	4
11. Further information.....	4

## 1. Purpose

- 1.1. The purpose of this policy is to provide clarity on the appropriate communication process for Council business between Council Members and employees, and ensure Council Members, in the performance of their duties, are assisted by employees in a consistent, courteous and appropriate manner.
- 1.2. Council is committed to creating strong working relationships between Council Members and employees, in particular EMT.

## 2. Scope

- 2.1. This policy applies to all Council Members. Council business communications not conducted in accordance with this policy are considered inappropriate and will likely constitute a breach of the Act and **Behavioural Standards for Council Members**.<sup>1</sup>
- 2.2. This policy also applies to employees who may communicate with Council Members.

## 3. Definitions

- 3.1. **Act** means the *Local Government Act 1999*;
- 3.2. **CEO** means the Chief Executive Officer of Council;
- 3.3. **communication** means the transmission or exchange of information, knowledge or ideas, whether such interaction is by speech, writing, mechanical or electronic media;
- 3.4. **Council** means Adelaide Plains Council;
- 3.5. **Council business** means official business conducted on behalf of, and/or approved by Council. Council business also includes where a Council Member is required to undertake tasks to satisfy legislative requirements or achieve business continuity for the Council;
- 3.6. **Council Member** means a member of Council elected in accordance with the Act;
- 3.7. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's systems and services in a full-time, part-time or casual capacity;
- 3.8. **EMT** means Council's Executive Management Team.

## 4. Our Core Values

- 4.1. Our approach to communication is underpinned by Council's core values:

					
<b>Honesty and Integrity</b>	<b>Innovative and Open-minded</b>	<b>Leadership and Diplomacy</b>	<b>Professionalism</b>	<b>Respect</b>	<b>Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

<sup>1</sup> Section 62 (4c), (4d) of the Act.

## 5. Appropriate communication with employees

- 5.1. The CEO is the default contact for Council Members. However, the CEO authorises Council Members to communicate with the listed contacts in the following circumstances:<sup>2</sup>
- 5.1.1. EMT for matters specific to the relevant Department;
  - 5.1.2. Executive Office for requests and enquiries addressed to the CEO; and
  - 5.1.3. Governance for matters of a governance nature;
  - 5.1.4. In any instance where the CEO or EMT member have directly authorised an individual employee to contact Council Members to provide specific information or clarification relating to a matter.<sup>3</sup>
- 5.2. Except for authorised communication, or communication identified within the listed exemptions, all Council Member communication is to be through the CEO.

## 6. Exceptions to authorised communication with employees

- 6.1. Council Members may communicate with employees, other than those authorised communications, in the following circumstances:
- 6.1.1. Council (and Special) Meetings;
  - 6.1.2. Council Committee (or Panel) Meetings;
  - 6.1.3. Regional networks and partnerships (as endorsed by Council/CEO);
  - 6.1.4. Employee/Council Member Forums;
  - 6.1.5. Employee/Council Member Workshops;
  - 6.1.6. Any event organised by Council for the purpose of undertaking Council business;<sup>4</sup>
  - 6.1.7. Where a Council Member is a ratepayer (and will be treated in the same manner as a ratepayer);<sup>5</sup>
- 6.2. In instances where a Council Member and employee may be present at social or community events, both parties must avoid discussing matters relating to Council business.

## 7. Other policies related to communication

- 7.1. Information relating to requests for service, complaints and feedback, refer to **Community Requests, Complaints & Feedback Policy**.
- 7.2. Information relating to information technology, refer to **Information Technology Policy**.
- 7.3. Information related to management of and access to information, refer to **Information Management Policy**.

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<sup>2</sup> Section 62(4c), (4d) of the Act.

<sup>3</sup> e.g., *Communication with Customer Service Officers to collect documents in-person or be transferred to appropriate employees via telephone.*

<sup>4</sup> e.g., *Australia Day, Remembrance Day, Anzac Day.*

<sup>5</sup> e.g., *Development applications or library customers.*

## 8. References

*Local Government Act 1999*

## 9. Records management

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

## 10. Document review

This Policy will be reviewed in accordance with Council's *Policy Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

## 11. Further information

<b>Public Access:</b>	Members of the public may inspect this policy (or any other related documents) free of charge at: Council's website: <b>www.apc.sa.gov.au</b> ; or Council's Principal Office: <b>2a Wasleys Rd, Mallala SA 5502.</b>  <i>A copy of this policy may be obtained on payment of a fee.<sup>6</sup></i>
<b>Queries:</b>	Any queries in relation to this policy must be in writing to info@apc.sa.gov.au, marked:  <i>Attention: Manager Governance</i>

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<sup>6</sup> As outlined in Council's *Fees & Charges Schedule*.



5/03/2024 11:53:28 AM

## Compare Results

Old File:

**Council Members Communication Policy.PDF****11 pages (505 KB)**

1/04/2019 12:27:45 PM

versus

New File:

**Communication Policy - 2024.PDF****4 pages (217 KB)**

19/02/2024 8:06:31 PM

### Total Changes

**188**

### Content

**43** Replacements  
**76** Insertions  
**14** Deletions

### Styling and Annotations

**36** Styling  
**19** Annotations

[Go to First Change \(page 1\)](#)



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--------------------	---

## Contents

1. Purpose	2
2. Scope	2
3. Definitions	2
4. Our Core Values	2
5. Appropriate communication with employees	3
6. Exceptions to authorised communication with employees	3
7. Other policies related to communication	3
8. References	4
9. Records management	4
10. Document review	4
11. Further information	4

## 1. Purpose

- 1.1. The purpose of this policy is to provide clarity on the appropriate communication process for Council business between Council Members and employees, and ensure Council Members, in the performance of their duties, are assisted by employees in a consistent, courteous and appropriate manner.
- 1.2. Council is committed to creating strong working relationships between Council Members and employees, in particular EMT.

## 2. Scope

- 2.1. This policy applies to all Council Members. Council business communications not conducted in accordance with this policy are considered inappropriate and will likely constitute a breach of the Act and **Behavioural Standards for Council Members**.<sup>1</sup>
- 2.2. This policy also applies to employees who may communicate with Council Members.

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- 3.4. **Council** means Adelaide Plains Council;
- 3.5. **Council business** means official business conducted on behalf of, and/or approved by Council. Council business also includes where a Council Member is required to undertake tasks to satisfy legislative requirements or achieve business continuity for the Council;
- 3.6. **Council Member** means a member of Council elected in accordance with the Act;
- 3.7. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's systems and services in a full-time, part-time or casual capacity;
- 3.8. **EMT** means Council's Executive Management Team.

## 4. Our Core Values

- 4.1. Our approach to communication is underpinned by Council's core values:

 <b>Honesty and Integrity</b>	 <b>Innovative and Open-minded</b>	 <b>Leadership and Diplomacy</b>	 <b>Professionalism</b>	 <b>Respect</b>	 <b>Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

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## 5. Appropriate communication with employees

5.1. The CEO is the default contact for Council Members. However, the CEO authorises Council Members to communicate with the listed contacts in the following circumstances:<sup>2</sup>

5.1.1. *EMT* for matters specific to the relevant Department;

5.1.2. *Executive Office* for requests and enquiries addressed to the CEO; and

5.1.3. *Governance for* matters of a governance nature;

5.1.4. In any instance *where the CEO or EMT member have directly authorised an individual employee* to contact Council Members to provide specific information or clarification relating to a matter.<sup>3</sup>

5.2. Except for authorised communication, or communication identified within the listed exemptions, all Council Member communication is to be through the CEO.

## 6. Exceptions to authorised communication with employees

6.1. Council Members may communicate with employees, other than those authorised communications, in the following circumstances:

6.1.1. Council (and Special) Meetings;

6.1.2. Council Committee (or Panel) Meetings;

6.1.3. Regional networks and partnerships (as endorsed by Council/CEO);

6.1.4. Employee/Council Member Forums;

6.1.5. Employee/Council Member Workshops;

6.1.6. Any event organised by Council for the purpose of undertaking Council business;<sup>4</sup>

6.1.7. Where a Council Member is a ratepayer (and will be treated in the same manner as a ratepayer);<sup>5</sup>

6.2. In instances where a Council Member and employee may be present at social or community events, both parties must avoid discussing matters relating to Council business.

## 7. Other policies related to communication

7.1. Information relating to requests for service, complaints and feedback, refer to **Community Requests, Complaints & Feedback Policy**.

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## 8. References

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

## 10. Document review

This Policy will be reviewed in accordance with Council's *Policy Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

## 11. Further information

### Public Access:

Members of the public may inspect this policy (or any other related documents) free of charge at:

Council's website: [www.apc.sa.gov.au](http://www.apc.sa.gov.au);

Council's Principal Office: **2a Wasleys Rd, Mallala SA 5502.**

*A copy of this policy may be obtained on payment of a fee.<sup>6</sup>*

### Queries:

Any queries in relation to this policy must be in writing to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au), marked:

**Attention: Manager Governance**

<sup>6</sup> As outlined in Council's *Fees & Charges Schedule*.

### 14.3 POLICY REVIEW - PUBLIC CONSULTATION POLICY

Record Number: D24/11246

Author: Manager Governance

Authoriser: Acting Director Corporate Services

Attachments:

1. Public Consultation Policy (Current)  
2. DRAFT - Public Consultation Policy (Proposed)  
3. Compare Report  

#### EXECUTIVE SUMMARY

- Councils current *Public Consultation Policy* was last reviewed in 2020.
- As Council now has a dedicated governance team, Council are currently undertaking a thorough review of all Council policies. Each “new” policy will include the adoption of the new template, and will be “revision 1”. Thus, the current policies are recommended to be revoked, and a new policy adopted.
- Council’s new approach to policies intends to make them a “user friendly” resource, and simplify the information provided in Council’s policies. Additionally, the new approach intends to reduce the amount of repetition throughout Council documents, and the inclusion of “procedures” in policies.
- This policy is required under section 50 of the *Local Government Act 1999*, and must set out the steps Council will follow in undertaking public consultation (as per the Act and in other cases involving decision-making).
- The “key change” to this proposed “new” Public Consultation Policy is the inclusion of a “community engagement plan” which is a document required prior to conducting public consultation by employees and will identify those matters as set out in section 8 of the policy.
- As requested by Council Members at its 26 February 2024 Ordinary Council Meeting, “mark-up”/“track-changes” of the current Public Consultation Policy (**Attachment 1**) and the proposed Public Consultation Policy (**Attachment 2**) has been included as **Attachment 3**.

#### RECOMMENDATION (OPTION 1)

“that Council, having considered Item 14.3 – *Policy Review - Public Consultation Policy*, dated 25 March 2024, receives and notes the report and in doing so endorses the draft *Public Consultation Policy* for consultation, presented as Attachment 2 to this report.”

#### RECOMMENDATION (OPTION 2)

“that Council, having considered Item 14.3 – *Policy Review - Public Consultation Policy*, dated 25 March 2024, receives and notes the report and in doing so:

1. endorses the draft *Public Consultation Policy* for consultation presented as Attachment 2 to this report, with the following amendments:
  - (a) ...; and
2. authorises the Chief Executive Officer to make any necessary final amendments to the document before undertaking consultation.”

#### BUDGET IMPACT

Estimated Cost: Nil

Future ongoing operating costs: Nil

Is this Budgeted? Not applicable

**RISK ASSESSMENT**

This policy is required under section 50 of the *Local Government Act 1999*. The endorsement of this draft *Public Consultation Policy* will clearly sets out Council's expectations relating to public consultation and ensure Council meet community expectations, and remain compliant with legislative obligations.

## DETAILED REPORT

### Purpose

The purpose of this report is to consider the proposed “new” draft Public Consultation Policy.

### Background

Councils current *Public Consultation Policy* was last reviewed in 2020.

As Council now has a dedicated governance team, Council are currently undertaking a thorough review of all Council policies. Each “new” policy will include the adoption of the new template, and will be “revision 1”. Thus, the current policies are recommended to be revoked, and a new policy adopted.

Council’s new approach to policies intends to make them a “user friendly” resource, and simplify the information provided in Council’s policies. Additionally, the new approach intends to reduce the amount of repetition throughout Council documents, and the inclusion of “procedures” in policies.

This policy is required under section 50 of the *Local Government Act 1999*, and must set out the steps Council will follow in undertaking public consultation (as per the Act and in other cases involving decision-making).

### Discussion

In addition to incorporating minor administrative/formatting changes, a summary of the more notable changes as per the reviewed policy is provided below:

- Amendments to “purpose” and scope” to clearly/simple outline purpose and application.
- Inclusion of Council’s core values.
- Inclusion of flowchart for simple reference and understanding of process.
- Requirement of staff to prepare a “community engagement plan”.
- Footnoting for reference of legislation. This is able to condense paragraphs from clauses 5, 6 and 7 from **Attachment 1** and ensure information is relevant and easy to read.
- Simplify any other necessary sections.

### Conclusion

To remain compliant with legislation, and ensure Council are continually improving and refining process it is recommended the draft Public Consultation Policy is endorsed by Council for public consultation, subject to any preliminary amendments it may wish to make.

---

## References


### Legislation

*Local Government Act 1999*

### Council Policies/Plans

*Strategic Plan 2020-2024*



	Public Consultation Policy	
	<b>Version Adoption by Council:</b>	27 April 2020
	<b>Resolution Number:</b>	2020/109
	<b>Current Version:</b>	V5
	<b>Administered by:</b>	<b>Last Review Date:</b> 2020
	General Manager – Governance and Executive Office	<b>Next Review Date:</b> 2022
<b>Document No:</b> D20/16625	<b>Strategic Outcome:</b> 4.5 Accountable & Sustainable Governance	

### 1. Objective

The purpose of this policy is to:-

- ensure that Adelaide Plains Council ('Council') complies with the mandatory consultation steps prescribed by the Local Government Act 1999 ('the Act') (class 1 decisions);
- outline the standard consultation steps that Council will follow in cases where Council must comply with its Public Consultation Policy as required by the Act (class 2 decisions); and
- ensure that Council complies with the standard consultation steps contained in its Public Consultation Policy as required by the Act (class 2 decisions).

### 2. Scope

This Policy applies to public consultation requirements prescribed by the Act.

This Policy does not apply to public consultation requirements under other legislation. Public consultation prescribed by other legislation affecting local government will be undertaken in accordance with the specific requirements set out in that legislation.

### 3. Definitions

**Communication** – refers to the exchange of information from Council to the community, and the views from the community to Council;

**Community** – all people who live, work, pay rates, conduct private / government business, visit, utilises services, facilities and public space within the Council. They may be referred to as stakeholders, or comprise stakeholders;

**Consultation** – a process of community engagement where information is provided, and the community is formally invited to comment about matters on which Council will deliberate.

**Note:** Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.  
Before using a printed copy, verify that it is the current version.

**Council** – Adelaide Plains Council;

**Engagement** – describes varying levels of participation in public consultation processes.

#### 4. Policy Statement

Council is committed to open, accountable and responsive decision making, which is informed by public consultation. Council is committed to genuine, effective and timely community consultation encouraging the public to participate in policy development and planning, the management and evaluation of services and in identifying areas of concern.

Council will endeavour to take into account the views and consideration of the community balancing those views with factors such as infrastructure, financial constraints, health and safety and legislative requirements in order to make decisions compatible with Council's strategic direction and providing accurate information while maintaining financial viability and confidentiality.

Council appreciates that the community seeks to be involved and consulted with respect to decisions that affect the community culturally, financially, environmentally and socially. Council understands that the consultation process can identify a range of issues, ideas and solutions, providing a balanced outcome for the community within the parameters set by Council.

#### 5. Local Government Act Requirements

Section 50 of the Act provides that Council must prepare and adopt a Public Consultation Policy ('PC Policy') that sets out the steps the council will follow when exercising certain powers and functions and making certain decisions.

The Act contemplates three (3) classes of decisions as follows:-

- Classes of decisions for which the Act prescribes mandatory consultations steps (class 1 decisions);
- Classes of decisions for which the Act requires a council to follow the standard consultation steps set out in its public consultation policy:-
  - On their own (class 2a decisions); and
  - In addition to minimum statutory requirements (class 2b decisions)  
(together, class 2 decisions)
- Classes of decisions for which the Act is silent in relation to consultation but for which a council may nevertheless determine to undertake optional consultation steps in its absolute discretion (class 3 decisions).

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## 6. Class 1 decisions – mandatory consultation steps (prescribed by the Act)

In the matters listed in the table below, Council will undertake mandatory consultation steps in accordance with the relevant section of the Act. For example, Section 13 – Status of a council or change of various names prescribes that, in addition to other requirements, prescribes a public consultation period of at least six (6) weeks (see the relevant sections of the Act for details of the mandatory consultation steps):-

*Table 1*

Topic	Act Reference
Representation Reviews – Composition and Wards	Section 12
Change of Status or Name of Council	Section 13
Commercial Activities – Prudential requirements	Section 48
Adopting or varying a Public Consultation Policy	Section 50
Strategic Management Plans	Section 122
By-Laws – the making of	Section 249
Order Making Policy	Section 259

## 7. Class 2 decisions – standard consultation steps (as per Council's PC Policy)

As outlined in the Act, Council will undertake the standard consultation steps outlined in its PC Policy (refer clause 8 – Standard Consultation Steps):-

*Table 2 (class 2a decisions)*

Topic	Act Reference
Principal Office operating hours	Section 45
Code of Practice – Access to Meetings and Documents	Section 92
Annual Business Plan and Budgets	Section 123
Changes to Basis of Rating	Section 151
Rating – Differential Rates	Section 156
Community Land – Revocation of Classification	Section 194
Community Land – Management Plans	Section 197
Amendment or Revocation of Community Land Management Plans	Section 198
Community Land – Alienation by Lease or Licence	Section 202
Roads - Permits restricting access or for use of activity requiring public consultation under regulations	Section 223
Trees – Planting Trees and Vegetation.	Section 232

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In some instances, the Act requires that the public consultation policy provide for minimum statutory requirements. These requirements, which will be observed by Council are as follows:-

*Table 3 (class 2b decisions)*

<b>Topic</b>	<b>Act Reference</b>	<b>Minimum statutory requirements to be included in policy</b>
Annual business plans and budgets	Section 123(4)(a)	Publication of a notice in a newspaper and on a website describing the draft annual business plan and inviting interested persons to attend a public meeting or a meeting of council or to make written submissions in relation to the matter within a period (at least 21 days).
Annual business plans and budgets	Section 123(4)(b)	Hold a public meeting or a meeting of council and consideration of any submissions made at the meeting or written submissions.
Changes to Basis of Rating	Section 151(7)(a)	Publication of a notice in a newspaper and on a website describing the proposed change and informing of the preparation of the report and inviting interested persons to attend a public meeting or to make a written submissions within a period (at least 21 days).
Changes to Basis of Rating	Section 151(7)(b)	Hold a public meeting and consideration of any submissions made at the meeting or written submissions.
Differential Rates	Section 156(14d)(a)	Publication of a notice in a newspaper describing the proposed change and informing of the preparation of the report and inviting interested persons to attend a public meeting or to make written sub missions within a period (at least 21 days).
Differential Rates	Section 156(14d)(b)	Hold a public meeting and consideration of any submissions made at the meeting or written submissions.

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## 8. Standard Consultation Steps

8.1 Where Council is required to follow its PC Policy (refer matters listed in clause 7, table 2), the following minimum steps will be followed in accordance with Section 50(4) of the Act:-

- A notice will be published in local newspapers – The Bunyip and The Plains Producer and on Council’s website describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period being **at least twenty-one (21) days** from the date of the notice;
- Council will consider any submissions received as part of its decision making process and will also have regard to any relevant legislation.

8.2 Other options *may* be utilised to enhance communications (in addition to the minimum steps outlined in clause 8.1 above). These options may include, but are not limited to, the following:-

- Article in Council’s newsletter, the ‘Communicator’;
- Flyers included in rates notices;
- Letters to residents and/or other stakeholders ;
- Advertisement in local newspaper, ‘The Echo’ and other township newsletters;
- Media releases; Community engagement forums; informal workshops and stakeholder meetings, as identified;
- Market research or surveys;
- Fixed displays, noticeboards within Council’s Principal Office, Two Wells Service Centre, Two Wells Public Library and Dublin General Store Noticeboard; and
- A flyer in local business premises throughout the District.

The additional consultation options outlined above are at the absolute discretion of Council (or the CEO) in observance of the principles set out within Section 8 of the Act, with consideration given to the particular topic under deliberation, the resources available to Council and the level of interest that the topic is likely to generate. There is no obligation on Council, or the CEO, to undertake or give consideration whether or not to undertake any of these additional options.

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### 9. Class 3 decisions – optional consultation steps (Council discretion)

Where there is no legislative requirement to undertake public consultation, Council has the discretion as to whether it resolves to undertake public consultation in accordance with this Policy. This may include specific matters of interest to the community or specific stakeholder groups. Some examples of discretionary consultations are listed below:-

- **Targeted policies, strategies and initiatives**

This includes policy and strategy development on issues that impact particular groups and/or areas.

- **Operational matters**

This includes activities undertaken to identify community needs and establish community interests in the discretionary services and day to day operation matters of Council.

- **Performance evaluation/customer satisfaction**

This includes council-wide and individual service/issue assessment of community perceptions of council performance (otherwise known as satisfaction surveys or market research).

Undertaking consultation in these circumstances is at the Council's, or the CEO's absolute discretion. When Council elects to consult beyond the minimum statutory requirements, Council staff will approach and undertake consultation in a manner that is consistent with the scope and principles of the PC Policy. There is no obligation for Council, or the CEO, to undertake non-statutory consultation in any given case.

### 10. Related Documents

Code of Practice – Meeting Procedures

Community Engagement Strategy (Forums across Adelaide Plains Council)

Public Consultation Letter Template

### 11. Records Management

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

### 12. Document Review

This Policy will be reviewed every two (2) years in accordance with Council's Policy Review Schedule to ensure legislative compliance and that it continues to meet the requirements of Council, its activities and programs. To review its PC Policy, Council must submit the proposal to a public consultation process, unless it determines that the alteration is of only minor significant that would attract little (or no) community interest.

**Note:** Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.  
Before using a printed copy, verify that it is the current version.

**13. References**

*Local Government Act 1999*

**14. Further Information**

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

2a Wasleys Rd, Mallala SA 5502

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

Any queries in relation to this Policy must be in writing and directed to Council's General Manager – Governance and Executive Office via [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au).

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## Public Consultation Policy

As required under section 50 of the Act

Adoption by Council:	DD Month YYYY
Resolution number:	YYYY/###
Current version:	1
Administered by:	Director Corporate Services
Last review date:	2024
Next review date:	2026
Document number:	D24/4098
Strategic outcomes:	Proactive Leadership

## Contents

1. Purpose .....	2
2. Scope .....	2
3. Definitions .....	2
4. Council's Core Values .....	2
5. Types of Public Consultation.....	3
Type A: Matters requiring consultation in accordance with the Act .....	3
Type B: Matters requiring consultation in accordance with section 7 of this policy.....	3
Type C: Matters where the Act is silent in relation to requirements for consultation .....	3
6. Consultation Steps for Type A and B Matters .....	4
7. Consultation Steps for Type C Matters.....	5
8. Consultation plan.....	5
9. References .....	6
10. Records management.....	6
11. Document review .....	6
12. Further information .....	6



## 1. Purpose

- 1.1. The purpose of this policy is to comply with Council's legislative requirements,<sup>1</sup> and ensure Council are using appropriate, cost-effective methods relevant to the specific circumstances of a consultation topic, are informing and involving the community, and using community feedback to enhance decision-making.<sup>2</sup>

## 2. Scope

- 2.1. This policy applies to all employees and Council Members.
- 2.2. This policy only applies to matters relating to the Act. Where other legislative requirements for consultation are applicable, the specific processes of those prevail over this policy, to the extent of the inconsistency.<sup>3</sup>

## 3. Definitions

- 3.1. **Act** means the *Local Government Act 1999*;
- 3.2. **CEO** means Chief Executive Officer of Council;
- 3.3. **Council** means Adelaide Plains Council;
- 3.4. **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area or may otherwise be interested in, or impacted by Council's decision making or actions (may also be referred to as a stakeholder);
- 3.5. **consultation** means a process of community engagement where information is provided, and the community is formally invited to comment and make submissions to Council;
- 3.6. **Council Meeting** means formal meetings of Council Members open to the public (under certain conditions, Council Meetings can be closed to the public under provisions of the Act);
- 3.7. **Council Member** means a member of Council elected in accordance with the Act;
- 3.8. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;

## 4. Council's Core Values

Our approach to undertaking public consultation is underpinned by Council's core values:

 <b>Honesty and Integrity</b>	 <b>Innovative and Open-minded</b>	 <b>Leadership and Diplomacy</b>	 <b>Professionalism</b>	 <b>Respect</b>	 <b>Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

<sup>1</sup> Section 50 of the Act.

<sup>2</sup> Section 8 of the Act.

<sup>3</sup> e.g., the *Planning, Development and Infrastructure Act 2016*.

## 5. Types of Public Consultation

### *Type A: Matters requiring consultation in accordance with the Act*

5.1. Type A consultation requirements are those which the Act prescribes *mandatory* consultation steps. Council may also undertake additional consultation in accordance with section 7 of this policy. Council will (but is not limited to) undertake Type A public consultation for:

- (a) Representation Reviews;<sup>4</sup>
- (b) Status of Council or change of various names;<sup>5</sup>
- (c) Prudential requirements for certain activities;<sup>6</sup>
- (d) Public Consultation Policy;<sup>7</sup>
- (e) Strategic Management Plans;<sup>8</sup>
- (f) Passing of by-laws;<sup>9</sup> and
- (g) Order Making Policy.<sup>10</sup>

### *Type B: Matters requiring consultation in accordance with section 7 of this policy*

5.2. Type B consultation requirements are those the Act requires Council to follow consultation steps set out in this policy, alongside any other requirements under the Act. Council will (but is not limited to) undertake Type B public consultation for:

- (a) Principal office operating hours;<sup>11</sup>
- (b) Access to meetings and documents–Code of Practice;<sup>12</sup>
- (c) Annual Business Plan and Budgets;<sup>13</sup>
- (d) Changes to basis of rating;<sup>14</sup>
- (e) Rating–differential rates;<sup>15</sup>
- (f) Community land–revocation of classification;<sup>16</sup>
- (g) Community land–management plans;<sup>17</sup>
- (h) Community land–amendment or revocation of management plans;<sup>18</sup>
- (i) Community land–alienation of lease or licence;<sup>19</sup>
- (j) Control of work on roads–authorisation or permit;<sup>20</sup> and
- (k) Trees–planting, authorising or permitting planting of vegetation on a road.<sup>21</sup>

### *Type C: Matters where the Act is silent in relation to requirements for consultation*

5.3. Type C requirements are those where consultation is not required to be undertaken, but Council may, on a case-by-case basis, nevertheless determine to undertake consultation. This consultation is at the absolute discretion of Council, and may be for a project or matter which Council considers:

- (a) Involves significant expenditure on large scale capital works;
- (b) Is of economic, social, environmental or cultural importance;
- (c) Is, or is likely to be, of significant community interest; or
- (d) Is likely to be enhanced through engagement with the community.

<sup>4</sup> Section 12 of the Act.

<sup>5</sup> Section 13 of the Act.

<sup>6</sup> Section 48 of the Act.

<sup>7</sup> Section 50 of the Act.

<sup>8</sup> Section 122 of the Act.

<sup>9</sup> Section 249 of the Act.

<sup>10</sup> Section 259 of the Act.

<sup>11</sup> Section 45 of the Act.

<sup>12</sup> Section 92 of the Act.

<sup>13</sup> Section 123 of the Act.

<sup>14</sup> Section 151 of the Act.

<sup>15</sup> Section 156 of the Act.

<sup>16</sup> Section 194 of the Act.

<sup>17</sup> Section 197 of the Act.

<sup>18</sup> Section 198 of the Act.

<sup>19</sup> Section 202 of the Act.

<sup>20</sup> Section 223 of the Act.

<sup>21</sup> Section 232 of the Act.

## 6. Consultation Steps–Type A & B Matters

- 6.1. Council will (as a minimum) consult with the community as set out below:<sup>22</sup>
- 6.1.1. Prepare a document outlining the proposed community consultation plan.<sup>23</sup>
  - 6.1.2. A proposed community consultation plan will be obtained by line manager, CEO or by resolution in a Council Meeting (Council Members can request a summary of the community consultation plan be presented at a Council Meeting).
  - 6.1.3. Consultation will then be conducted in accordance with the community consultation plan, including but not limited to:
    - 6.1.3.1. Publication of notice (describing matter under consideration and inviting interested persons to make written submissions);
      - (a) In the local newspapers: The Bunyip and Plains Producer;
      - (b) On Council's website;
      - (c) On Council's corporate social media channels; and
      - (d) Available for inspection (including associated documents) and purchase at Council's Principal Office;
    - 6.1.3.2. Submissions will be open for a period of at least 21 days (from date of notice).
  - 6.1.4. Council will also implement any other consultation requirements (if any) under the Act.
- 6.2. In addition to the steps set out in 6.1., in circumstances where Council is conducting consultation in accordance with sections 123(4)(b), 151(7)(a)(b) and 156(14d)(a)(b) of the Act, a public meeting will be held in relation to the matter.
- 6.3. At the conclusion of the submissions period, Council will collate and analyse all submissions to the extent necessary (determined on a case-by-case basis) and prepare a Consultation Report to be presented at a Council Meeting which:
- (a) Summarises the consultation process and outcome (including broader context of matter under consideration); and
  - (b) Makes a recommendation for Council Members to consider when determining the matter.
- 6.4. Council Members will then consider the report, the recommendation and make a decision.<sup>24</sup>
- 6.5. Following such decision, the outcome will be communicated to the community on Council's website.

<sup>22</sup> Along with any other requirements under the Act.

<sup>23</sup> The plan may be informed or guided by the Local Government Association SA's Community Engagement Handbook; refer to section 8 of this policy.

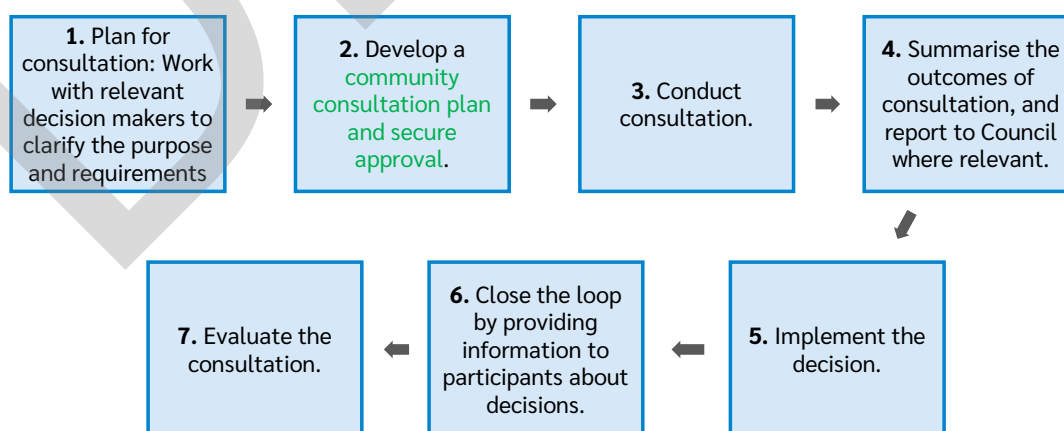
<sup>24</sup> The community can request to address Council by way of deputation in support of any submissions. Refer to the **Code of Practice – Meeting procedures and documentation** for more information on deputations.

## 7. Consultation Steps–Type C Matters

- 7.1. Council may, on a case-by-case basis, determine to undertake consultation for other decisions, activities and processes where there is no legislative requirement to undertake public consultation. Undertaking consultation in these circumstances is at the Council's, or the CEO's, absolute discretion. When Council elects to consult beyond the minimum statutory requirements, Council staff will approach and undertake consultation in a manner that is consistent with the purpose of this Policy.
- 7.2. Council will (as a minimum) consult with the community on Type C Matters as set out below:<sup>25</sup>
- 7.2.1. Prepare a document outlining the proposed community consultation plan.<sup>26</sup>
- 7.2.2. A proposed community consultation plan will be obtained by line manager, CEO or by resolution in a Council Meeting (Council Members can request a summary of the community engagement plan be presented at a Council Meeting).
- 7.2.3. Consultation will then be conducted in accordance with the community consultation plan.
- 7.2.4. At the conclusion of the submissions period, Council will collate and analyse all submissions to the extent necessary (determined on a case-by-case basis) and prepare a report which:
- 7.2.4.1. Summarises the consultation process and outcome (including broader context of matter under consideration); and
- 7.2.4.2. Makes a recommendation for Council Members CEO or body with delegated authority to consider when determining the matter and making a decision.

## 8. Consultation plan

- 8.1. A consultation plan will identify, at a minimum:
- (a) Purpose and objectives for consultation;
  - (b) Legislative requirements;
  - (c) Parameters: what is negotiable and non-negotiable;
  - (d) Key stakeholders and their level of influence or impact;
  - (e) Timeframes;
  - (f) Consultation methods; and
  - (g) Risk assessment
- 8.2. The following flowchart outlines the general consultation steps:



<sup>25</sup> Along with any other requirements under the Act.

<sup>26</sup> The plan may be informed or guided by the Local Government Association SA's Community Engagement Handbook.

## 9. References

*Local Government Act 1999*

## 10. Records management

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

## 11. Document review

This policy will be reviewed in accordance with Council's *Policy Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

## 12. Further information

### Public Access:

Members of the public may inspect this policy (or any other related documents) free of charge at:  
Council's website: [www.apc.sa.gov.au](http://www.apc.sa.gov.au); or  
Council's Principal Office: **2a Wasleys Rd, Mallala SA 5502.**

*A copy of this policy may be obtained on payment of a fee.<sup>27</sup>*

### Queries:

Any queries in relation to this policy must be in writing to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au), marked:

*Attention: Manager Governance*

<sup>27</sup> As outlined in Council's *Fees & Charges Schedule*.

6/03/2024 1:02:30 PM

## Compare Results

Old File:

**Public Consultation Policy - COVID-19 Version  
- April 2020.PDF****7 pages (432 KB)**

21/06/2022 3:37:30 PM

versus

New File:

**Draft Public Consultation Policy - 2024.PDF****6 pages (192 KB)**

20/02/2024 8:26:06 PM

### Total Changes

**235**

### Content

**55** Replacements  
**101** Insertions  
**18** Deletions

### Styling and Annotations

**18** Styling  
**43** Annotations

[Go to First Change \(page 1\)](#)



## Public Consultation Policy

As required under section 50<sup>2</sup> of the Act

Adoption by Council:	DD Month YYYY
Resolution number:	YYYY/###
Current version:	1
Administered by:	Director Corporate Services
Last review date:	2024
Next review date:	2026
Document number:	D24/4098
Strategic outcomes:	Proactive Leadership

## Contents

1.	Purpose .....	2
2.	Scope .....	2
3.	Definitions .....	2
4.	Council's Core Values .....	2
5.	Types of Public Consultation .....	3
	Type A: Matters requiring consultation in accordance with the Act .....	3
	Type B: Matters requiring consultation in accordance with section 7 of this policy .....	3
	Type C: Matters where the Act is silent in relation to requirements for consultation .....	3
6.	Consultation Steps for Type A and B Matters .....	4
7.	Consultation Steps for Type C Matters .....	5
8.	Consultation plan .....	5
9.	References .....	6
10.	Records management .....	6
11.	Document review .....	6
12.	Further information .....	6

## 1. Purpose

- 1.1. The purpose of this policy is to comply with Council's legislative requirements,<sup>1</sup> and ensure Council are using appropriate, cost-effective methods relevant to the specific circumstances of a consultation topic, are informing and involving the community, and using community feedback to enhance decision-making.<sup>2</sup>

## 2. Scope

- 2.1. This policy applies to all employees and Council Members.
- 2.2. This policy only applies to matters relating to the Act. Where other legislative requirements for consultation are applicable, the specific processes of those prevail over this policy,<sup>3</sup> to the extent of the inconsistency.<sup>3</sup>

## 3. Definitions

- 3.1. **Act** means the *Local Government Act 1999*;
- 3.2. **CEO** means Chief Executive Officer of Council;
- 3.3. **Council** means Adelaide Plains Council;
- 3.4. **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area or may otherwise be interested in, or impacted by Council's decision making or actions (may also be referred to as a stakeholder);
- 3.5. **consultation** means a process of community engagement where information is provided, and the community is formally invited to comment and make submissions to Council;
- 3.6. **Council Meeting** means formal meetings of Council Members open to the public (under certain conditions, Council Meetings can be closed to the public under provisions of the Act);
- 3.7. **Council Member** means a member of Council elected in accordance with the Act;
- 3.8. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;

## 4. Council's Core Values

Our approach to undertaking public consultation is underpinned by Council's core values:

 <b>Honesty and Integrity</b>	 <b>Innovative and Open-minded</b>	 <b>Leadership and Diplomacy</b>	 <b>Professionalism</b>	 <b>Respect</b>	 <b>Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

<sup>1</sup> Section 50 of the Act.

<sup>2</sup> Section 8 of the Act.

<sup>3</sup> e.g., the *Planning, Development and Infrastructure Act 2016*.



## 5. Types of Public Consultation

### *Type A: Matters requiring consultation in accordance with the Act*

5.1. Type A consultation requirements are those which the Act prescribes *mandatory* consultation steps. Council may also undertake additional consultation in accordance with section 7 of this policy. Council will (but is not limited to) undertake Type A public consultation for:

- (a) Representation Reviews;<sup>4</sup>
- (b) Status of Council or change of various names;<sup>5</sup>
- (c) Prudential requirements for certain activities;<sup>6</sup>
- (d) Public Consultation Policy;<sup>7</sup>
- (e) Strategic Management Plans;<sup>8</sup>
- (f) Passing of by-laws;<sup>9</sup> and
- (g) Order Making Policy.<sup>10</sup>

### *Type B: Matters requiring consultation in accordance with section 7 of this policy*

5.2. Type B consultation requirements are those the Act requires Council to follow consultation steps set out in this policy, alongside any other requirements under the Act. Council will (but is not limited to) undertake Type B public consultation for:

- (a) Principal office operating hours;<sup>11</sup>
- (b) Access to meetings and documents–Code of Practice;<sup>12</sup>
- (c) Annual Business Plan and Budgets;<sup>13</sup>
- (d) Changes to basis of rating;<sup>14</sup>
- (e) Rating–differential rates;<sup>15</sup>
- (f) Community land–revocation of classification;<sup>16</sup>
- (g) Community land–management plans;<sup>17</sup>
- (h) Community land–amendment or revocation of management plans;<sup>18</sup>
- (i) Community land–alienation of lease or licence;<sup>19</sup>
- (j) Control of work on roads–authorisation or permit;<sup>20</sup> and
- (k) Trees–planting, authorising or permitting planting of vegetation on a road.<sup>21</sup>

### *Type C: Matters where the Act is silent in relation to requirements for consultation*

5.3. Type C requirements are those where consultation is not required to be undertaken, but Council may, on a case-by-case basis, nevertheless determine to undertake consultation. This consultation is at the absolute discretion of Council, and may be for a project or matter which Council considers:

- (a) Involves significant expenditure on large scale capital works;
- (b) Is of economic, social, environmental or cultural importance;
- (c) Is, or is likely to be, of significant community interest; or
- (d) Is likely to be enhanced through engagement with the community.

<sup>4</sup> Section 12 of the Act.

<sup>5</sup> Section 13 of the Act.

<sup>6</sup> Section 48 of the Act.

<sup>7</sup> Section 50 of the Act.

<sup>8</sup> Section 122 of the Act.

<sup>9</sup> Section 249 of the Act.

<sup>10</sup> Section 259 of the Act.

<sup>11</sup> Section 45 of the Act.

<sup>12</sup> Section 92 of the Act.

<sup>13</sup> Section 123 of the Act.

<sup>14</sup> Section 151 of the Act.

<sup>15</sup> Section 156 of the Act.

<sup>16</sup> Section 194 of the Act.

<sup>17</sup> Section 197 of the Act.

<sup>18</sup> Section 198 of the Act.

<sup>19</sup> Section 202 of the Act.

<sup>20</sup> Section 223 of the Act.

<sup>21</sup> Section 232 of the Act.

## 6. Consultation Steps–Type A & B Matters

6.1. Council will (as a minimum) consult with the community as set out below:<sup>22</sup>

6.1.1. Prepare a document outlining the proposed community consultation plan.<sup>23</sup>

6.1.2. A proposed community consultation plan will be obtained by line manager, CEO or by resolution in a Council Meeting (Council Members can request a summary of the community consultation plan be presented at a Council Meeting).

6.1.3. Consultation will then be conducted in accordance with the community consultation plan, including but not limited to:

6.1.3.1. Publication of notice (describing matter under consideration and inviting interested persons to make written submissions);

(a) In the local newspapers: The Bunyip and Plains Producer;

(b) On Council's website;

(c) On Council's corporate social media channels; and

(d) Available for inspection (including associated documents) and purchase at Council's Principal Office;

6.1.3.2. Submissions will be open for a period of at least 21 days (from date of notice).

6.1.4. Council will also implement any other consultation requirements (if any) under the Act.

6.2. In addition to the steps set out in 6.1., in circumstances where Council is conducting consultation in accordance with sections 123(4)(b), 151(7)(a)(b) and 156(14d)(a)(b) of the Act, a public meeting will be held in relation to the matter.

6.3. At the conclusion of the submissions period, Council will collate and analyse all submissions to the extent necessary (determined on a case-by-case basis) and prepare a Consultation Report to be presented at a Council Meeting which:

(a) Summarises the consultation process and outcome (including broader context of matter under consideration); and

(b) Makes a recommendation for Council Members to consider when determining the matter.

6.4. Council Members will then consider the report, the recommendation and make a decision.<sup>24</sup>

6.5. Following such decision, the outcome will be communicated to the community on Council's website.

<sup>22</sup> Along with any other requirements under the Act.

<sup>23</sup> The plan may be informed or guided by the Local Government Association SA's Community Engagement Handbook; refer to section 8 of this policy.

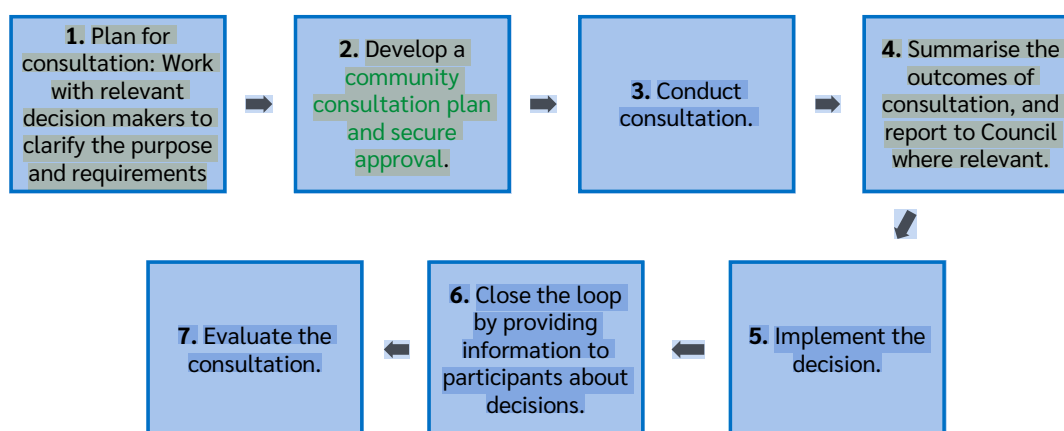
<sup>24</sup> The community can request to address Council by way of deputation in support of any submissions. Refer to the **Code of Practice – Meeting procedures and documentation** for more information on deputations.

## 7. Consultation Steps–Type C Matters

- 7.1. Council may, on a case-by-case basis, determine to undertake consultation for other decisions, activities and processes where there is no legislative requirement to undertake public consultation. Undertaking consultation in these circumstances is at the Council's, or the CEO's, absolute discretion. When Council elects to consult beyond the minimum statutory requirements, Council staff will approach and undertake consultation in a manner that is consistent with the purpose of this Policy.
- 7.2. Council will (as a minimum) consult with the community on Type C Matters as set out below:<sup>25</sup>
- 7.2.1. Prepare a document outlining the proposed community consultation plan.<sup>26</sup>
- 7.2.2. A proposed community consultation plan will be obtained by line manager, CEO or by resolution in a Council Meeting (Council Members can request a summary of the community engagement plan be presented at a Council Meeting).
- 7.2.3. Consultation will then be conducted in accordance with the community consultation plan.
- 7.2.4. At the conclusion of the submissions period, Council will collate and analyse all submissions to the extent necessary (determined on a case-by-case basis) and prepare a report which:
- 7.2.4.1. Summarises the consultation process and outcome (including broader context of matter under consideration); and
- 7.2.4.2. Makes a recommendation for Council Members CEO or body with delegated authority to consider when determining the matter and making a decision.

## 8. Consultation plan

- 8.1. A consultation plan will identify, at a minimum:
- (a) Purpose and objectives for consultation;
  - (b) Legislative requirements;
  - (c) Parameters: what is negotiable and non-negotiable;
  - (d) Key stakeholders and their level of influence or impact;
  - (e) Timeframes;
  - (f) Consultation methods; and
  - (g) Risk assessment
- 8.2. The following flowchart outlines the general consultation steps:



<sup>25</sup> Along with any other requirements under the Act.

<sup>26</sup> The plan may be informed or guided by the Local Government Association SA's Community Engagement Handbook.

## 9. References

*Local Government Act 1999*

## 10. Records management

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

## 11. Document review

This policy will be reviewed<sup>27</sup> in accordance with Council's *Policy Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

## 12. Further information

### Public Access:

Members of the public may inspect this policy (or any other related documents) free of charge at:

Council's website: [www.apc.sa.gov.au](http://www.apc.sa.gov.au); <sup>27</sup>

Council's Principal Office: **2a Wasleys Rd, Mallala SA 5502.**

*A copy of this policy may be obtained on payment of a fee.*<sup>27</sup>

### Queries:

Any queries in relation to this policy must be in writing to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au), marked:

*Attention: Manager Governance* <sup>27</sup>

<sup>27</sup> As outlined in Council's *Fees & Charges Schedule*.






#### 14.4 POLICY REVIEW - COMMUNITY REQUESTS, COMPLAINTS & FEEDBACK

Record Number: D24/11265

Author: Manager Governance

Authoriser: Acting Director Corporate Services

Attachments:

1. Requests for Service Policy (Current) [↓](#) 
2. Complaints Handling Policy (Current) [↓](#) 
3. Internal Review of Decision Policy (Current) [↓](#) 
4. DRAFT - Community Requests Complaints & Feedback Policy [↓](#) 
5. DRAFT - Community Requests, Complaints & Feedback Procedures [↓](#) 

##### EXECUTIVE SUMMARY

- Council's current *Request for Service Policy* and *Complaints Handling Policy* were last reviewed in 2018. Council's current *Internal Review of Council Decision Policy* was last reviewed in 2022.
- As Council now has a dedicated governance team, Council are currently undertaking a thorough review of all Council policies. Each "new" policy will include the adoption of the new template, and will be "revision 1". Thus, the current policies are recommended to be revoked, and a new policy adopted.
- Council's new approach to policies intends to make them a "user friendly" resource, and simplify the information provided in Council's policies. Additionally, the new approach intends to reduce the amount of repetition throughout Council documents, and the inclusion of "procedures" in policies.
- This policy (and related procedures) is required under section 270 of the *Local Government Act 1999*.
- It is recommended Council conduct public consultation, in accordance with its Public Consultation Policy, as this policy will directly affect the way in which Council communicates and interacts with the community.
- It is additionally recommended Council, after the conclusion of public consultation on this policy, revoke the current *Request for Service Policy*, *Complaints Handling Policy* and *Internal Review of Council Decision Policy* and adopt a combined *Community Requests, Complaints & Feedback Policy*. This policy will be brought back to Council after the conclusion of consultation for adoption.
- Further, in line with Council's approach to reducing inclusion of "procedure" in policies, Council should note a Requests for Service Procedure, Complaints & Feedback Procedure and Internal Review of Decision Procedure have been created, and will be brought to Council following public consultation, for adoption, given the impact these processes will have on the community. These procedures are ordinarily internal documents, used by employees, which will be made available on Council's website, for transparency and accountability to the community of Council's processes.
- Given the substantial changes to this policy "mark-up"/"track-changes" are unavailable. The current policies (**Attachment 1, 2 & 3**) and the proposed draft Community Requests, Complaints & Feedback Policy (**Attachment 4**) has been attached, alongside the relevant procedures (which will ordinary be separate documents but for the purpose of Councils information prior to consultation have been combined into **Attachment 5**).

**RECOMMENDATION 1**

**“that Council, having considered Item 14.4 – *Policy Review - Community Requests, Complaints & Feedback*, dated 25 March 2024, receives and notes the report and in doing so endorses the draft *Community Requests, Complaints & Feedback Policy* for consultation, presented as Attachment 4 to this report.**

**RECOMMENDATION 2**

**“that Council, having considered Item 14.4 – *Policy Review - Community Requests, Complaints & Feedback*, dated 25 March 2024, receives and notes the report and in doing so:**

- 1. endorses the draft *Community Requests, Complaints & Feedback Policy* for consultation, presented as Attachment 4 to this report, with the following amendments:**
  - (a) ...; and**
- 2. authorises the Chief Executive Officer to make any necessary final amendments to the document before undertaking consultation.**

**BUDGET IMPACT**

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

**RISK ASSESSMENT**

This policy is required under section 270 of the *Local Government Act 1999*. The endorsement of this policy will assist the community in understanding Council’s position and processes in relation to receiving, processing, managing, considering and determining community requests, complaints and feedback, and also ensure Council remain compliant with the legislative requirements.

## DETAILED REPORT

### Purpose

The purpose of this report is to consider the proposed draft *Community Requests, Complaints & Feedback Policy*.

### Background

As Council now has a dedicated governance team, Council are currently undertaking a thorough review of all Council policies. Each “new” policy will include the adoption of the new template, and will be “revision 1”. Thus, the current policies are recommended to be revoked, and a new policy adopted. Council’s new approach to policies intends to make them a “user friendly” resource, and simplify the information provided in Council’s policies. Additionally, the new approach intends to reduce the amount of repetition throughout Council documents, and the inclusion of “procedures” in policies.

This policy (and related procedures) is required under section 270 of the *Local Government Act 1999*.

### Discussion

This policy intends to combine Council’s current *Request for Service Policy*, *Complaints Handling Policy* and *Internal Review of Council Decisions Policy* to simplify Council’s process, and provide clear direction for the community on Council’s approach to these matters, in an easy, accessible way. When combined with the procedures, which will be presented to Council following public consultation, will be highlight transparent and accountable decision-making by Council.

A major change to Council’s process will be the accepted methods for requests, complaints and feedback, including in-person, phone, email, social media communication, My Local Services App and Council webpage submissions. Snap Send Solve is not a recommended method of submitting requests, complaints or feedback, namely as:

- Snap Send Solve is a third party, external subscription-based application
- Substantial costs to manage; the application cannot be managed effectively without cost
- Currently Council has no way of closing out the request or viewing the full report; access to reports are limited
- No interface with IT environment, Council unable guarantee safety of data/cyber security risks
- Resourcing is limited and application requires manually inputting data into EDRMs system

### Conclusion

To remain compliant with legislation, and ensure Council are continually improving and refining process and remaining transparent and accountable to its decision-making, it is recommended the draft *Community Requests, Complaints & Feedback Policy* is endorsed by Council for public consultation, subject to any preliminary amendments it may wish to make.

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### References

#### Legislation

*Local Government Act 1999*


#### Council Policies/Plans

*Strategic Plan 2020 – 2024 – Proactive Leadership*

*Request for Service Policy*

*Complaints Handling Policy*

*Internal Review of Council Decisions Policy*

 <b>Adelaide Plains Council</b>	<b>Requests for Services Policy</b>	
	<b>Adoption by Council:</b>	2018
	<b>Resolution Number:</b>	2018/309
	<b>Current Version:</b>	V1.0
	<b>Administered by:</b>	<b>Last Review Date:</b> 2018
	Chief Executive Officer	<b>Next Review Date:</b> 2020
<b>DOCUMENT NO:</b> D17/22154	<b>Strategic Outcome:</b>	
	5.3 Customer focused Council services	

## 1. Objective

Local Government delivers an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation. Providing services to the community is a key component of Council's operations and requests for work to be undertaken or a service provided are a daily occurrence.

Adelaide Plains Council is committed to the provision of quality service to customers and aims to provide services fairly and efficiently. It also monitors requests to identify ways in which it can proactively improve its services.

Section 270 of the *Local Government Act 1999* requires Council to develop and maintain a policy about "any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council."

This policy aims to:-

- 1.1 provide guidance on what may constitute a reasonable request for a service or an improvement to a service
- 1.2 distinguish between requests, complaints and feedback to Council and give direction on management of requests
- 1.3 establish a standardized process for assessing and processing requests including the collation of information which can be used to directly inform service improvements

## 2. Scope

The Executive Management Team and Coordinators are responsible for the implementation and monitoring of Council's Request for Service Policy and any associated processes, however responsibilities addressing a specific enquiry or request for service may be delegated to specific employees or external agencies depending on the nature of the enquiry or request.



### 3. Principles Underlying the Policy

This policy is based on five principles, which will be fundamental in the way Council approaches requests for service. They are:-

- 3.1 Fairness: treating customers fairly requires impartiality, confidentiality and transparency at all stages of the process
- 3.2 Accessibility: to be accessible there must be broad public awareness about Council's policy and a range of contact options
- 3.3 Responsiveness: this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems
- 3.4 Efficiency: customer requests will be dealt with as quickly as practical while adhering to this policy
- 3.5 Integration of different areas of Council where the customer request overlaps functional responsibilities

In processing requests for service emphasis will be placed on:-

- Public safety and emergencies
- Fulfilling Council's strategic and business plans
- Using Council resources effectively
- Guidelines and conditions of externally funded programs (e.g. Home and Community Care)

### 4. Definitions

**Act** means to the *Local Government Act 1999 (SA)*.

**Business Day** means a day where Council is normally open for business i.e. Monday to Friday excluding public holidays.

**Council** means Adelaide Plains Council.

**Employee** means a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and a person providing services to, or on behalf of, the Council even though they may be employed by another party.

### 5. What is a Request for Service?

A **Request for Service** is an application to have Council or its representative take some form of action to provide or improve a Council service.

Council also receives complaints and feedback across all areas of operations and clarification may be necessary to make the distinction for the purposes of this policy.

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A **Complaint** is an expression of dissatisfaction with a product or service delivered by the Council or its representative that has failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been, delivered.

Where Council has failed to meet the normal standards for a service which has been, or should have been, delivered the **Complaints Handling Policy** will apply. Where ambiguity exists, Council will deal with a matter as a request for service, rather than a complaint, in the first instance.

**Feedback** can take the form of comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods.

## **6. Policy Statement**

Requests for service will be assessed in the context of the services and work provided for in the Council's annual business plan and budget and according to the conditions of externally funded programs.

## **7. Reasonable Request for Service**

In determining how to respond to a request for service Council will consider:

- An assessment of risk
- Statutory responsibilities
- The content of Council's Strategic Management Plans, Annual Business Plans, annual works program and Annual Budget
- Relevant Council policies and codes
- Established service standards and response times for regular Council activities.

## **8. Processing a Request for Service**

In Council's experience, most requests fit within well established guidelines which will be explained to an applicant at the outset. Council aims to manage requests efficiently and effectively. Employees are provided with a level of authority to advise applicants of the likely timeframe to complete the action required. Where further evaluation is necessary before committing Council to undertake the work the applicant will be informed accordingly. If a request cannot be fulfilled in a reasonable timeframe the applicant will be advised, including an explanation of why this decision was taken.

Where an applicant is not satisfied with the Council's decision, it is open to the applicant to lodge a complaint against the decision under Council's Complaints Handling Policy.

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## **9. Timeframes for Response**

The circumstances of individual requests for service will vary greatly. In the majority of cases requests will be processed promptly and the applicant advised verbally or by return post/email.

Routine requests are often subject to service response standards. For example, the assessment of public safety concerns will occur, where practicable, on the same day as the request is received. Other requests may be best suited to scheduling to coincide with work in a particular suburb or season. Examples of this include tree pruning on Council streets and attention to minor drainage problems. Requests for major works or new services will be referred to Council for consideration as part of the next annual cycle of review and public consultation.

Council staff will respond to all requests within ten (10) business days, advising of Council's intentions in regard to the request.

## **10. Recording Requests for Service**

A person can make application for a service in a number of ways:

- Request for Services Form on Council's website – [www.apc.sa.gov.au](http://www.apc.sa.gov.au)
- Email – [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)
- Letter – PO Box 18, Mallala 5502
- Telephone – (08) 8527 0200
- Visit a Council Office
  - Principal Office - 2a Wasleys Road, Mallala
  - Two Wells Service Centre - 69 Old Port Wakefield Rd, Two Wells
- Petition to Council

All requests will be recorded in Council's records management system in such a way that the information can also be analyzed for service improvement opportunities.

## **11. Rejected Requests**

All rejected requests will be recorded and may be reconsidered at a future date, such as in conjunction with the preparation of an Annual Business Plan and associated budget. Council will receive a report on the number and nature of requests, including the percentage of rejected requests, at least twice a year.

**12. Related Documents**

Customer Service Charter  
Annual Business Plan  
Asset Management Plans  
Complaints Handling Policy  
Complaints Handling Procedure  
Code of Conduct for Council Members  
Human Resource Management Policy  
Internal Review of Council's Decision Policy  
Long Term Financial Plan  
Strategic Plan  
Whistleblowers Policy

**13. Records Management**

All documents relating to this Charter will be registered in Council's Electronic Document and Record Management System (EDRMS) and remain confidential where identified.

**14. Document Review**

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

**15. References**

*Development Act 1993*  
*Freedom of Information Act 1991*  
*Local Government Act 1999*

**16. Further Information**


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

2a Wasleys Rd, Mallala SA 5502

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

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

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	<b>Complaints Handling Policy</b>	
	<b>Adoption by Council:</b>	2018
	<b>Resolution Number:</b>	2018/309
	<b>Current Version:</b>	V1.0
	<b>Administered by:</b>	<b>Last Review Date:</b> 2018
	Chief Executive Officer	<b>Next Review Date:</b> 2020
<b>DOCUMENT NO:</b> D18/27702	<b>Strategic Outcome:</b>	
	5.3 Customer focused Council services	

### 1. Objective

Adelaide Plains Council is committed to providing service excellence and transparency. This is achieved by applying an efficient, consistent, fair and accessible approach to customer service.

Council provides an extensive range of services and infrastructure to the community and discharges obligations under many pieces of legislation.

Council is committed to the provision of quality service to customers and regards complaints as an opportunity to improve practices and procedures as well as resolve the matter. The aim of this policy is to provide a fair, consistent and structured process for Council's customers if they are dissatisfied with a Council action, decision or service. Lessons learnt from complaint investigations will be used to directly inform service improvements.

Emphasis will be placed on resolving complaints as quickly as possible. However where complaints cannot be settled in the first instance Council will ensure that they are dealt with through appropriate, more formal procedures by staff with the authority to make decisions. This procedure is broadly consistent with the Australian Standard for complaint handling.

### 2. Scope

The Executive Management Team and Coordinators are responsible for the implementation and monitoring of Council's Complaints Handling Policy and any associated processes, however responsibilities addressing a specific complaint may be delegated to specific employees or external agencies depending on the nature of the complaint.

### 3. Principles Underlying the Policy

This Policy is based on five principles, which will be fundamental in the way Council approaches complaint handling.

They are:

- 3.1 Fairness: treating complainants fairly requires impartiality, confidentiality and transparency at all stages of the process
- 3.2 Accessibility: to be accessible there must be broad public awareness about Council's policy and a range of contact options
- 3.3 Responsiveness: this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems
- 3.4 Efficiency: complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity
- 3.5 Integration of different areas of Council where the complaint overlaps functional responsibilities.

### 4. Definitions

**Business Day** means a day when the Council is normally open for business i.e. Monday to Friday, excluding public holidays.

**Council** means Adelaide Plains Council.

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

**Employee** means a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and a person providing services to, or on behalf of, the Council even though they may be employed by another party.

### 5. What is a Complaint?

For the purposes of this Policy, a complaint is defined as:

*An expression of dissatisfaction with a product or service delivered by the Council or its representatives that has failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered.*

Council also receives service requests and feedback across all areas of operations and clarification may be necessary to make the distinction for the purposes of this policy.

Complaints which are determined to be about matters that are not Council's responsibility, such as disputes between neighbours, will not be handled under this policy.

A **Request for Service** is an application to have Council or its representative take some form of action to provide a Council service. Refer to **Request for Service Policy** for further information.

**Feedback** can take the form of comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods.

Where Council has failed to meet the normal standards for a service which has been, or should have been, delivered this Policy and the associated procedures apply.

## **6. Council's Commitment to Complaint Handling**

Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right.

This policy will be made widely accessible to ensure that customers are fully aware of their right to complain. Information about how to lodge a complaint will be placed in a prominent position on Council's website.

Except for minor level 1 responses (See paragraph 9 - Procedures for Resolving Complaints below), Council will try to ensure that, whenever possible, complaints will be handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

A person can make a complaint in a number of ways:

- Complaint Form on Council's website – [www.apc.sa.gov.au](http://www.apc.sa.gov.au)
- Email – [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)
- Letter – PO Box 18, Mallala 5502
- Telephone – (08) 8527 0200
- Visit a Council Office
  - Principal Office - 2a Wasleys Road, Mallala
  - Two Wells Service Centre - 69 Old Port Wakefield Rd, Two Wells

All complaints will be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.

Employees will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.

## **7. Seven Steps of the Complaint Handling Process**

The following steps will be followed by employees to ensure complaints are dealt with efficiently and effectively:

- 7.1 Acknowledge complaints promptly
- 7.2 Assess the complaint - simple problems may not need to be investigated
- 7.3 Plan the investigation where one is warranted
- 7.4 Investigate the complaint
- 7.5 Respond to the complainant with a clear decision
- 7.6 Follow up any customer service concerns
- 7.7 Consider whether there are systemic issues which need correction.

## **8. Timeframes for Response**

Where a complaint cannot be resolved immediately the complainant will be advised of the process to be undertaken. Council will respond within four (4) business days, acknowledging receipt of the complaint and, where possible, resolving it at that time. If a resolution is not possible at that time, the complainant will be kept regularly informed of progress, either by email, letter or personal contact.

## **9. Procedures for Resolving Complaints**

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, but if necessary officers will escalate complaint handling as set out below.

The complaints procedure consists of a three tiered scheme.

### *1. Immediate response to resolve the complaint*

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

### *2. Complaint escalated to a more senior officer*

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision



to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

### *3. Internal review of a Council decision by statutory process*

Internal review of a Council decision is available under section 270 of the *Local Government Act 1999* [see *Internal Review of Council Decisions Procedure*]. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.

Council's Complaints Handling Procedure is available for viewing on the APC website ([www.apc.sa.gov.au](http://www.apc.sa.gov.au)).

While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time. Note however that as a general rule, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

#### Alternative Procedures

There are also other complaint procedures which apply to particular types of complaints. If the complaint would be more properly dealt with by another process this will be explained to the complainant at the outset. For example:

- Complaints against a Councillor or the Chief Executive Officer
- Freedom of Information applications
- Insurance claims
- Decisions made under legislation other than the *Local Government Act 1999*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*.

In some instances, it may be appropriate to consider mediation, conciliation or neutral evaluation under the Council's scheme authorised by section 271 of the *Local Government Act*. Costs and expenses of the appointment and work of a mediator, conciliator or evaluator will be shared equally between the Council and the other party.

### **10. Unreasonable Complainant Conduct**

All complaints received by Council will be treated seriously and complainants will be treated courteously. However, occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behaviour. What can be termed 'unreasonable' will vary

depending on a number of factors and Council aims to manage these situations in a fair and equitable manner.

Where a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be warned that, if the specified behaviour(s) or actions continue, restrictions may be applied.

Council acknowledges that the process of making a complaint can be stressful and/or emotional for a complainant. Despite this, employees are not expected to tolerate threatening, abusive or otherwise inappropriate behaviour in any form. When faced with a situation where an employee considers a complainant's behaviour to be threatening, abusive or otherwise inappropriate, an employee may:

- Identify the behaviour and request that the behaviour stops
- Advise their manager immediately and where required contact Police
- Remove themselves from the situation and/or cease a telephone conversation

Where an employee is required to take action in these instances they will be required to report the incident to their manager and complete an incident report.

Any decision to suspend action on a complaint will be made by the Chief Executive Officer or his/her delegate and communicated in writing to the complainant.

#### **11. Using Complaints to Improve Service**

Quality of service is an important measure of Council's effectiveness. Learning from complaints is a powerful way of helping to develop the Council and increase trust among the people who use our services.

In addition to making changes to procedures and practices where appropriate, Council will review and evaluate the information gained through its complaints handling system on an annual basis to identify systemic issues and improvements to service. Council will receive a report on the number and nature of complaints received, including the percentage of unresolved complaints, at least once a year.

Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

#### **12. Privacy and Confidentiality**

Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint will not be revealed or made public by the Council, except where required by law.

All complaints lodged with Council are subject to the *Freedom of Information Act 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.

**13. Remedies**

Where complaints are found to be justified Council will, where practicable, remedy the situation in a manner which is consistent and fair for both Council and complainants. The solution chosen will be proportionate and appropriate to the circumstances.

As a general principle the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

Compensation will only be offered in cases where the loss or suffering is considered substantial. The Elected Council and the CEO are the only representatives authorised to offer financial compensation and may consult with the Local Government Association Mutual Liability Scheme before taking any such action.

**14. Alternative Remedies**

Council may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the CEO or his/her delegate deems such a course of action appropriate and the complainant is amenable to that process.

When advising a complainant of the outcome of an investigation of a complaint, Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the SA Ombudsman.

**15. Related Documents**

Complaints Handling Procedure

Requests for Services Policy

Internal Review of Council's Decision Policy and Procedure

Whistleblowers Policy

**16. Records Management**

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

**17. Document Review**

This Policy will be reviewed every two (2) years, including within six (6) months following a Council general election.

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**18. Further Information**


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

2a Wasleys Rd, Mallala SA 5502

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

Any queries in relation to this Policy must be in writing and directed to the General Manager

- Governance and Communications.

 <b>Adelaide Plains Council</b>	<b>Internal Review of Council Decisions Policy</b>	
	<b>Version Adoption by Council:</b> 22 August 2022 <b>Resolution Number:</b> 2022/283 <b>Current Version:</b> V4	
	<b>Administered by:</b> General Manager - Governance and Executive Office	<b>Last Review Date:</b> 2022 <b>Next Review Date:</b> 2024
<b>Document No:</b> D22/41559	<b>Strategic Outcome:</b> Proactive Leadership	

## 1. Objective

Adelaide Plains Council (Council), which includes its committees, employees and contractors, make decisions every day which impact on members of the community. It is imperative that these decisions are fair, objective and subject to review.

Council is committed to open, responsive and accountable government. This includes providing processes by which those who believe they have been adversely affected by a Council decision can have their complaints considered.

The purpose of this Policy and Council's *Internal Review of Council Decisions Procedure* (the Procedure), both of which are available for inspection on Council's website, is to:-

- provide guidelines for how Council will deal with formal requests for internal reviews of Council decisions; and
- ensure a fair, consistent and structured process for any review of a decision which has been made by Council.

## 2. Policy Statement

Section 270 of the *Local Government Act 1999* (the Local Government Act) requires Council to maintain "policies, practices and procedures" for dealing with requests for service and complaints including a procedure about "the review of decisions of:

- the council;
- employees of the council;
- other persons acting on behalf of the council."

Council has a **three tier process** for managing customer complaints, as set out below, which includes immediate, informal resolution as well as established processes for review by senior staff.

**Note:** Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.  
Before using a printed copy, verify that it is the current version.

1

***Tier 1 – Immediate response to resolve the complaint***

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

***Tier 2 – Complaint escalated to a more senior officer***

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

***Tier 3 – Internal review of a Council decision by statutory process***

Internal review of a Council decision is available under Section 270 of the Local Government Act. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.

**3. Scope****3.1 Application of the Policy and the Procedure**

This Policy and the Procedure apply when:-

- Tier 1 & 2 of the complaint handling process has already been undertaken and the issue of concern has not been resolved; or
- An Internal Review of Council Decision Application is received in accordance with the Procedure and the issue of concern cannot be resolved satisfactorily by alternate means.

**3.2 Matters outside the scope of the Policy and the Procedure**

Some decisions made by Council, its employees or on behalf of Council are subject to other review or appeal processes set out in legislation. This Policy cannot override or operate inconsistently with those legislative processes.

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Where legislation provides for the review of, or appeal from, a type of decision, a decision of that type will not be reviewed under this Policy.

Examples include:-

- objections to valuations made by a Council and appeals against orders made pursuant to section 254 of the Local Government Act;
- appeals against the issuing of litter abatement notices under the *Local Nuisance and Litter Control Act 2016*; appeals against destruction and control orders issued under the *Dog and Cat Management Act 1995*;
- review of an expiation notice under the Expiation of Offences Act 1996; and
- external review process under the *Development Act 1993* and the *Freedom of Information Act 1991*.

While Council prefers to work with its customers to resolve requests for review quickly and effectively, an applicant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time. It is, however, noted that as a general rule, the Ombudsman prefers that matters be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

#### **4. Council's Commitment**

Council, its committees, staff and contractors make decisions every day which impact on members of the community. It is imperative that these decisions are fair, objective and subject to review.

Everyone will be treated equally, in accordance with good administrative practice. This Policy and the Procedure are designed to ensure that:-

- Every applicant has the opportunity to make an application for review of a decision covered by this procedure;
- An unbiased assessment is undertaken;
- Decisions are based on sound evidence; and
- Applicants receive information about the outcome of the review.

## 5. Definitions

**Applicant** is the party lodging the request for review. Examples include residents, ratepayers, members of a community group, users of the Adelaide Plains Council facilities and visitors to the area.

**Council** refers to the Adelaide Plains Council.

**Decision** is a position adopted by the Adelaide Plains Council or its employees. It will generally be a judgement reached after consideration of relevant information.

**Employee** includes a person employed directly by the Adelaide Plains Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party.

**The Procedure** refers to Council's *Internal Review of Council Decisions Procedure*, available on Council's website.

## 6. Key Principles

This Policy and the Procedure are based on five principles, which are fundamental in the way Council approaches requests for service, complaint handling and reviews of decisions. They are:-

- Fair treatment: which requires impartiality, confidentiality and transparency at all stages of the process;
- Accessibility: to be accessible there must be broad public awareness about Council's policies and procedures and a range of contact options;
- Responsiveness: this will be achieved by providing sufficient resources, well trained staff and ongoing review and improvement of the systems;
- Efficiency: requests and complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity;
- Integration of different areas of Council where the matter under review overlaps functional responsibilities.

## 7. Specific Provisions - Relating to Rates and/or Service Charges

In accordance with section 270 (2)(ca) of the Local Government Act, if applications for review relate to the impact that any declaration of rates or service charges may have had on ratepayers then such applications, will be dealt with promptly and if appropriate, addressed through the provision of relief or concessions under the Local Government Act.

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Residential land owners experiencing financial hardship relating to water and sewerage services to remain connected to a retail service may be eligible for assistance under Council's *Water and Sewerage Services Hardship Policy*.

## **8. Record Keeping**

All documents, notes, photographs and correspondence must be retained and stored in accordance with Council's Records Management protocols as required by section 125 of the Local Government Act.

All applications must be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

## **9. Reporting**

Administration will maintain a record/register of all applications for review received (and their outcomes) during each financial year, and provide a report on use of the Internal Review of Council Decisions process in Council's Annual Report, in accordance with section 270(8) of the Local Government Act.

The reporting will outline:

- The number of requests for review received in the relevant financial year;
- The matters to which the applications relate;
- The outcome of the subsequent reviews; and
- Any other matter prescribed by Regulation.

## **10. Related Documents**

Application for Internal Review of a Council Decision

Annual Report

Customer Service Charter

Complaints Handling Policy

Internal Review of Council Decisions Procedure

Requests for Services Policy

## **11. Records Management**

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

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Before using a printed copy, verify that it is the current version.

**12. Document Review**

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

**13. References**

*Development Act 1993*

*Freedom of Information Act 1991*

*Internal Review of Council Decisions Procedure*

*Local Government Act 1999*

**14. Further Information**

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

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## Community Requests, Complaints & Feedback Policy

As required by section 270 of the Act

Adoption by Council:	DD Month YYYY
Resolution number:	YYYY/###
Current version:	1
Administered by:	Director Corporate Services
Last review date:	2024
Next review date:	2026
Document number:	D23/44412
Strategic outcomes:	Proactive Leadership
Related documents:	Requests for Service Procedure Complaints & Feedback Procedure Internal Review of Decision Procedure

### Contents

1. Purpose	2
2. Scope	2
3. Definitions	2
4. Council's Core Values	3
5. Requests for Service	3
6. Feedback	4
7. Complaint Process	4
7.1. Complaints	4
7.2. Internal Review of Decision	5
8. References	5
9. Records management	5
10. Document review	5
11. Further information	6

## 1. Purpose

- 1.1. The purpose of this policy is to comply with Council's legislative requirements,<sup>1</sup> and provide guidance on timely, fair and transparent management of reasonable requests for service, complaints, feedback and review of decisions by Council.
- 1.2. Interacting with, and providing services to, the community is a key component of Council operations.<sup>2</sup> Council encourages community feedback (both positive and negative) to assist in the constant improvement of Council's services and operations.

## 2. Scope

- 2.1. This policy applies to all employees who may be involved in receiving, processing, managing, considering or determining reasonable requests for service, complaints, feedback and review of decisions in the course of their official functions and duties. Council Members who may receive such requests, complaints, feedback and review of decisions from the community must refer to the appropriate employee to process, manage, consider and determine.
- 2.2. This policy does not apply to other Council processes or matters outside Council's jurisdiction. Such requests, complaints, feedback and review of decisions from the community will be redirected where applicable.

## 3. Definitions

- 3.1. **Act** means *Local Government Act 1999*;
- 3.1. **business day** means a day that is not a Saturday, a Sunday or a public holiday;
- 3.1. **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area (may also be referred to as a stakeholder);
- 3.2. **complainant** means the person making the complaint;
- 3.2. **complaint** means an expression of dissatisfaction with a product or service delivered by Council, or its representative, that has failed to reach the standard stated, implied or expected;
- 3.3. **Council** means Adelaide Plains Council;
- 3.4. **Council Member** means a member of Council elected in accordance with the Act;
- 3.5. **Customer Request Management System (CRMS)** means the system used to manage workflow and processes for community requests for service across Council;
- 3.6. **Electronic Document and Records Management System (EDRMS)** means a system used to manage records across Council;
- 3.7. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;
- 3.8. **feedback** means comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods;
- 3.9. **request for service** means an application to have Council or its representatives take some form of action to provide or improve a Council Service;
- 3.10. **review of decision** means a process in which Council can reconsider/review the decision-making process and all the evidence relied on to make a decision, including new evidence if relevant;
- 3.11. **unreasonable** means an idea, attitude or action that is not guided by, or based upon, reason, good sense or sound judgment. Unreasonable behaviour that is frivolous, vexatious, misconceived, lacking in substance or has no reasonable prospect of success will not be considered by Council.

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<sup>1</sup> Section 270 of the Act.

<sup>2</sup> Section 6(b) and 8 of the Act.

#### 4. Council's Core Values

Our approach to interacting with the community is underpinned by Council's core values:

 <b>Honesty and Integrity</b>	 <b>Innovative and Open-minded</b>	 <b>Leadership and Diplomacy</b>	 <b>Professionalism</b>	 <b>Respect</b>	 <b>Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

#### 5. Requests for Service<sup>3</sup>

5.1. Council can receive requests for service from the community in the following ways:

- (a) Council Members;<sup>4</sup>
- (b) *Request for Service Form* on Council's website—[www.apc.sa.gov.au](http://www.apc.sa.gov.au);
- (c) Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au);
- (d) Telephone: (08) 8527 0200;
- (e) Mail: PO Box 18, Mallala SA 5502;
- (f) In Person:
  - Principal Office—2a Wasley Road, Mallala SA 5002;
  - Two Wells Service Centre—69 Old Port Wakefield Road, Two Wells SA 5501;
- (g) Petition to Council;
- (h) My Local Services application; and
- (i) Social Media communication.<sup>5</sup>

Council will not accept other third party or subscription-based applications, including Snap Send Solve for request for service.

- 5.2. For most requests for service; contact names, addresses or phone numbers are required.<sup>6</sup> Council may not accept or investigate anonymous requests for service; our ability to process such requests depends on the nature of the information provided and the severity of the situation or the service requested.
- 5.3. Council will, within 2 business days, *acknowledge* receipt of the request in writing, and include a CRMS reference number, excluding anonymous requests.<sup>7</sup>
- 5.4. Council will provide an update on all requests for service, excluding anonymous requests, (if required) within 10 business days, advising of Council's *intentions* with regard to the request.
- 5.5. In determining how to respond to a request for service, Council will consider: Council's Strategic Management Plans, Asset Plans, Annual Budget, Business Plan, the resources required, associated risk, and any legislative obligations.

<sup>3</sup> Refer to Council's *Requests for Service Procedure* for more information.

<sup>4</sup> Council Members must forward all written requests for service to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au) for the requests to be created within EDRMS, and be assigned to an actioning officer. Verbal requests received by Council Members should be discussed with the CEO (or nominated delegate) for further action.

<sup>5</sup> Refer to Council's *Social Media Policy* for more information.

<sup>6</sup> Council's *Information Management Policy* and *Privacy Policy* provides further information on how we collect, use and store personal information.

<sup>7</sup> If there are extenuating circumstances that prevent the acknowledgement of receipt within that time, the actioning officer will acknowledge receipt as soon as possible and include an explanation of why the acknowledgement was not sent within the time frame.

## 6. Feedback<sup>8</sup>

6.1. Council can receive feedback from the community in the following ways:

- (a) Council Members;<sup>9</sup>
- (b) *Complaints & Feedback Form* on Council's website: [www.apc.sa.gov.au](http://www.apc.sa.gov.au);
- (c) Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au);
- (d) Telephone: (08) 8527 0200;
- (e) Mail: PO Box 18, Mallala SA 5502;
- (f) In Person:
  - Principal Office–2a Wasley Road, Mallala SA 5502;
  - Two Wells Service Centre–69 Old Port Wakefield Road, Two Wells SA 5501;
- (g) Petition to Council;
- (h) My Local Services application; and
- (i) Social Media communication.<sup>10</sup>

Council will not accept other third party or subscription-based applications, including Snap Send Solve for feedback.

6.2. Council will, within 2 business days, *acknowledge* receipt of feedback in writing, excluding anonymous feedback.<sup>11</sup>

6.3. At intervals determined by feedback received, the data on such feedback may be reported to Council's Executive Management Team to ensure that needs of the community are identified and considered.

## 7. Complaint Process

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible, complaints will be resolved when first reported, but, if necessary, will be escalated as necessary:

- (a) Immediate response to resolve the complaint;
- (b) Complaint escalated to a more senior employee;<sup>12</sup>
- (c) Internal review of a Council decision by statutory process.

### 7.1. Complaints<sup>13</sup>

7.1.1. Council can receive complaints from the community in the following ways:

- (a) Council Members;<sup>14</sup>
- (b) *Complaints & Feedback Form* on Council's website – [www.apc.sa.gov.au](http://www.apc.sa.gov.au);
- (c) Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au);
- (d) Telephone: (08) 8527 0200;
- (e) Mail: PO Box 18, Mallala SA 5502;
- (f) In Person:
  - Principal Office–2a Wasley Road, Mallala SA 5502;
  - Two Wells Service Centre–69 Old Port Wakefield Road, Two Wells SA 5501;
- (g) Petition to Council;
- (h) My Local Services application; and
- (i) Social Media communication.<sup>15</sup>

<sup>8</sup> Refer to Council's *Complaints & Feedback Procedure* for more information.

<sup>9</sup> Council Members refer to footnote 4 for action upon receiving feedback.

<sup>10</sup> Refer to Council's *Social Media Policy* for more information.

<sup>11</sup> Refer to footnote 7.

<sup>12</sup> This may occur, for example, where an employee has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

<sup>13</sup> Refer to Council's *Complaints & Feedback Procedure* for more information.

<sup>14</sup> Council Members refer to footnote 4 for action upon receiving complaints.

<sup>15</sup> Refer to Council's *Social Media Policy* for more information.

Council will not accept other third party or subscription-based applications, including Snap Send Solve for complaints.

- 7.1.2. Council will, within 2 business days, *acknowledge* receipt of a complaint in writing, and include a CRMS reference number, excluding anonymous complaints.<sup>16</sup>
- 7.1.3. In determining how to respond to a complaint, Council will consider: Council's Strategic Management Plans, Asset Plans and Annual Budget and Business Plan; the resources required; associated risk; and legislative obligations.
- 7.1.4. Council will provide an update to a complainant, excluding anonymous complainants, (if required) within 10 business days, advising of Council's *intentions* with regard to the complaint.
- 7.1.5. When advising a complainant of the outcome of an investigation of a complaint (if required), Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency.
- 7.1.6. Council will treat all complaints received seriously and endeavor to be consistent, fair, and amicable in facilitating an outcome to community complaints. Outcomes will be proportionate and appropriate to the circumstances and will be determined in accordance with Council's supporting processes. If Council deems a complainant's conduct is unreasonable, Council may limit or cease communication and take reasonable action as required.

## 7.2. Internal Review of Decision<sup>17</sup>

- 7.2.1. Where Council is unable to satisfactorily address a complaint, a complainant may exercise their right to request an internal review of Council's decision. This process is established by legislation and enables Council to reconsider a decision made. It is generally a *last resort* in the complaint process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.
- 7.2.2. Council is unable to accept or investigate anonymous requests for review of decision.
- 7.2.3. Council will within 2 business days, *acknowledge* receipt of the application for review of decision in writing.
- 7.2.4. Council will ensure that a review of decision is completed within 21 business days. However, in some circumstances, the review process may take longer than 21 business days, applicants will be notified if this is the case.

## 8. References

*Local Government Act 1999*

## 9. Records management

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

## 10. Document review

This policy will be reviewed in accordance with Council's *Policy Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

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<sup>16</sup> Refer to footnote 7.

<sup>17</sup> Refer to Council's *Review of Decision Procedure* for more information.

## 11. Further information

<b>Public Access:</b>	Members of the public may inspect this policy (or any other related documents) free of charge at: Council's website: <b><a href="http://www.apc.sa.gov.au">www.apc.sa.gov.au</a></b> ; or Council's Principal Office: <b>2a Wasleys Rd, Mallala SA 5502</b> . <i>A copy of this policy may be obtained on payment of a fee.<sup>18</sup></i>
<b>Queries:</b>	Any queries in relation to this policy must be in writing to <a href="mailto:info@apc.sa.gov.au">info@apc.sa.gov.au</a> , marked: <i>Attention: Manager Governance</i>

<sup>18</sup> As outlined in Council's *Fees & Charges Schedule*.





**Adelaide  
Plains  
Council**

**Principal Office**  
2a Wasleys Road  
PO Box 18  
Mallala SA 5502

**P** 08 8527 0200  
**E** [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)

## Procedure

# Requests for Service

As required under section 270 of the Act

DRAFT

[apc.sa.gov.au](http://apc.sa.gov.au)

## Requests for Service Procedure

As required under section 270 of the Act

<b>Current version:</b>	1
<b>Administered by:</b>	Director Corporate Services
<b>Last review date:</b>	2024
<b>Next review date:</b>	2026
<b>Document number:</b>	D24/695
<b>Strategic outcomes:</b>	Proactive Leadership

<b>Related documents:</b>	Community Requests, Complaints & Feedback Policy Complaints & Feedback Procedure Internal Review of Decision Procedure
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### Contents

1	Purpose .....	3
2	Scope .....	3
3	Definitions .....	3
4	Council's Core Values .....	4
5	Process for Request for Service .....	4
5.1	Making a request for service .....	4
5.2	Registering a request .....	5
5.3	Acknowledgement of receipt .....	5
5.4	Assessing a request .....	5
5.5	Notification of outcome .....	5
6	Complex requests .....	6
7	Service improvement .....	6
8	References .....	6
9	Records management .....	6
10	Document review .....	6
11	Further information .....	6

## 1. Purpose

- 1.1. This procedure is to be read in conjunction with the **Community Requests, Complaints & Feedback Policy** to ensure requests for service, as a key component of Council's operations, are managed timely, fairly and transparently.<sup>1</sup>

## 2. Scope

- 2.1 This procedure applies once a request for service is received by Council.
- 2.2 This procedure applies to all employees who may be involved in receiving, processing, managing, considering or determining reasonable requests for service in the course of their official functions and duties.<sup>2</sup> Council Members who may receive such requests, complaints, feedback and review of decisions from the community must refer to the appropriate employee to process, manage, consider and determine.
- 2.3 This procedure does not apply to other Council processes or matters outside Council's jurisdiction. Requests for service will be redirected where applicable.

## 3. Definitions

- 3.1 **Act** means *Local Government Act 1999*;
- 3.2 **actioning officer** means the officer assigned responsibility within CRMS to the work area, to process the request;
- 3.3 **business day** means a day that is not a Saturday, a Sunday or a public holiday;
- 3.4 **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area (may also be referred to as a stakeholder);
- 3.5 **CEO** means Chief Executive Officer of Council;
- 3.6 **Council** means Adelaide Plains Council;
- 3.7 **Council Member** means a member of Council elected in accordance with the Act;
- 3.8 **Customer Request Management System (CRMS)** means the system used to manage workflow and processes for community requests for service across Council;
- 3.9 **Electronic Document and Records Management System (EDRMS)** means a system used to manage records across Council;
- 3.10 **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;
- 3.11 **request for service** means an application to have Council or its representatives take some form of action to provide or improve a Council Service.

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<sup>1</sup> Section 270 of the Act.

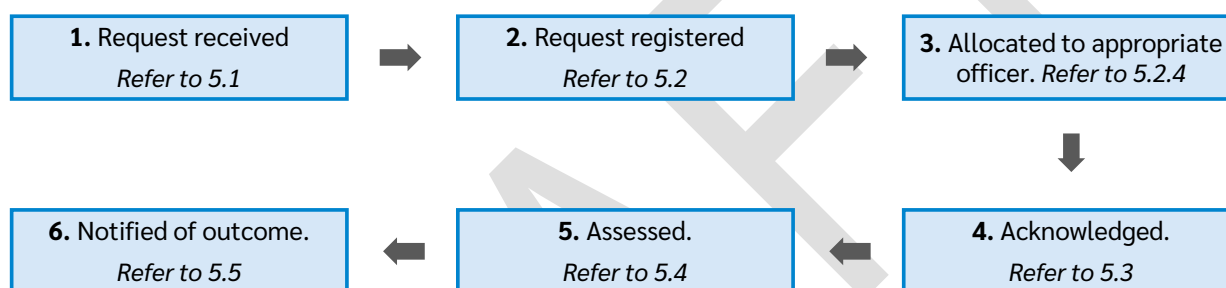
<sup>2</sup> Employees whose role does not include receiving requests/do not have access to CRMS, must forward/direct such requests to Council's Customer Service Team.

## 4. Council's Core Values

Our approach to processing requests for service is underpinned by Council's core values:

 <b>1.2. Honesty and Integrity</b>	 <b>1.4. Innovative and Open-minded</b>	 <b>1.6. Leadership and Diplomacy</b>	 <b>1.8. Professionalism</b>	 <b>1.10. Respect</b> <b>1.11. Respect</b>	 <b>1.12. Teamwork</b> <b>1.13. Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	1.16. By acting strategically and effectively managing our relationships.	1.17. Through commitment, quality and timeliness of work delivered.	1.18. For others, acting with humility and empathy.	1.19. Through unity, cooperation and support.

## 5. Process for Request for Service



### 5.1 Making a request for service

5.1.1. Council can receive requests for service from the community in the following ways:

- Council Members;<sup>3</sup>
- Request for Service Form* on Council's website—[www.apc.sa.gov.au](http://www.apc.sa.gov.au);
- Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au);
- Telephone: (08) 8527 0200;
- Mail: PO Box 18, Mallala SA 5502;
- In Person:
  - Principal Office—2a Wasley Road, Mallala SA 5502;
  - Two Wells Service Centre—69 Old Port Wakefield Road, Two Wells SA 5501;
- Petition to Council;
- My Local Services application<sup>4</sup>; and
- Social media communication.<sup>5</sup>

<sup>3</sup> Council Members must forward all written requests for service to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au) for the requests to be created within EDRMS, and be assigned to an actioning officer. Verbal requests received by Council Members should be discussed with the CEO (or nominated delegate) for further action.

<sup>4</sup> My Local Services application is developed and maintained by the Local Government Association South Australia. Other third party or subscription-based applications, including Snap Send Solve will not be an accepted method of making a request for service, complaint or feedback.

<sup>5</sup> Refer to Council's **Social Media Policy** for more information.

## 5.2 Registering a request<sup>6</sup>

- 5.2.1 All requests for service must be recorded in CRMS.<sup>7</sup> However, if the request is received via: (b) *Request for Service Form*, (c) Email or (e) Mail, the request for service is to be recorded in EDRMS and actioned in CRMS.<sup>8</sup>
- 5.2.2 When a request is registered into CRMS, the following details must be included:<sup>9</sup>
- (a) date and time of call, email or other correspondence as outlined in item 5.1.1;
  - (b) name of the employee who recorded the request;
  - (c) community member name, address and contact details (phone and/or email);
  - (d) comprehensive information about the nature of the request;
  - (e) whether the community member wishes to be advised of the outcome of the request;
  - (f) any documents, notes, photographs, correspondence or other information provided by the community member to help support their request.
- 5.2.3 Council may not accept or investigate anonymous requests for service; our ability to process such requests depends on the nature of the information provided and the severity of the situation or the service requested.
- 5.2.4 The request will then be allocated to the appropriate actioning officer and prioritised appropriately.

## 5.3 Acknowledgement of receipt

- 5.3.1. Council will, within 2 business days, *acknowledge* receipt of the request in writing, and include a CRMS reference number, excluding anonymous requests.<sup>10</sup>

## 5.4 Assessing a request

- 5.4.1 The circumstances of individual requests for service will vary greatly. Each request must be assessed at the first instance to determine how Council will action the request. This process will vary depending on the nature of the request for service.
- 5.4.2 In determining how to respond to a request for service, Council will consider: Council's Strategic Management Plans, Asset Plans, Annual Budget, Business Plan, the resources required, associated risk, and any legislative obligations.

## 5.5 Notification of outcome

- 5.5.1. Council will provide an update for all requests for service, excluding anonymous requests, (if required) within 10 business days, advising of Council's *intentions* with regard to the request.

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<sup>6</sup> Also refer to section 9 of this procedure.

<sup>7</sup> All requests for service received by an employee are to be entered into CRMS by the receiving employee (if able), or forwarded to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au).

<sup>8</sup> In accordance with Council's *Information Management Policy*. Council Members refer to footnote 3 for action upon receiving requests for service.

<sup>9</sup> Refer to Council's *Social Media Policy and Digital Media Strategy* for information on management of Social Media communication.

<sup>10</sup> If there are extenuating circumstances that prevent the acknowledgement of receipt within that time, the actioning officer will acknowledge receipt as soon as possible and include an explanation of why the acknowledgement was not sent within the time frame.

## 6. Complex requests

Some requests may require direction from the CEO or occasionally, a decision of our Council Members. These complex requests will be promptly forwarded accordingly.

## 7. Service improvement

At intervals determined by the number of requests for service received, the data on such requests may be reported to Council's Executive Management Team to ensure that needs of the community are identified and considered.

## 8. References

*Local Government Act 1999*

## 9. Records management

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

## 10. Document review

This procedure will be reviewed in accordance with Council's *Procedure Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

## 11. Further information

### Public Access:

Members of the public may inspect this procedure (or any other related documents) free of charge at:

Council's website: [www.apc.sa.gov.au](http://www.apc.sa.gov.au); or

Council's Principal Office: **2a Wasleys Rd, Mallala SA 5502.**

*A copy of this procedure may be obtained on payment of a fee.<sup>11</sup>*

### Queries:

Any queries in relation to this procedure must be in writing to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au), marked:

*Attention: Manager Governance*

<sup>11</sup> As outlined in Council's *Fees & Charges Schedule*.



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**Principal Office**  
2a Wasleys Road  
PO Box 18  
Mallala SA 5502

**P** 08 8527 0200  
**E** [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au)

## Procedure

# Complaints & Feedback

As required under section 270 of the Act

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## Complaints & Feedback Procedure

As required under section 270 of the Act

Current version:	1
Administered by:	Director Corporate Services
Last review date:	2024
Next review date:	2026
Document number:	D24/733
Strategic outcomes:	Proactive Leadership

Related documents:	Community Requests, Complaints & Feedback Policy Requests for Service Procedure Internal Review of Decision Procedure
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### Contents

1	Purpose .....	3
2	Scope .....	3
3	Definitions .....	3
4	Council's Core Values .....	4
5	Complaint & feedback process .....	4
5.1	Making a complaint or providing feedback .....	4
5.2	Registering a complaint or feedback .....	5
5.3	Acknowledgement of receipt .....	5
5.4	Assessing a complaint .....	5
5.5	Notification of outcome .....	6
6	Unreasonable Behaviour .....	6
7	Service improvement .....	6
8	References .....	7
9	Records management .....	7
10	Document review .....	7
11	Further information .....	7



## 1 Purpose

This procedure is to be read in conjunction with the **Community Requests, Complaints & Feedback Policy** to ensure complaints and feedback are managed timely, fairly and transparently.<sup>1</sup>

## 2 Scope

- 2.1 This procedure applies once a complaint or feedback is received by Council.
- 2.2 This procedure applies to all employees who may be involved in receiving, processing, managing, considering or determining complaints and feedback in the course of their official function and duties.<sup>2</sup> Council Members who may receive complaints and feedback from the community must refer to the appropriate employee to process, manage, consider and determine.
- 2.3 This procedure does not apply to other Council processes or matters outside Council's jurisdiction. Complaints and feedback will be redirected where applicable.

## 3 Definitions

- 3.1 **Act** means *Local Government Act 1999*;
- 3.2 **actioning officer** means the officer assigned responsibility within CRMS to the work area, to process the request;
- 3.3 **business day** means a day that is not a Saturday, a Sunday or a public holiday;
- 3.4 **CEO** means Chief Executive Officer of Council;
- 3.5 **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area (may also be referred to as a stakeholder);
- 3.6 **complainant** means the person making the complaint;
- 3.7 **complaint** means an expression of dissatisfaction with a product or service delivered by the Council, or its representative, that has failed to reach the standard stated, implied or expected;
- 3.8 **Council** means Adelaide Plains Council;
- 3.9 **Council Member** means a member of Council elected in accordance with the Act;
- 3.10 **Customer Request Management System (CRMS)** means the system used to manage workflow and processes for community requests for service across Council;
- 3.11 **Electronic Document and Records Management System (EDRMS)** means a system used to manage records across Council;
- 3.12 **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;
- 3.13 **feedback** means comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods;
- 3.14 **unreasonable** means an idea, attitude or action that is not guided by, or based upon, reason, good sense or sound judgment. Unreasonable behaviour that is frivolous, vexatious,

<sup>1</sup> Section 270 of the Act.

<sup>2</sup> Employees whose role does not include receiving complaints/do not have access to CRMS, must forward/direct such requests to Council's Customer Service Team.

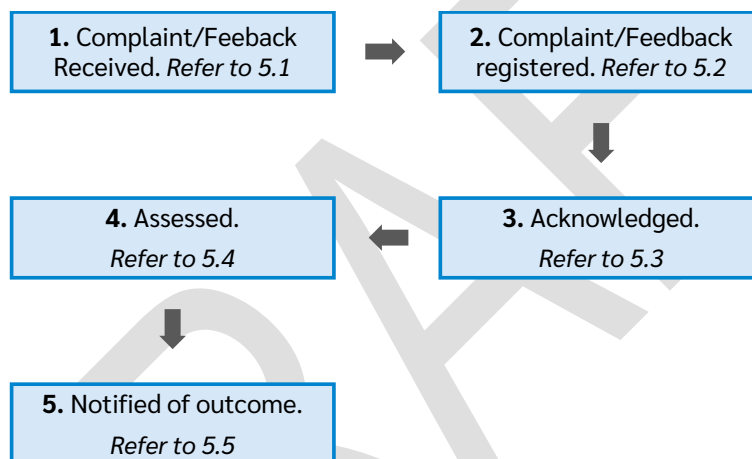
misconceived, lacking in substance or has no reasonable prospect of success will not be considered by Council.

#### 4 Council's Core Values

Our approach to managing complaints and feedback is underpinned by Council's core values:

 <b>1.1. Honesty and Integrity</b>	 <b>1.3. Innovative and Open-minded</b>	 <b>1.5. Leadership and Diplomacy</b>	 <b>1.7. Professionalism</b>	 <b>1.9. Respect</b>	 <b>1.11. Teamwork</b>
1.2. Building trust and loyalty with the community and within Council.	1.4. Being proactive in continually improving our services.	1.15. By acting strategically and effectively managing our relationships.	1.16. Through commitment, quality and timeliness of work delivered.	1.10. For others, acting with humility and empathy.	1.12. Through unity, cooperation and support.

#### 5 Complaint & feedback process



##### 5.1 Making a complaint or providing feedback

5.1.1 Council can receive complaints and feedback from the community in the following ways:

- (a) Council Members;<sup>3</sup>
- (b) *Complaints & Feedback Form* on Council's website—[www.apc.sa.gov.au](http://www.apc.sa.gov.au);
- (c) Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au);
- (d) Telephone: (08) 8527 0200;
- (e) Mail: PO Box 18, Mallala SA 5502;
- (f) In Person:
  - Principal Office—2a Wasley Road, Mallala SA 5502;
  - Two Wells Service Centre—69 Old Port Wakefield Road, Two Wells SA 5501;
- (g) Petition to Council;

<sup>3</sup> Council Members must forward all written requests for service to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au) for the requests to be registered within CRMS, and be assigned to an actioning officer. Verbal requests received by Council Members should be discussed with the CEO (or nominated delegate) for further action.

- (h) My Local Services application<sup>4</sup>; and
- (i) Social media communication.<sup>5</sup>

## 5.2 Registering a complaint or feedback<sup>6</sup>

- 5.2.1. All complaints and feedback must be recorded in CRMS.<sup>7</sup> However, if the complaint or feedback is received via: (b) *Complaints & Feedback Form*, (c) Email or (e) Mail, the complaint or feedback is to be recorded in EDRMS and actioned in CRMS.<sup>8</sup>
- 5.2.2. When a complaint or feedback is registered into CRMS, the following details must be included:
  - (a) date and time of call, email or other correspondence as outlined in item 5.1.1;
  - (b) name of the employee who recorded the complaint or feedback;
  - (c) name, address and contact details (phone and/or email) of complainant;
  - (d) comprehensive information about the nature of the complaint or feedback;
  - (e) whether the complainant wishes to be advised of the outcome of the complaint or feedback;
  - (f) any documents, notes, photographs, correspondence or other information provided by the complainant to help support the complaint or feedback.
- 5.2.3 The complaint or feedback will then be allocated to the appropriate actioning officer and prioritised appropriately.

## 5.3 Acknowledgement of receipt

- 5.3.1. Council will, within 2 business days, *acknowledge* receipt of the complaint or feedback in writing, and include a CRMS reference number, excluding anonymous complaints and feedbacks.<sup>9</sup>

## 5.4 Assessing a complaint

- 5.4.3 The circumstances of individual complaints and feedback will vary greatly. Each complaint or feedback must be assessed at the first instance to determine how Council will action. This process will vary depending on the nature of the complaint or feedback, and in some instance, investigation may be required.
- 5.4.4 In determining how to respond to a complaint, Council will consider: Council's Strategic Management Plans, Asset Plans and Annual Budget and Business Plan; the resources required; associated risk; and legislative obligations.

<sup>4</sup> My Local Services application is developed and maintained by the Local Government Association South Australia. Other third party or subscription-based applications, including Snap Send Solve will not be an accepted method of making a request for service, complaint or feedback.

<sup>5</sup> Refer to Council's **Social Media Policy** for more information. Complaints and feedback made through social media will be assessed on a case by case basis and will be forwarded for action where necessary.

<sup>6</sup> Also refer to section 9 of this procedure.

<sup>7</sup> All complaints and feedback received by an employee are to be entered into CRMS by the receiving officer (if able), or forwarded to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au).

<sup>8</sup> In accordance with Council's **Information Management Policy**. Council Members refer to footnote 3 for action upon receiving complaints or feedback.

<sup>9</sup> If there are extenuating circumstances that prevent the acknowledgement of receipt within that time, the actioning officer will acknowledge receipt as soon as possible and include an explanation of why the acknowledgement was not sent within the time frame.

## 5.5 Notification of outcome

5.5.1 Council will provide an update on all complaints or feedback, excluding anonymous complaints and feedback, (if required) within 10 business days, advising of Council's *intentions* with regard to the complaint or feedback.

5.5.2 When advising a complainant of the outcome of an investigation of a complaint or feedback, Council will provide information about alternative remedies.

(a) Alternative Remedies;

When advising a community member of an investigation outcome for a complaint or feedback, Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency. While Council prefers to address complaints directly, you may choose to raise your complaint with the following agencies (but may not be limited to):

- Ombudsman SA;<sup>10</sup>
- Office of Public Integrity;
- Minister for Local Government;
- Water Industry Ombudsman;
- Court or Tribunal;
- South Australian Civil & Administrative Tribunal; or
- any other relevant authority.

## 6 Unreasonable Behaviour

6.1 All complaints received by Council will be treated seriously and courteously. Council acknowledges the process of making a complaint can be stressful and/or emotional for a complainant. However, employees are not expected to tolerate threatening, abusive or otherwise unreasonable behaviour in any form. When faced with a situation where an employee considers a complainant's behaviour to be threatening, abusive or otherwise unreasonable, an employee may:

- (a) Identify the behaviour and request the behaviour stops;
- (b) Remove themselves from the situation and/or cease communication;
- (c) Restrict correspondence/contact with the complainant;<sup>11</sup>
- (d) Advise their manager immediately, and where required contact Police;

6.1.1 Where an employee is required to take action in these instances, they will be required to report the incident to their manager and complete an incident report.

6.2 Any decision to suspend action on a complaint will be made by the CEO or his/her delegate and communicated in writing to the complainant.

## 7 Service improvement

At intervals determined by the number of complaints or feedback received, the data on such complaints and feedback may be reported to Council's Executive Management Team to ensure that needs of the community are identified and considered.

<sup>10</sup> Note: As a general rule, Ombudsman SA prefers a complaint to be addressed by Council in first instance, unless this is not appropriate in the circumstances.

<sup>11</sup> Before making any decision to restrict correspondence/contact, the complainant will be warned that, if the specified behaviour(s) or actions continue, restrictions may be applied.

## 8 References

*Local Government Act 1999*

## 9 Records management

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

## 10 Document review

This procedure will be reviewed in accordance with Council's *Procedure Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

## 11 Further information

### Public Access:

Members of the public may inspect this procedure (or any other related documents) free of charge at:

Council's website: **[www.apc.sa.gov.au](http://www.apc.sa.gov.au)**; or

Council's Principal Office: **2a Wasleys Rd, Mallala SA 5502.**

*A copy of this procedure may be obtained on payment of a fee.<sup>12</sup>*

### Queries:

Any queries in relation to this procedure must be in writing to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au), marked:

*Attention: Manager Governance*

<sup>12</sup> As outlined in Council's *Fees & Charges Schedule*.



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## Procedure

# Internal Review of Decision

As required under section 270 of the Act

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Page 1 of 7

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## Internal Review of Decision Procedure

As required under section 270 of the Act

Adoption by Council:	DD Month YYYY
Resolution number:	YYYY/###
Current version:	1
Administered by:	Director Corporate Services
Last review date:	2024
Next review date:	2026
Document number:	D24/3131
Strategic outcomes:	Proactive Leadership
Related documents:	Community Requests, Complaints & Feedback Policy Requests for Service Procedure Complaints & Feedback Procedure

## Contents

1. Purpose .....	3
2. Scope .....	3
3. Definitions .....	3
4. Council's Core Values .....	4
Application Process .....	4
5. Making an application .....	4
6. Refusal to consider application for Review of Decision .....	5
7. Acknowledgement of receipt and appointment of IRCO .....	5
8. Undertaking Review of Decision .....	6
9. Notification of outcome .....	6
10. Service improvement .....	7
11. References .....	7
12. Records management .....	7
13. Document review .....	7
14. Further information .....	7

## 1. Purpose

This procedure is to be read in conjunction with the **Community Requests, Complaints & Feedback Policy** to ensure applications for review of decision are managed in a timely, fairly and transparent manner.<sup>1</sup>

## 2. Scope

- 2.1. This procedure applies once an application for review of decision, and the prescribed fee, is received by Council. An application for review of decision should only be made once the other appropriate mechanisms under the **Community Requests, Complaints & Feedback Policy** have been undertaken.
- 2.2. This procedure applies to all employees who may be involved with receiving, processing, managing, considering or determining review of decisions in the course of their official functions and duties (including, but not limited to, any employee nominated as the IRCO by the CEO). Council Members must refer such requests for review of decision to the CEO.
- 2.3. This procedure does not apply to other Council processes or matters outside Council's jurisdiction. Applicants will be redirected where applicable.

## 3. Definitions

- 3.1. **Act** means the *Local Government Act 1999*;
- 3.2. **business day** means a day that is not a Saturday, a Sunday or a public holiday;
- 3.3. **applicant** means the person (from the community) lodging the request for review of decision under section 270 of the Act;
- 3.4. **application** means the formal request for a review of Council decision;
- 3.5. **CEO** means Chief Executive Officer of Council;
- 3.6. **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area (may also be referred to as a stakeholder);
- 3.7. **Council** means Adelaide Plains Council;
- 3.8. **Council Member** means a member of council elected in accordance with the Act;
- 3.9. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;
- 3.10. **Internal Review Contact Officer (IRCO)** means an employee appointed by the CEO as the point of contact for applicants, appointed on a case-by-case basis;
- 3.11. **review of decision** means a process in which Council can reconsider/review the decision-making process and all the evidence relied on to make a decision, including new evidence if relevant;
- 3.12. **prescribed fee** means the prescribed fee of \$20.00 as set in the *Local Government (Application for Review Fee) Notice 2021* and applies to all section 270 applications for review of decision;
- 3.13. **procedural fairness** means that the applicant will be given the right to put their case forward, and have an opportunity to provide all documentary evidence, rather than given an oral hearing.

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<sup>1</sup> Section 270 of the Act.

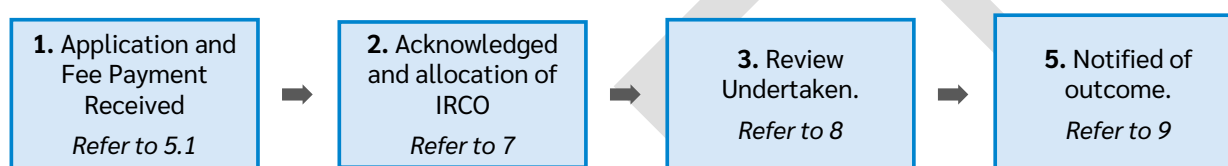


#### 4. Council's Core Values

Our approach to undertaking review of decisions is underpinned by Council's core values:

					
<b>Honesty and Integrity</b>	<b>Innovative and Open-minded</b>	<b>Leadership and Diplomacy</b>	<b>Professionalism</b>	<b>Respect</b>	<b>Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

#### 5. Application Process



##### 5.1 Making an application<sup>2</sup>

5.1.1. An application for a review of decision provides Council with an opportunity to revisit a decision which has aggrieved an interested party, depending on the particular circumstances, it may also include a person who is not the direct subject of the decision. Council will determine whether a person has sufficient interest to apply for a review of decision on a case-by-case basis.

5.1.2. An application for review of decision must be made in writing, by email or letter correspondence, and received by Council within 6 months of the making of the original decision (of which review is sought)<sup>3</sup> and include:

- date of application;
- applicant name/contact information;
- a statement clearly indicating the applicant wishes to have a decision reviewed under section 270 of the Act;
- detail of the decision to be reviewed;
- the reason for applying for the review (that is, why the applicant believes the decision is wrong);
- resolution sought by applicant;
- any other relevant information;

and payment of the prescribed fee of \$20.00.<sup>4</sup>

5.1.3. Council is unable to accept or investigate anonymous requests for review of decision.

<sup>2</sup> Section 270(2)(a) of the Act.

<sup>3</sup> Section 270(2a)(a)(b) of the Act; Council may allow a late application in appropriate cases (at the discretion of the CEO).

<sup>4</sup> Section 270 (3)(3a) of the Act; Council may reduce, waive or refund (whole or in part) the prescribed fee (at the discretion of the CEO). An application will not be considered 'officially received' until payment has been received, or the prescribed fee has been waived by Council.

5.1.4. Applicants are strongly encouraged to use the application form found as Attachment 1, addressed to the CEO (an application for review of decision by CEO should be addressed to the Mayor) and submitted via:

(a) Post: Adelaide Plains Council, PO Box 18, Mallala SA 5502;

(b) Email: [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au); or

(c) In person:

- Mallala Principal Office–2a Wasleys Road, Mallala SA 5502 or;
- Two Wells Service Centre–69 Old Port Wakefield Road, Two Wells SA 5501;

5.1.5. Assistance will be provided to applicants where necessary.<sup>5</sup>

5.1.6. Applications that relate to the impact that any declaration of rates or service charges may have on ratepayers will be dealt with promptly and if appropriate addressed through the provision of relief or concessions under the Act.<sup>6</sup>

## 6. Refusal to consider application for review of decision<sup>7</sup>

6.1. Council may refuse an application for review of decision if:

- (a) The application is made by an employee and relates to issues concerning their employment;
- (b) It appears the application is frivolous or vexatious;
- (c) The applicant does not have sufficient interest in the matter; or
- (d) The subject matter of the application has been or is already the subject of a review by the Council or an investigation, inquiry or review by another authority.

6.2. If an application for review of decision is refused, reasons for the refusal will be provided to the applicant in writing.

## 7. Acknowledgement of receipt and appointment of IRCO<sup>8</sup>

7.1. The CEO will appoint an employee to act as the point of contact for the applicant, on a case-by-case basis. All applications will be referred to the IRCO upon receipt.

7.2. The role of the IRCO is to:

- (a) Explain this procedure to the applicant and explore options available to resolve the matter, such as alternative dispute resolution before a formal request for review is lodged (where possible and appropriate);
- (b) Acknowledge receipt of the application for review of decision within 2 business days;
- (c) Outline the timeframes involved, and action to be taken in first instance;
- (d) Undertake a preliminary investigation to determine what (if any) actions have already been taken to resolve the matter;
- (e) Ensure adequate records of the review process, findings and outcome are produced and maintained, including maintenance of a register of all applications for review and their outcome;
- (f) Assist the CEO in making an initial determination whether to accept or refuse the application for review of decision;<sup>9</sup>
  - i. After initial assessment of the application, the IRCO may (if deemed necessary) invite the applicant to provide further information to assist in understanding the applicant's

<sup>5</sup> If necessary, employees will arrange for access to interpreters, aids or advocates to ensure an applicant is treated equitably.

<sup>6</sup> Section 270(2)(ca) of the Act.

<sup>7</sup> Section 270(4) of the Act.

<sup>8</sup> Section 270(2)(b) of the Act.

<sup>9</sup> Section 6 of this procedure for refusing applications.

- concerns, the issue to be investigated and the outcome or remedy sought;
- (g) Determining how the review will be considered and the suitable person to reconsider the decision under review;<sup>10</sup>
  - (h) Keep the applicant informed as to the progress of the review of decision.
  - (i) Where matters are referred to Council Members for consideration, provide a report(s) to Council at intervals through the review process and a final report at the conclusion of the process.

## 8. Undertaking Review of Decision

- 8.1. In undertaking the review of decision, the CEO, Council or delegate will review the decision to ensure the original decision-making process having regard to:
- (a) if the decision-maker had power to make the decision;
  - (b) if the process was free from bias;
  - (c) if the decision was reasonable;
  - (d) if the decision was made on facts and evidence;
  - (e) if relevant legislation, policies and procedures were considered;
  - (f) if matters relevant to the decision were considered and were not influenced by extraneous factors;
  - (g) if the decision-maker did not exercise a discretion or power in bad faith or for an improper purpose;
  - (h) if the decision-maker did not exercise a discretionary power at the discretion of another person; and
  - (i) if applicant was afforded procedural fairness.
- 8.2. Where the review of decision is referred to Council, the CEO (or delegate/or Mayor) will prepare a report(s) to Council which will include all relevant information about the decision being reviewed to ensure Council can make an informed decision to affirm, vary or revoke the decision under review.
- 8.3. If the reviewer is an employee who does not have delegation enabling the making of a decision or an external body, the reviewer should report the outcome of review to Council Members (or delegate) for a determination as to whether the decision should be affirmed, varied or revoked.

## 9. Notification of outcome

- 9.1. Council will use its best endeavors to ensure that a review of the original decision will be completed within 21 business days. However, in some circumstances, the review process may take longer than 21 business days, applicants will be notified if this is the case.
- 9.2. The applicant will be notified of the outcome of the review of decision in writing.
- 9.3. When advising a community member of the outcome for review of decision, Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency. While Council prefers to address complaints directly, you may choose to raise your complaint with the following agencies:
- Ombudsman SA;<sup>11</sup>
  - Office of Public Integrity;
  - Minister for Local Government;

<sup>10</sup> Wherever possible, and appropriate, the IRCO may involve an external person or panel to assist with the review of decision.

<sup>11</sup> Note: As a general rule, Ombudsman SA prefers a complaint to be addressed by Council in first instance, unless this is not appropriate in the circumstances.

- Water Industry Ombudsman;
- Court or Tribunal;
- South Australian Civil & Administrative Tribunal; or
- any other relevant authority.

## 10. Service improvement

At intervals determined by the number of complaints received, the data on such requests may be reported to Council's Executive Management Team to ensure that needs of the community are identified and considered.

## 11. References

*Local Government Act 1999*

## 12. Records management

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

## 13. Document review

This procedure will be reviewed in accordance with Council's *Procedure Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

## 14. Further information

### Public Access:

Members of the public may inspect this procedure (and other related documents) free of charge at:  
Council's website: **[www.apc.sa.gov.au](http://www.apc.sa.gov.au)**; or  
Council's Principal Office: **2a Wasleys Rd, Mallala SA 5502.**

*A copy of this procedure may be obtained on payment of a fee.*

### Queries:

Any queries in relation to this procedure must be in writing to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au), marked:

*Attention: Manager Governance*







## 14.5 POLICY REVIEW - ORDER MAKING POLICY

**Record Number:** D24/12388

**Author:** Manager Governance

**Authoriser:** Acting Director Corporate Services

**Attachments:**

1. Current - Order Making Policy  
2. DRAFT - Order Making Policy  
3. Compare Report  

### EXECUTIVE SUMMARY

- Councils current *Order Making Policy* was last reviewed in 2013.
- As Council now has a dedicated governance team, Council are currently undertaking a thorough review of all Council policies. Each “new” policy will include the adoption of the new template, and will be “revision 1”. Thus, the current policies are recommended to be revoked, and a new policy adopted.
- Council’s new approach to policies intends to make them a “user friendly” resource, and simplify the information provided in Council’s policies. Additionally, the new approach intends to reduce the amount of repetition throughout Council documents, and the inclusion of “procedures” in policies.
- This policy is required under section 259 of the *Local Government Act 1999* concerning the operation of Council’s power to make orders to protect the community from public hazards and nuisances.
- Attachment 1 will be a copy of the table that appears under section 254 of the Act. It has not yet been included in the draft policy, but will be following consultation.

### RECOMMENDATION (OPTION 1)

**“that Council, having considered Item 14.5 – *Policy Review - Order Making Policy*, dated 25 March 2024, receives and notes the Report and in doing so endorses the draft *Order Making Policy* for consultation, presented as Attachment 2 to this report.”**

### RECOMMENDATION (OPTION 2)

**“that Council, having considered Item 14.5 – *Policy Review - Order Making Policy*, dated 25 March 2024, receives and notes the report and in doing so:**

1. endorses the draft *Order Making Policy* for consultation, presented as Attachment 2 to this report, with the following amendments:
  - (a) ...; and
2. authorises the Chief Executive Officer to make any necessary final amendments to the document before undertaking consultation.”

### BUDGET IMPACT

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

**RISK ASSESSMENT**

This policy is required under section 259 of the *Local Government Act 1999*. The endorsement of this draft Order Making Policy will ensure Council meet community expectations, and remain compliant with legislative obligations.

## DETAILED REPORT

### Purpose

The purpose of this report is to consider the proposed “new” draft Order Making Policy.

### Background

Councils current *Order Making Policy* was last reviewed in 2013.

As Council now has a dedicated governance team, Council are currently undertaking a thorough review of all Council policies. Each “new” policy will include the adoption of the new template, and will be “revision 1”. Thus, the current policies are recommended to be revoked, and a new policy adopted.

Council’s new approach to policies intends to make them a “user friendly” resource, and simplify the information provided in Council’s policies. Additionally, the new approach intends to reduce the amount of repetition throughout Council documents, and the inclusion of “procedures” in policies.

This policy is required under section 259 of the *Local Government Act 1999* concerning the operation of Council’s power to make orders to protect the community from public hazards and nuisances.

### Discussion

Attachment 1 will be a copy of the table that appears under section 254 of the Act. It has not yet been included in the draft policy, but will be following consultation.

In addition to incorporating minor administrative/formatting changes, a summary of the more notable changes as per the reviewed policy is provided below:

- Amendments to “purpose” and scope” to clearly/simply outline purpose and application.
- Inclusion of Council’s core values.
- Footnoting for reference of legislation.
- Slight amendments to key considerations.
- Removal of responsibilities and delegations, as this is an internal function, and underpinned by employee instruments of delegation.
- Removing reference to section 217 of the Act as there is not reference to Divisions 2 and 3 of Part 2 of Chapter 12 applying.

### Conclusion

To remain compliant with legislation, and ensure Council are continually improving and refining process it is recommended the draft Order Making Policy is endorsed by Council for public consultation, subject to any preliminary amendments it may wish to make.


### References

#### Legislation

*Local Government Act 1999*

#### Council Policies/Plans

*Strategic Plan 2020-2024*

 <b>Adelaide Plains Council</b>	<b>Order Making Policy</b>	
	<b>Version Adoption by Council:</b>	October 2013
	<b>Resolution Number:</b>	2013/331
	<b>Current Version:</b>	V1.0
	<b>Administered by:</b>	<b>Last Review Date:</b> 2013
	Chief Executive Officer	<b>Next Review Date:</b> 2015
<b>TRIM REF:</b> CON12/570	<b>Strategic Outcome:</b>	
	5.1 Effective governance, leadership and teamwork.	

### 1. Objective

The Adelaide Plains Council is committed to using the order making powers available to it under the *Local Government Act 1999 (Act)* in such a way as to facilitate a safe and healthy environment, to improve the amenity of its locality.

### 2. Scope

*Section 259* of the *Act* requires Council to take reasonable steps to prepare and adopt policies concerning the operation of *Part 2 of Chapter 12* of the *Act* which deals with the making of orders.

This Policy applies to the circumstances identified in *Section 254* of the *Act* which states Council may order a person to do or refrain from doing a thing under certain circumstances (Attachment 1). This Policy also applies in respect of orders issued by Council under *Section 216* of the *Act* (power to order the owner of private road to carry out specified roadwork's), *Section 217* (power to order owner of infrastructure on road to carry out specified maintenance or repair work), *Section 218* (power to require owner of adjoining land to carry out specified work) and *Section 299* (vegetation clearance).

### 3. Policy Statement

Where making orders for a person/s to act or refrain from acting, Council will apply sound principles of accountability, ecological sustainability, social justice, transparency and good customer service. Council will consider each incident / circumstance on its merits and will take into consideration the following principles with the view to the effective resolution of local nuisances on private land and/or the improvement of amenity on private land:

- Severity and frequency of the Incident / Circumstance;
- Any hazard / danger posed to the Community;
- Any associated risk to the health and safety of the Community;

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- Detraction or Impact to the Local Amenity;
- Previous attempts to reconcile;
- Potential for negotiation, mediation, warnings or other more collaborative approaches;
- Public Interest;
- Offender attitude;
- Evidentiary support where potential for the order to be challenged; and
- Opportunities to take action under alternative Council Policy or Legislation.

#### **4. Specific Provisions / Responsibilities**

When issuing an order Council will maintain the procedures identified within *Sections 255, 256 and 257* of the *Local Government Act 1999*.

With the exception of emergency situations Council will take reasonable steps, within available resources, to resolve cases of local nuisance by negotiation and agreement before issuing an order. Before making an order Council will give notice of its intention to make an order in accordance with *Section 255* of the *Act* by:

- Giving the person to whom an order is intended to be directed a notice in writing stating the:
  - proposed action;
  - terms of the proposed order (i.e. what it requires the person to do or refrain from doing);
  - period within which compliance with the order will be required;
  - penalties for non-compliance; and
  - reasons for the proposed action; and
- Inviting the person notified of the opportunity to give reason/s, within a specified time, why the proposed action should not be taken.

Council will proceed to make an order without negotiation or notice, in accordance with *Section 255(12)* of the *Act* where Council considers the circumstance or activity constitutes, or is likely to constitute:

- a threat to life; or
- an immediate threat to public health or public safety; or
- an emergency situation.

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## 5. Right to Appeal

In accordance with Section 256 of the Act any person to whom an order is issued (including an order issued under Sections 216, 217, 218, 254, or 299 of the Act) has a right to appeal against the order. Any such appeal must be made in writing, addressed to the Chief Executive Officer and lodged within fourteen (14) days of that person's receipt of the order.

## 6. Non-compliance with an Order

If an order is not complied with within the time fixed for compliance (or if there is an application for review, within fourteen (14) days after the determination of the review) the Council may, subject to the outcome of any review, take the action required by the order.

The reasonable costs and expenses incurred by Council in taking action under this section may be recovered by Council as a debt from the person who failed to comply with the requirements of the order.

Where an amount is recoverable by Council, Council may, by notice in writing to the person, fix a period, being not less than twenty-eight (28) days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period, the person is liable to pay interest and Council may impose a charge over the land for the unpaid amount, together with interest, in accordance with *Section 257(5) of the Act*.

Non-compliance with an order of Council is an offence for which a person may incur a statutory penalty provided for in the *Act*. *Section 258 of the Act* provides for a maximum penalty of \$2,500 and an expiation fee of \$210 for failure to comply with an order issued under the *Act*.

Where an order is issued under *Section 217* of the *Act*, if the order is not complied with within the time specified in the order:

- Council may carry out the action required by the order and recover the cost of doing so as a debt for the owner; and
- The owner is guilty of an offence and liable to a maximum penalty not exceeding \$5,000.

## 7. Responsibilities & Delegations

This Policy will be enforced by Council's Authorised Persons who have been appointed by the Council under *Section 260* of the *Act*.

Council may also choose to delegate the power to issue orders under *Sections, 216, 217, 218, 254 and 299* of the *Act* to identified Council staff. Council will ensure appropriate delegations are in place.

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**8. Related Documents**

Delegations Register

**9. Records Management**

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

**10. Document Review**

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

**11. References**

*Local Government Act 1999*

**Further Information**

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

2a Wasleys Rd, Mallala SA 5502

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

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

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## Attachment 1

**Local Government Act 1999****254—Power to make orders**

- (1) A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following table if in the opinion of the council the circumstances specified opposite it in Column 2 of the table exist and the person comes within the description opposite it in Column 3 of the table.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>To do or to refrain from doing what?</b>	<b>In what circumstances?</b>	<b>To whom?</b>
<b>1. Unsightly condition of land</b>		
To take action considered by the council to be necessary to ameliorate an unsightly condition.	Land, or a structure or object on land, is unsightly and detracts significantly from the amenity of the locality in which the land is situated.	The owner or occupier of the land.
<b>2. Hazards on lands adjoining a public place</b>		
(1) To fence, empty, drain, fill or cover land (including land on which there is a building or other structure).	(1) A hazard exists that is, or is likely to become, a danger to the public.	(1) The owner or occupier of the land.
(2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.	(2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.	(2) The owner or occupier of the land.

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>To do or to refrain from doing what?</b>	<b>In what circumstances?</b>	<b>To whom?</b>
(3) <i>To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.</i>	(3) <i>The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.</i>	(3) <i>The owner or occupier of the land.</i>
(4) <i>Where the public place is a road—to take action necessary to protect the road or to remove a hazard to road users.</i>	(4) <i>A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.</i>	(4) <i>The owner or occupier of the land.</i>

**Examples—**

- *To fill an excavation, or to prevent drainage of water across the road.*
- *To construct a retaining wall or to remove or modify a fence.*
- *To fence land to prevent the escape of animals.*
- *To remove a structure or vegetation near an intersection.*

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b><i>To do or to refrain from doing what?</i></b>	<b><i>In what circumstances?</i></b>	<b><i>To whom?</i></b>
<b>3. Animals that may cause a nuisance or hazard</b>		
<i>To do or to refrain from doing the thing specified in the order in order to abate a nuisance or a hazard to health or safety associated with a live or dead animal or animals, or otherwise to deal with an animal or animals.</i>	<p><i>A person is keeping or dealing with (or failing to deal with) an animal or animals (whether the animal or animals are alive or dead) so as to cause, or to be likely to cause, a nuisance or a hazard to health or safety.</i></p> <p><i>A person is the owner or occupier of land where an animal or animals are located which may cause, or be likely to cause, a nuisance or a hazard to health or safety, or otherwise to become a pest.</i></p> <p><b>Examples—</b></p> <p>(1) <i>The slaughtering of animals in a town or urban situation.</i></p> <p>(2) <i>Keeping an excessive number of insects, birds or other animals.</i></p> <p>(3) <i>Keeping bees in close proximity to other property.</i></p>	<i>The owner or occupier of land or any person apparently engaged in promoting or conducting an activity.</i>

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b><i>To do or to refrain from doing what?</i></b>	<b><i>In what circumstances?</i></b>	<b><i>To whom?</i></b>
	(4) <i>Keeping animals so as to generate excessive noise, dust or odours, or to attract pests or vermin.</i>	
	(5) <i>Keeping an aggressive animal, or keeping an animal in a situation where it cannot be adequately contained or may cause danger to the public.</i>	
	(6) <i>Failing to deal with a wasp's nest</i>	
<b>4. Inappropriate use of vehicle</b>		
<i>To refrain from using a caravan or vehicle as a place of habitation.</i>	<i>A person is using a caravan or vehicle as a place of habitation in circumstances that—</i>	<i>The owner or occupier of the land or a person apparently occupying the caravan or vehicle.</i>
	(a) <i>present a risk to the health or safety of an occupant; or</i>	
	(b) <i>cause a threat of damage to the environment; or</i>	
	(c) <i>detract significantly from the amenity of the locality.</i>	
(2) <i>A reference in the table to an animal or animals includes birds and insects.</i>		

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**216—Power to order owner of private road to carry out specified roadwork**

- (1) A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.
- (2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—
  - (a) any proposal to make an order; and
  - (b) if an order is made, any order,under subsection (1).

**218—Power to require owner of adjoining land to carry out specified work**

- (1) A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
- (2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—
  - (a) any proposal to make an order; and
  - (b) if an order is made, any order,under subsection (1).

**299—Vegetation clearance**

- (1) A council may, on the application of the owner or occupier of the land (the **relevant land**), by order under this section, require the owner or occupier of adjoining land to remove or cut back vegetation encroaching on to the relevant land.
- (2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—
  - (a) any proposal to make an order; and
  - (b) if an order is made, any order,under subsection (1).





## Order Making Policy

As required by section 259 of the Act

Adoption by Council:	DD Month YYYY
Resolution number:	YYYY/###
Current version:	1
Administered by:	Chief Executive Officer
Last review date:	2024
Next review date:	2034
Document number:	D##/###
Strategic outcomes:	Proactive Leadership
Related documents:	Enforcement Policy Council's By-Laws

## Contents

1. Purpose .....	2
2. Scope .....	2
3. Definitions .....	2
4. Council's Core Values .....	2
5. Key Considerations .....	3
6. Notice of intention to make order .....	3
7. Exceptions to notice of intention .....	3
8. Review of decision to make order .....	3
9. Consequence of non-compliance .....	4
10. References .....	4
11. Records management .....	4
12. Document review .....	4
13. Further information .....	4

## 1. Purpose

- 1.1. The purpose of this policy is to comply with Council's legislative requirements,<sup>1</sup> and outline Council's approach to the making of orders to protect the community from public hazards and nuisances.

## 2. Scope

- 2.1. This policy applies to Council Members, the CEO and all employees sub-delegated power to act on behalf of Council, in the exercise of their powers to order a person to do or refrain from doing a thing specified in **Attachment 1**.<sup>2</sup>
- 2.2. This policy does not apply to other Council processes or matters outside Council's jurisdiction, the community will be redirected where applicable.<sup>3</sup>

## 3. Definitions

- 3.1. **Act** means the *Local Government Act 1999*;
- 3.2. **authorised person** means a person appointed by Council (as an authorised person) under the Act;<sup>4</sup>
- 3.3. **CEO** means Chief Executive Officer of Council;
- 3.4. **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area (may also be referred to as a stakeholder);
- 3.5. **Council** means Adelaide Plains Council;
- 3.6. **Council Member** means a member of Council elected in accordance with the Act;
- 3.7. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;
- 3.8. **emergency situation** means an urgent, unexpected and usually dangerous situation that poses an immediate risk to health, life, property or environment and requires immediate action;
- 3.9. **review of decision** means a process in which Council can reconsider/review the decision-making process and all the evidence relied on to make a decision, including new evidence if relevant;

## 4. Council's Core Values

Our approach to the making of orders is underpinned by Council's core values:

 <b>Honesty and Integrity</b>	 <b>Innovative and Open-minded</b>	 <b>Leadership and Diplomacy</b>	 <b>Professionalism</b>	 <b>Respect</b>	 <b>Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

<sup>1</sup> Section 259 of the Act.

<sup>2</sup> For clarity, employees sub-delegated powers under section 216, 218, 254 and 260 of the Act.

<sup>3</sup> For example, nuisances that are contained in the *Local Nuisance and Litter Control Act 2016* will fall within the jurisdiction of the same.

<sup>4</sup> Chapter 12 Part 3 of the Act.

## 5. Key Considerations

5.1. Council will deal with each particular case on its merits and consider the following before making an order under this policy:<sup>5</sup>

- (a) Severity/frequency of the incident;
- (b) Nature of the hazard/danger posed to the community;
- (c) Risk to health and/or safety to the community;
- (d) Detraction or impact to the local amenity;
- (e) Previous attempts to reconcile;
- (f) Impact of any previous actions to overcome the matter;
- (g) Extent of the breach;
- (h) Public interest;
- (i) The availability of sufficient evidence which Council may rely on to exercise its powers;
- (j) The alleged offender's willingness to resolve the matter;
- (k) The number of complaints received in respect of the matter (if any);
- (l) The likelihood/availability of other mechanisms (informal/formal) to effectively resolve them matter.<sup>6</sup>

## 6. Notice of intention to make order<sup>7</sup>

6.1. Council will, before making an order (as per **Attachment 1**):

6.1.1. Provide the person to whom the order is intended to be directed, a notice (in writing) stating:

- (a) The proposed action Council intends to take;
- (b) The terms of the proposed order (what it requires the person to do/refrain from doing);
- (c) Period of which compliance with the order is required;
- (d) Penalties for non-compliance;
- (e) Reasons for proposed action.

6.2. Council will give the person notified the opportunity to respond/give reasons (within a specified time limit, of a reasonable period) as to why the proposed action should not be taken.

## 7. Exceptions to notice of intention<sup>8</sup>

7.1. Council will make an order without negotiation or notice, where Council considers the circumstances constitute, or is likely to constitute:

- (a) A threat to life;
- (b) An immediate threat to public health and/or safety; or
- (c) An emergency situation.

## 8. Review of decision to make order

8.1. Any person to whom an order is issued, has the right to appeal against that order.<sup>9</sup> Such appeal must be:

- (a) In writing;
- (b) Addressed to the chief executive officer; and
- (c) Received within 14 days of that person's receipt of the order.

8.2. Council will include a statement setting out the rights of a person to seek a review of an order made under this policy.<sup>10</sup> A person may seek review of an order by:

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<sup>5</sup> Under section 254 of the Act.

<sup>6</sup> Both legislative and non-legislative mechanism may be available.

<sup>7</sup> See section 255 of the Act.

<sup>8</sup> Section 255(12) of the Act.

<sup>9</sup> Any order under section 216, 218, 254 or 299 of the Act.

<sup>10</sup> Section 256(1) of the Act.

- (a) Internal Review of Decision;<sup>11</sup>
- (b) South Australian Civil & Administrative Tribunal “SACAT”;<sup>12</sup>
- (c) Ombudsman;
- (d) Minister for Local Government; and
- (e) Any other related body.

See Council’s **Community Requests, Complaints & Feedback Policy** and **Internal Review of Decision Procedure** for more information.

## 9. Consequence of non-compliance

- 9.1. Non-compliance with an order made under the policy is an offence.<sup>13</sup>
- 9.2. Council may, in the instances an order has not been complied with within the specified timeframe, (subject to section 8 of this policy, and within 14 days after the determination of the review) take necessary action to address the matter as required by the order.<sup>14</sup>
- 9.3. All reasonable costs and expenses incurred by Council in taking action following non-compliance with an order may be recovered as a debt from the person who failed to comply.<sup>15</sup> This decision (as to costs and expenses) will be at Council’s discretion (whom will consider the cost and benefit to the community in recovering costs incurred).
- 9.4. Council may, by notice (in writing) specify a period, of no less than 28 days from the date of notice, in which the amount must be paid. If the amount is then not recovered within that time, Council may charge interest and impose a charge over the land for the unpaid amount.<sup>16</sup>

## 10. References

*Local Government Act 1999*

## 11. Records management

All documents relating to this policy will be registered in Council’s Record Management System and remain confidential where identified.

## 12. Document review

This policy will be reviewed in accordance with Council’s *Policy Review Schedule* to ensure legislative compliance and its continued relevance to Council’s needs, activities and programs.

## 13. Further information

<b>Public Access:</b>	Members of the public may inspect this policy (and any other related documents) free of charge at: Council’s website: <b><a href="http://www.apc.sa.gov.au">www.apc.sa.gov.au</a></b> ; or Council’s Principal Office: <b>2a Wasleys Rd, Mallala SA 5502.</b> <i>A copy of this policy may be obtained on payment of a fee.<sup>17</sup></i>
<b>Queries:</b>	Any queries in relation to this policy must be in writing to <a href="mailto:info@apc.sa.gov.au">info@apc.sa.gov.au</a> , marked:  <i>Attention: Manager Governance</i>

<sup>11</sup> Under section 270 of the Act, see Council’s **Community Requests, Complaints & Feedback Policy** and **Internal Review of Decision Procedure**.

<sup>12</sup> Under section 256(3) of the Act and section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

<sup>13</sup> Section 258 of the Act.

<sup>14</sup> See section 257(1) of the Act.

<sup>15</sup> Unless special circumstances exist.

<sup>16</sup> See section 257(5) of the Act.

<sup>17</sup> As outlined in Council’s Fees & Charges Schedule.

21/03/2024 9:55:36 AM

# Compare Results

Old File:

**FINAL - Order Making Policy.PDF**

9 pages (189 KB)

27/06/2017 12:00:52 PM

versus

New File:

**Working draft - Order Making Policy - 2024.pdf**

4 pages (214 KB)

21/03/2024 9:55:13 AM

Total Changes

170

Content

- 42 Replacements
- 74 Insertions
- 9 Deletions

Styling and Annotations

- 24 Styling
- 21 Annotations

Go to First Change (page 1)



## Order Making Policy

As required by section 259 of the Act

Adoption by Council:	DD Month YYYY
Resolution number:	YYYY/###
Current version:	1
Administered by:	Chief Executive Officer
Last review date:	2024
Next review date:	2034
Document number:	D##/###
Strategic outcomes:	Proactive Leadership
Related documents:	Enforcement Policy Council's By-Laws

## Contents

1. Purpose	2
2. Scope	2
3. Definitions	2
4. Council's Core Values	2
5. Key Considerations	3
6. Notice of intention to make order	3
7. Exceptions to notice of intention	3
8. Review of decision to make order	3
9. Consequence of non-compliance	4
10. References	4
11. Records management	4
12. Document review	4
13. Further information	4

## 1. Purpose

- 1.1. The purpose of this policy is to comply with Council's legislative requirements,<sup>1</sup> and outline Council's approach to the making of orders to protect the community from public hazards and nuisances.

## 2. Scope

- 2.1. This policy applies to Council Members, the CEO and all employees sub-delegated power to act on behalf of Council, in the exercise of their powers to order a person to do or refrain from doing a thing specified in **Attachment 1**.<sup>2</sup>
- 2.2. This policy does not apply to other Council processes or matters outside Council's jurisdiction, the community will be redirected where applicable.<sup>3</sup>

## 3. Definitions

- 3.1. **Act** means the *Local Government Act 1999*;
- 3.2. **authorised person** means a person appointed by Council (as an authorised person) under the Act;<sup>4</sup>
- 3.3. **CEO** means Chief Executive Officer of Council;
- 3.4. **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area (may also be referred to as a stakeholder);
- 3.5. **Council** means Adelaide Plains Council;
- 3.6. **Council Member** means a member of Council elected in accordance with the Act;
- 3.7. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;
- 3.8. **emergency situation** means an urgent, unexpected and usually dangerous situation that poses an immediate risk to health, life, property or environment and requires immediate action;
- 3.9. **review of decision** means a process in which Council can reconsider/review the decision-making process and all the evidence relied on to make a decision, including new evidence if relevant;

## 4. Council's Core Values

Our approach to the making of orders is underpinned by Council's core values:

 <b>Honesty and Integrity</b>	 <b>Innovative and Open-minded</b>	 <b>Leadership and Diplomacy</b>	 <b>Professionalism</b>	 <b>Respect</b>	 <b>Teamwork</b>
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

<sup>1</sup> Section 259 of the Act.

<sup>2</sup> For clarity, employees sub-delegated powers under section 216, 218, 254 and 260 of the Act.

<sup>3</sup> For example, nuisances that are contained in the *Local Nuisance and Litter Control Act 2016* will fall within the jurisdiction of the same.

<sup>4</sup> Chapter 12 Part 3 of the Act.

## 5. Key Considerations

5.1. Council will deal with each particular case on its merits and consider the following before making an order under this policy.<sup>5</sup>

- (a) Severity/frequency of the incident;
- (b) Nature of the hazard/danger posed to the community;
- (c) Risk to health and/or safety to the community;
- (d) Detraction or impact to the local amenity;
- (e) Previous attempts to reconcile;
- (f) Impact of any previous actions to overcome the matter;
- (g) Extent of the breach;
- (h) Public interest;
- (i) The availability of sufficient evidence which Council may rely on to exercise its powers;
- (j) The alleged offender's willingness to resolve the matter;
- (k) The number of complaints received in respect of the matter (if any);
- (l) The likelihood/availability of other mechanisms (informal/formal) to effectively resolve them matter.<sup>6</sup>

## 6. Notice of intention to make order<sup>7</sup>

6.1. Council will, before making an order (as per **Attachment 1**):

6.1.1. Provide the person to whom the order is intended to be directed, a notice (in writing) stating:

- (a) The proposed action Council intends to take;
- (b) The terms of the proposed order (what it requires the person to do/refrain from doing);
- (c) Period of which compliance with the order is required;
- (d) Penalties for non-compliance;
- (e) Reasons for proposed action.

6.2. Council will give the person notified the opportunity to respond/give reasons (within a specified time limit, of a reasonable period) as to why the proposed action should not be taken.

## 7. Exceptions to notice of intention<sup>8</sup>

7.1. Council will make an order without negotiation or notice, where Council considers the circumstances constitute, or is likely to constitute:

- (a) A threat to life;
- (b) An immediate threat to public health and/or safety; or
- (c) An emergency situation.

## 8. Review of decision to make order

8.1. Any person to whom an order is issued, has the right to appeal against that order.<sup>9</sup> Such appeal must be:

- (a) In writing;
- (b) Addressed to the chief executive officer; and
- (c) Received within 14 days of that person's receipt of the order.

8.2. Council will include a statement setting out the rights of a person to seek a review of an order made under this policy.<sup>10</sup> A person may seek review of an order by:

<sup>5</sup> Under section 254 of the Act.

<sup>6</sup> Both legislative and non-legislative mechanism may be available.

<sup>7</sup> See section 255 of the Act.

<sup>8</sup> Section 255(12) of the Act.

<sup>9</sup> Any order under section 216, 218, 254 or 299 of the Act.

<sup>10</sup> Section 256(1) of the Act.



- (a) Internal Review of Decision;<sup>11</sup>
- (b) South Australian Civil & Administrative Tribunal “SACAT”;<sup>12</sup>
- (c) Ombudsman;
- (d) Minister for Local Government; and
- (e) Any other related body.

See Council’s **Community Requests, Complaints & Feedback Policy** and **Internal Review of Decision Procedure** for more information.

## 9. Consequence of non-compliance

- 9.1. Non-compliance with an order made under the policy is an offence.<sup>13</sup>
- 9.2. Council may, in the instances an order has not been complied with within the specified timeframe, (subject to section 8 of this policy, and within 14 days after the determination of the review) take necessary action to address the matter as required by the order.<sup>14</sup>
- 9.3. All reasonable costs and expenses incurred by Council in taking action following non-compliance with an order may be recovered as a debt from the person who failed to comply.<sup>15</sup> This decision (as to costs and expenses) will be at Council’s discretion (whom will consider the cost and benefit to the community in recovering costs incurred).
- 9.4. Council may, by notice (in writing) specify a period, of no less than 28 days from the date of notice, in which the amount must be paid. If the amount is then not recovered within that time, Council may charge interest and impose a charge over the land for the unpaid amount.<sup>16</sup>

## 10. References

*Local Government Act 1999*

## 11. Records management

All documents relating to this policy will be registered in Council’s Record Management System and remain confidential where identified.

## 12. Document review

This policy will be reviewed in accordance with Council’s *Policy Review Schedule* to ensure legislative compliance and its continued relevance to Council’s needs, activities and programs.

## 13. Further information

<b>Public Access:</b>	Members of the public may inspect this policy (and any other related documents) free of charge at: Council’s website: <a href="http://www.apc.sa.gov.au">www.apc.sa.gov.au</a> ; Council’s Principal Office: 2a Wasleys Rd, Mallala SA 5502. <i>A copy of this policy may be obtained on payment of a fee.</i> <sup>17</sup>
<b>Queries:</b>	Any queries in relation to this policy must be in writing to <a href="mailto:info@apc.sa.gov.au">info@apc.sa.gov.au</a> , marked: <b>Attention: Manager Governance</b>

<sup>11</sup> Under section 270 of the Act, see Council’s **Community Requests, Complaints & Feedback Policy** and **Internal Review of Decision Procedure**.

<sup>12</sup> Under section 256(3) of the Act and section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

<sup>13</sup> Section 258 of the Act.

<sup>14</sup> See section 257(1) of the Act.

<sup>15</sup> Unless special circumstances exist.

<sup>16</sup> See section 257(5) of the Act.

<sup>17</sup> As outlined in Council’s Fees & Charges Schedule.

**14.6 AMENDMENT - CODE OF PRACTICE - MEETING PROCEDURES****Record Number:** D24/13303**Author:** Manager Governance**Authoriser:** Acting Director Corporate Services**Attachments:** Nil**EXECUTIVE SUMMARY**

- Management have recently discovered that Council's current Code of Practice–Meeting Procedures (CoP) does not vary specific sections of the *Local Government Act 1999* (the Act) or *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), where Council has the ability, and it appears Council may have intended to do so. As such, it is strongly recommended Council hold a workshop to undertake a thorough review of its Code of Practice–Meeting Procedures (CoP).
- In the meantime, to align with Council's current practice, it is recommended section 17 (Divisions) of Council's CoP be amended to reflect procedure currently undertaken in the chamber.

**RECOMMENDATION (OPTION 1)**

**"that Council, having considered Item 14.6 – Amendment - Code of Practice - Meeting Procedures , dated 25 March 2024, receives and notes the report and in doing so:**

- 1. instructs the Chief Executive Officer to hold an information/briefing session for Council to undertake a thorough review of Council's Code of Practice – Meeting Procedures; and**
- 2. amends section 17(3)(a) of Council's Code of Practice–Meeting Procedures to read, '*the Members voting in the affirmative will, until the vote is recorded, stand in their places. In any instance the Presiding Member is satisfied a Members' health condition impacts their ability to stand, the Member may raise their hand to indicate their vote (in the affirmative);*' and**
- 3. deletes section 17(5) of Council's Code of Practice–Meeting Procedures."**

**RECOMMENDATION (OPTION 2)**

**"that Council, having considered Item 14.6 – Amendment - Code of Practice - Meeting Procedures , dated 25 March 2024, receives and notes the report and in doing so:**

- 1. instructs the Chief Executive Officer to hold an information/briefing session for Council to undertake a thorough review of Council's code of Practice – Meeting Procedures; and**
- 2. amends section 17 in Council's current Code of Practice – Meeting Procedures to read ...;"**
- 3. deletes section 17(5) of Council's Code of Practice–Meeting Procedures; and**
- 4. authorises the Chief Executive Officer to make any necessary final amendments to the document."**

**BUDGET IMPACT**

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

**RISK ASSESSMENT**

If Council do not amend its current CoP, to remain compliant with the Act and Regulations, Council will be required to follow the specific procedures under legislation, and consequently must change the current process followed in the chamber.

## DETAILED REPORT

### Purpose

The purpose of this report is to consider altering section 17 in Council's Code of Practice–Meeting Procedures (CoP).

### Background

Council's current CoP does not exercise the ability to vary certain sections of the *Local Government Act 1999* (the Act) or *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). The need to vary such sections has been identified, to better reflect the current process undertaken in the chamber. Management strongly recommend a workshop to undertake a thorough review of its Code of Practice–Meeting Procedures (CoP).

### Discussion

Specifically, it is recommended that section 17 (Divisions) of Council's CoP be amended to allow members to remain sitting (when a division is called) when voting in the affirmative, and in replacement, raise their hand to indicate their vote, where the presiding member is satisfied health condition limits a member's ability to stand. The recommended wording of this change can be seen in the 'track changes' as below:

#### 17. Divisions

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

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### Conclusion

If Council do not amend its current CoP, to remain compliant with the Act and Regulations, Council will be required to follow the specific procedures under legislation, and consequently must change the current process followed in the chamber to align with legislation.

## References

### Legislation

*Local Government Act 1999*

*Local Government (Procedure at Meetings) 2013*

### Council Policies/Plans

*Code of Practice – Meeting Procedures*

**14.7 2024/2025 DRAFT BUDGET AND 2025-2034 DRAFT LONG TERM FINANCIAL PLAN****Record Number: D24/12502****Author: Director Finance****Authoriser: Acting Chief Executive Officer****Attachments: Nil****EXECUTIVE SUMMARY**

- The purpose of this report is to provide, for the Elected Members' information and consideration, the Council's 2024/2025 Draft Budget (the Draft Budget) & 2025-2034 Draft Long Term Financial Plan (the Draft LTFP) and to seek 'in-principle' support to include followings items in the draft documents for public consultations:
  - draft Operating Project Program; and
  - option/s for rates modelling.
- Work towards the development of the Draft Budget and the Draft LTFP has been occurring since January 2024. This includes: 3 information/briefing sessions (including a bus tour) with Elected Members, and a separate workshop with Council's Executive Management Team. These sessions have focused on:
  - Identifying and mitigating cost pressures on Council operations due to high inflation;
  - Continuing to invest in renewing/upgrading community infrastructure in line with the Infrastructure and Assets Management Plans (I&AMP);
  - Continuing to invest in growth across the Council district, particularly in Two Wells;
  - Allocating additional resources to meet demand for Council services driven by growth;
  - Continuing to deliver Council's services and programs to ensure implementation of priorities and strategies identified in the Strategic Plan 2021-2024;
  - Improving operating performance and long-term financial sustainability; and
  - Reviewing Council operations to find savings without impacting services.
- Rates modelling (**Table 4**) has been undertaken based on 2 March 2024 property valuation data from the Valuer-General with 6 options for consideration by the Elected Members.
- However, in order to prepare draft Profit & Loss Statement (**Table 5**), **Option 6** (an average rate increase of 9.21%, plus a growth of 4.19%) has been used.
- Accordingly, the Draft Budget estimates a deficit of \$0.190m which consists of:
  - Recurrent budget surplus of \$0.366m; and
  - Net operating project expenditure of \$0.556m (**Table 8**).
- As highlighted in **Table 4**, a 1% increase/decrease in average rates will result in a \$0.125m increase/decrease in rates income.
- While the 'financially sound increase in average rate' of 9.21% seems excessive, when both financial years are considered, total average rate increase is 14.21% as summarised in **Table 2**.
- It is important that Elected Members are aware of the impact of rating decisions on future years (i.e. future generation), in particular when budget savings are achieved through deferring expenses or not generating sufficient rates income to cover expected cost of the ensuing financial year.
- Rates income from growth is estimated to be 4.19% which is significantly higher than 2.75% factored in the current LTFP for 2024/2025 Financial Year.
- It is also proposed to increase the fixed charge by 35% to \$250.

- Council's Infrastructure & Environment (I&E) Committee, at its meeting held 14 March 2024, considered a draft infrastructure program for the next four (4) financial years and recommended '.... to Council that it adopts the draft 2024-2028, 4 Year Capital Renewal Program....'. (Please refer to the minutes of the I&E Committee contained as part of the Item 12.3 of the Agenda of the 25 March 2024 Council meeting.
- Therefore, as part of approving the minutes of the I&E Committee meeting, Elected Members have the opportunity to provide 'in-principle' support for the draft capital projects program for 2024/2025 Financial Year.
- The proposed capital expenditure program (**Table 9**) is estimated to be \$6.028m of which \$4.685m (78%) would be spent on assets renewals in line with I&A Management Plan (IAMP).
- The remaining capital expenditure of \$1.343m (22%) is proposed to be spent on new and upgraded assets (**Table 10**).
- New loan borrowings (Table 13) are proposed to be around \$1.710m based on 9.21% increase in average rates. However, if the Elected Members wish to reduce the amount of new borrowings for next year, the only ways to do this is to:
  - Reduce recurrent expenses while keeping the average rate increase of 9.21% unchanged; and/or
  - Reduce recurrent expenses by an amount larger than the reduction in rates income; and/or
  - Increase the average rate by more than 9.21% while keeping the recurrent expenses unchanged.
- While deferring project related expenses to a later year provide temporary (short-term) relief, it will not assist the Council in the long-term.
- Kerbside waste collection levy is expected to increase by 2% to \$210.
- Annual CWMS charges have been estimated based on a 7% increase for both Mallala and Middle Beach.

#### RECOMMENDATION 1

**"that Council, having considered Item 14.7 – 2024/2025 Draft Budget and 2025-2034 Draft Long Term Financial Plan, dated 25 March 2024, receives and notes the report and in doing so resolve to provide in-principle support to include following Operating Projects in the 2024/2025 Draft Budget for public consultation:**

1. Street/Verge Tree Planting (\$30,000);
2. New labour resources commensurate with growth (\$286,000);
3. Two Wells Cemetery – landscaping (\$30,000);
4. Two Wells Library - Salt damp treatment (\$60,000);
5. New Cemetery Management System (\$54,000);
6. Business Support Program (\$10,000)
7. Business Case for TW Oval Master Plan Upgrade Grant Application (\$20,000);
8. Heritage Code Amendment consultation (\$5,000);
9. Council's Record Management System Upgrade (\$6,000);
10. TWTC Project Steering Group External Advice (\$50,000);
11. Community Partnership Funding (\$5,000)."

#### RECOMMENDATION 2

**"that the Council, having considered Item – 2024/2025 Draft Budget and 2025-2034 Draft Long Term Financial Plan, dated 25 March 2024, resolve to provide in-principle support to prepare 2024/2025**

**Draft Budget for public consultation based on Option [redacted] as presented in the rate modelling data of this report (Table 4), which equates to an average rate increase of [redacted] % plus a growth of 4.19%."**

## **BUDGET IMPACT**

Estimated Cost:	\$ 0.190m (operating deficit)
Future ongoing operating costs:	Interest expenses associated with new borrowings to finance capital expenditure
Is this Budgeted?	Yes (In the draft budget estimates)

## **RISK ASSESSMENT**

### Financing Risk

Council's current borrowing capacity with the Local Government Finance Association (LGFA) is \$14.9m. Therefore, proposed borrowings identified in this report will reduce the ability to borrow more funds for future activities of the Council. An approach to the LGFA to review Council's capacity would be required before Council could approve new borrowings in future budget revisions/discussions.

As part of a recent borrowing, LGFA has mandated that '*Council must have achieved an Operating Surplus Ratio of greater than -5% by 30 June 2026*' (i.e. by 2025/2026 FY). **Option 6** in the rates modelling will not only generate sufficient income to cover expected expenses for next financial year, but also put the Council in sound financial footing to achieve the target set by the LGFA

### Liquidity Risk

Council's current overdue rates balance is \$1.057m as of 18 March 2024, a slight reduction of 4% when compared to the overdue rates balance of \$1.096m as of 30 June 2023. Increase in overdue rates poses a considerable liquidity risk for the Council which may need to be funded via short-term borrowings in addition to the new borrowings estimated in this report.

Council already has commenced the process under Section 184 of the *Local Government Act 1999*, against 16 properties to recover rates overdue for more than three (3) years. As of 16 February, 4 ratepayers have paid their overdue rates in full and remaining 12 properties had total overdue amount of \$0.114m.

### Political Risk

The financially sound rate increase of 9.21% identified in the rates modelling may not be supported by the community as the State Government forecast Adelaide CPI of 3.5% for next year. However, when explaining the budget, following points key points are beneficial;

- Council's starting position for rate rises is 3.50% based on the forecast by the State Government;
- However, cost pressures faced by a Council (measured by Local Government Price Index or LGPI) is different from that of a household. Therefore, CPI which measures cost increases for household is not an appropriate measure for rate rises;
- LGPI forecast for next year is 3.20% (recurrent expenses) and 3.2% (capital expenses);
- South Australian Centre for Economic Studies forecast Adelaide CPI of 3.10% for next year;

- Rate increase for 2023-2024 was 5% whereas it should have been 7.21% to cover additional depreciation on new road sealing works (30kms) and significant investments in the future of the Council;
- Ratepayers who hold a State Government-issued Seniors Card can defer the liability for Council rates in excess of \$500 per annum for an indefinite period (up to when the property is sold) with regard to their principal place of residence;
- Council have reduced the rate in the dollar to counter the impact of significant property valuation increases mainly with Primary Production and Vacant lands;
- Therefore, 33% of all ratepayers will see their rates go up by under 7% or less;
- For residential ratepayers, 51% will see their rates go up by under 7% or less;
- For residential ratepayers, their rate will increase by \$3.13 per week;

## DETAILED REPORT

### Purpose

The purpose of this report is to provide, for the Elected Members' information and consideration, the Council's 2024/2025 Draft Budget (the Draft Budget) & 2025-2034 Draft Long Term Financial Plan (the Draft LTFP) and to seek 'in-principle' support to include followings items in the draft documents for public consultations: -

- draft Operating Project Program; and
- option/s for rates modelling.

### Background

#### Annual Budget

The legislative background to the annual budget process, outlined in Section 123 of the *Local Government Act 1999* (the Act) is as follows:

- There must be an annual business plan and budget for each financial year;
- The annual business plan must include a summary of the council's objectives, activities and performance measures set out a summary of its proposed operating expenditure, capital expenditure and sources of revenue; the rates structure and policies for the financial year;
- The annual business plan and budget must undergo a period of public consultation in accordance with the Council's *Public Consultation Policy*, and Council must make copies of the plan available for the information of the members of the public, who may then lodge submissions to the council about its plans;
- The council must conduct a public hearing or meeting to allow those members of the public the opportunity to present their submission in relation to Council's proposed annual program to the Council;
- Council may then decide whether or not any submission will be taken into account in adopting or amending its proposed annual business plan and budget;
- An annual business plan and a budget must be adopted by a council after 31 May for the ensuing financial year and, except in a case involving extraordinary administrative difficulty, before 15 August in the year to which it relates.

#### Long Term Financial Plan

With regard to the LTFP, Section 122 of the Act states that councils should:

- develop and adopt LTFP for a period of at least 10 years (Section 122(1a); and
- an infrastructure and asset management plan, relating to the management and development of infrastructure and major assets by the council for a period of at least 10 years (and these plans will also be taken to form part of the council's strategic management plans).

Section 122 (4) the Act also requires that the:

- LTFP be reviewed on an annual basis.
- Council must undertake a comprehensive review of its LTFP within two (2) years after each general election of the council.



The purpose of a Council's LTFP is to express, in financial terms, the activities that it proposes to undertake over the medium to longer term to achieve its stated objectives. It is similar to, but usually less detailed than, the annual budget.

Just like the budget, it is a guide for future action although its preparation requires the Council to think about not just one year but the longer-term impact of revenue and expenditure proposals. The aggregation of future strategic plans and business initiatives and their intended outlays and anticipated revenues, enables the accumulating overall financial and economic implications to be readily identified and, if warranted, proposed future activities to be revised. The LTFP should specify and take account of:

- Expected expenses and capital outlays for each year of the plan;
- Expected revenues for each year and their source;
- Any variations in net debt required as a result of expected cash flow needs;
- Performance measures to enable assessment of the Council's financial sustainability over the period of the plan.

## Discussion

### Budget Workshops/Meetings

Budget Workshops/Meetings have been occurring since January 2024 and includes the followings:

- 5 February 2024: Information Briefing Session with Elected Members (Presentation on micro and macro-economic update, carry over projects, LTFP, budget parameters and timetable);
- 12 February 2024: A&R Committee endorsed budget parameters and assumptions;
- 13 February 2024: Elected Member bus tour around the Council district;
- 26 February 2024: Budget process, parameters and objectives endorsed by the Council;
- 12 March 2024: Information Briefing Session with Elected Members (Presentation on draft Recurrent budget, Operating Project and four (4) Year Capital Program); and
- 14 March 2024: I&E Committee endorsed draft four (4) Year Capital Program.

### Infrastructure & Environment Committee

Draft 2024/2025 capital program contained in this report (**Table 9**) has been prepared based on the following resolution of the Infrastructure & Environment Committee:

**Moved: Councillor Kay Boon**

**Seconded: Councillor Marcus Strudwicke**

***“that the Infrastructure and Environment Committee, having considered Item 6.1 – Draft 2024-2028 - 4 Year Capital Program, dated 14 March 2024, receives and notes the Report and in doing so recommends to Council that it adopts the draft 2024-2028, 4 Year Capital Renewal Program as presented at Attachment 1 to this Report subject to the review of: -***

***1. Two Wells Mainstreet Playground upgrade***

***2. Township entrance signage.”***

**CARRIED**

Therefore, when approving the minutes of the above meeting, Elected Members have the opportunity to provide 'in-principle' support for the draft capital projects program for 2024/2025 Financial Year.

#### Further budget workshops/meetings

There will be an another workshop with the Elected Members on 8 April 2024. Thereafter, the Draft Budget and the revised LTFP, will be presented for consideration by the:

- Audit & Risk Committee (16 April); and
- Elected Members (April Council Meeting on 22 April 2024),

and, subject to Council endorsement, will be released for public consultation for a period of twenty-one (21) days as required by the Act.

#### Strategic Management Plan, Infrastructure and Asset Management Plans and LTFP

Council aims to deliver a budget that not only contributes to its strategic objectives, but is also financially sound and allows the Council to meet its financing commitments from cash derived from operating activities without placing a burden on ratepayers through excessive and/or ad-hoc rate revenue increases or borrowing money to deliver current Council services that will create **intergeneration inequality**.

Therefore, the focus in developing the Draft Budget and the Draft LTFP has been on ensuring that the Council can maintain the service standards for its existing services (business as usual) and that those services receive appropriate funding, balanced with ensuring that the community does not face significant/ad-hoc increases in their annual rates contribution in next year or future years.

To achieve above objectives, Council's management has applied "zero based budgeting" by reviewing its current actual level of income and expenditures and comparing it with proposed activities for the next financial year to estimate the appropriate level of income and expenditures for 2024/2025 Financial Year in line with following strategic documents.

- a) Strategic Plan 2021–2024 (Adopted on 27 January 2021);
- b) Infrastructure and Asset Management Plans (Adopted on 25 October 2021); and
- c) Long-Term Financial Plan 2023-2032 (Adopted on 28 August 2023).

#### Economic update

• Annual CPI (Dec 2023) – Australia	4.10%
• Annual CPI (Dec 2023) – Adelaide	4.8% (highest in the nation)
• Australia CPI forecast (Federal Gov.)	3.75% (24/25) & 2.75 (25/26)
• Adelaide CPI forecast (State Gov.)	3.50% (24/25) & 3.00 (25/26)
• Wage Price Index (Aus) – 12 months to Sep 23	4.10% (Private 4.2%, Public 3.5%)
• Wage Price Index (SA) – 12 months to Sep 23	3.90% (3.3% Sep-22)
• Unemployment forecast (Australia)	Under 5% in 24 & 25
• APC estimated population (June 2022)	10,456* (9,975 June 2021)
• Overdue Council Rates (18 March)	\$1.057m (\$1.045m on 31/1/23)
• Council Loans (18 March)	\$10.4m (CAD) & \$1.8m (Debenture Loan)

- New properties added (July-3 March) 147
- Local Government Price Index forecast for 204/2025 (Prepared by South Australian Centre for Economic Studies of the University of Adelaide)

#### Forecasts of the Local Government Price Index and Related Indices

	2022/23 <sup>(a)</sup>	2023/24 <sup>(b)</sup>	2024/25 <sup>(c)</sup>	2025/26 <sup>(c)</sup>	2026/27 <sup>(c)</sup>
Local Government Price Index – All Components	6.5	4.4	3.2	3.1	3.0
(low – high)		(4.0 – 4.8)	(1.5 – 4.9)	(1.1 – 5.2)	(1.0 – 5.0)
LGPI – Recurrent	4.3	4.7	3.2	3.1	3.0
(low – high)		(3.8 – 5.7)	(-1.3 – 7.9)	(-1.5 – 7.9)	(-0.4 – 6.6)
LGPI – Capital	11.1	3.4	3.2	3.2	3.0
(low – high)		(2.8 – 4.0)	(0.6 – 5.9)	(0.3 – 6.2)	(0.5 – 5.6)
Consumer Price Index – Adelaide	7.9	4.7	3.1	2.8	2.8
(low – high)		(4.0 – 5.4)	(0.2 – 6.1)	(0.0 – 5.7)	(0.6 – 5.0)
Key drivers of the Local Government Price Index					
Wage Price Index – Public administration and safety	2.6	3.4	3.5	3.2	3.0
(low – high)		(3.1 – 3.7)	(2.4 – 4.6)	(1.8 – 4.6)	(1.5 – 4.6)
Producer price index – Road & bridge construction, SA	13.6	3.4	3.0	3.5	3.5
(low – high)		(2.1 – 4.7)	(-2.6 – 9.0)	(-2.1 – 9.4)	(-0.7 – 7.8)

Note: (a) Actual result.  
 (b) Based on actual data for second half of 2023, and forecasts for first half of 2024.  
 (c) Forecasts.

#### Flow-on effect of 2023/2024 rates decisions

At the Council meeting held on 24 July 2023, Council adopted an average rate increase of 5% for the 2023/2024 Financial Year. However, this rate increase did not cover additional depreciation expenses associated with new road sealing and growth related expenses as summarised below in **Table 1**. (a shortfall of 2.53%).

From sound financial management perspective, Council is now required to cover this shortfall along with 2.92% of additional expenses for next financial year. A total of 5.45% on top of expected CPI and superannuant increases mandated by the Federal Government from 1 July 2024.

**Table 1: Desired level of increase in rates income for next financial year**

Description	2024/2025	2023/2024
Growth related expenses	\$227,481	\$226,991
Additional depreciation on road sealing	\$130,000	\$ 82,420
<b>Total additional expenses</b>	<b>\$357,481</b>	<b>\$309,411</b>
2023/2024 Rates Income	\$12,227,145	\$12,227,145
Additional rate increase required	2.92%	2.53%
Total additional rate increase required	5.45%	
Add : Superannuation increase from July 2024	0.26%	
Add : Expected CPI for 24/25	3.50%	
<b>Desired level of increase in average rate for 24/25</b>	<b>9.21%</b>	

(financially-sound rate increase)

While the ‘financially sound increase in average rate’ of 9.21% seems excessive, when both financial years are considered, total average rate increase is 14.21% as summarised in **Table 2** below. That means, had the Council increased average rates by 7% in 2023-2024, a 7.21% increase in average rate would be sufficient for 2024-2025.

**Table 2: Average Rate Increase over 2 years (Financially sound approach vs adopted approach)**

Description		2023/2024	2024/2025	Total Average Rate increase over 2 years
Adopted approach		5% (adopted)	9.21% (recommended)	14.21%
Financially Sound approach		7% (recommended)	7.21% (could have recommended)	14.21%

It is important that Elected Members are aware of the impact of rating decisions on future years (i.e. future generation), in particular when budget savings are achieved through deferring expenses or not generating sufficient rates income to cover expected cost of the ensuing financial year.

### Rate Stability

One of the key principles of Council’s current LTFP is ‘Rate Stability’ where annual rate collection is fair and equitable for the ratepayers with the aim to keep rate revenue increases stable over the medium term. (i.e. no peaks and troughs in rate rises).

### Rates Modelling – Property Valuation

An extract from the property valuation data (as of 2 March 2024) available from Valuer-General (VG) is given below in **Table 3** in comparison to similar information for prior years. Additional rates income from the development growth is 2.09% as of 2 March 2024 and is slightly lower than 2.75% factored in the LTFP.

However, it is too early to exactly know the development growth rate for next year. From the experience of prior years, VG is expected to finalise development growth mid to late May 2024.

**Table 3: Valuation data from the VG (30 June)**

Description	2/3/24	2023	2022	2021	2020
Increase in number of properties through sub-division	147	125	146	257	173
Sub-Division Growth (valuation increase) - \$’Mn	76	26	29	39	24
Building Development Growth (valuation increase) - \$’Mn	4	67	76	27	54
Total Development Growth - \$’Mn	80	93	105	66	78
Total Development Growth - %	2.73	3.82	4.73	3.20	2.04
Increase in Rates income due to Dev. Growth - \$’Mn	0.256	0.170	0.179	0.256	0.197
Increase in Rates income due to Dev. Growth - %	2.09	1.55	1.77	2.67	2.15
Natural Growth - %	19.18	16.78	5.04	4.46	1.86

Rates Modelling – Options to consider

Given a significant increase in ‘Natural Growth’, to achieve a 9.21% increase in average rate, a reduction in rate in the dollar by 6.6% will be applied in the rates modelling calculations. However, this will also benefit properties that have reported an increase in valuations due to ‘Development Growth’. Alternatively, if the Council wish to reduce operating deficit further and the reliance on borrowings to deliver new/upgraded assets program, it can do so by increasing the average rate by more than 9.21%. Below are options for Elected Members consideration;

**Table 4: Options for Rates Modelling (Excluding Growth)**

Average Rate Increase	0%	4%	6%	7%	8%	9.21%
	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
<b>Relativity between Land Use Categories</b>						
Residential	1.00	1.00	1.00	1.00	1.00	1.00
Vacant Land	1.20	1.20	1.20	1.20	1.20	1.20
Commercial/Industry	1.45	1.45	1.45	1.45	1.45	1.45
Primary Production	0.98	0.98	0.98	0.98	0.98	0.98
Increase in Fixed Charge	35%	35%	35%	35%	35%	35%
Reduction in Rate in the \$	-15.00%	-11.36%	-9.53%	-8.62%	-7.71%	-6.61%
New Fixed Charge (\$)	250	250	250	250	250	250
<b>Increase in average rate</b>						
Residential	(0.41)	3.32	5.20	6.13	7.06	8.19
Commercial	1.39	5.01	6.83	7.74	8.65	9.74
Commercial - Other	(2.20)	1.58	3.48	4.43	5.37	6.51
Industry - Light	(0.43)	3.11	4.90	5.78	6.67	7.74
Industry - Other	(4.81)	(0.88)	1.09	2.07	3.06	4.24
Primary Production	10.05	14.47	16.69	17.80	18.90	20.24
Vacant Land	35.58	40.49	42.96	44.18	45.41	46.90
Other	3.69	7.66	9.65	10.64	11.63	12.83
Total	4.19	8.19	10.19	11.19	12.19	13.40
Less : Growth	(4.19)	(4.19)	(4.19)	(4.19)	(4.19)	(4.19)
<b>All Land Use Categories</b>	<b>0.00</b>	<b>4.00</b>	<b>6.00</b>	<b>7.00</b>	<b>8.00</b>	<b>9.21</b>
<b>Weekly avg. rate Increase</b>						
Residential	(0.16)	1.27	1.98	2.34	2.70	3.13
Commercial	0.40	1.44	1.96	2.22	2.48	2.80
Commercial - Other	(1.09)	0.78	1.72	2.19	2.65	3.22

Industry - Light	(0.12)	0.89	1.40	1.66	1.91	2.22
Industry - Other	(5.78)	(1.06)	1.31	2.49	3.68	5.10
Primary Production	5.49	7.91	9.12	9.72	10.33	11.05
Vacant Land	7.76	8.83	9.37	9.64	9.91	10.23
Other	1.47	3.04	3.83	4.23	4.62	5.10
<b>All Land Use Categories</b>	<b>1.72</b>	<b>3.36</b>	<b>4.19</b>	<b>4.60</b>	<b>5.01</b>	<b>5.51</b>
<b>General Rates Revenue (\$'000)</b>						
Existing properties	12,824	13,316	13,564	13,687	13,810	13,958
New properties	236	245	249	251	253	256
<b>Total General Rates*</b>	<b>13,060</b>	<b>13,561</b>	<b>13,813</b>	<b>13,938</b>	<b>14,063</b>	<b>14,214</b>
<b>*1% increase in average rates will result in a \$0.125m increase in rates income</b>						
<b>Breakdown of Actual Rate Increase by % of Ratepayers</b>						
Decrease	42.64%	12.92%	3.36%	1.93%	1.07%	0.70%
0.01% to 1.25%	7.20%	11.88%	5.23%	2.61%	1.26%	0.41%
1.25% to 2.00%	3.34%	6.70%	5.97%	3.07%	1.60%	0.84%
2.01% to 2.25%	1.69%	3.66%	5.44%	3.46%	1.82%	0.63%
2.25% to 3.25%	2.41%	4.84%	6.70%	7.06%	3.95%	1.86%
3.25% to 6%	8.09%	14.47%	19.16%	22.04%	24.49%	20.73%
6.01% to 7%	3.26%	2.78%	4.77%	6.20%	6.70%	7.99%
<b>Actual increase under 7%</b>	<b>68.62%</b>	<b>57.25%</b>	<b>50.62%</b>	<b>46.36%</b>	<b>40.91%</b>	<b>33.15%</b>
7.01% to 10%	7.61%	8.78%	9.75%	11.15%	14.25%	17.96%
10.01% to 15%	7.20%	12.72%	14.40%	13.99%	13.72%	14.62%
15.01% to 20%	3.24%	5.25%	7.53%	9.72%	11.32%	12.46%
20.01% to 30%	6.65%	7.99%	6.82%	7.18%	7.77%	8.90%
30.01% to 40.00%	1.71%	1.99%	4.52%	5.15%	5.42%	5.90%
40.01% to 50.00%	0.82%	1.69%	1.89%	1.41%	1.14%	1.30%
50.01% or more	0.67%	0.85%	0.99%	1.57%	1.99%	2.23%
<b>Total Change in Rates</b>	<b>96.52%</b>	<b>96.52%</b>	<b>96.52%</b>	<b>96.52%</b>	<b>96.52%</b>	<b>96.52%</b>
No Charge in Rates	0.97%	0.97%	0.97%	0.97%	0.97%	0.97%
New Properties	2.51%	2.51%	2.51%	2.51%	2.51%	2.51%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

Following table shows the actual rate rises by land use codes as a percentage of total ratepayers for the land use code. Accordingly, 51% of the residential ratepayers will see their rate go up by 7% or under.

% Increase	Ratepayers	% of Total Ratepayers	RES	COM	COMO	INDL	INDO	PRIM	VL	OTH	Total
Decrease	41	0.70%	12	-	4	-	3	18	4	-	41
0.01 to 1.25	24	0.41%	21	-	-	-	-	2	-	1	24
1.25 to 2.00	49	0.84%	36	-	2	-	-	9	2	-	49
2.01 to 2.25	37	0.63%	31	1	2	-	-	1	2	-	37
2.25 to 3.25	109	1.86%	103	-	1	-	-	2	3	-	109
3.25 to 6	1,216	20.73%	1164	-	4	3	1	39	5	-	1216
6 to 7	469	7.99%	438	2	4	-	-	21	4	-	469
7 to 10	1,054	17.96%	815	8	29	1	3	121	77	-	1054
10 to 15	858	14.62%	453	15	10	3	4	222	149	2	858
15 to 20	731	12.46%	261	2	10	-	2	324	131	1	731
20 to 30	522	8.90%	99	-	1	-	-	319	99	4	522
30 to 40	346	5.90%	50	-	2	-	-	246	46	2	346
40 to 50	76	1.30%	18	-	-	-	2	47	9	-	76
50 or more	131	2.23%	41	-	-	-	-	74	15	1	131
<b>Change</b>	<b>5,663</b>	<b>96.52%</b>	<b>3,542</b>	<b>28</b>	<b>69</b>	<b>7</b>	<b>15</b>	<b>1,445</b>	<b>546</b>	<b>11</b>	<b>5,663</b>
No Charge	57	0.97%	8	-	-	-	-	1	-	48	57
New	147	2.51%	-	-	-	-	-	10	137	-	147
<b>Rateable</b>	<b>5,867</b>	<b>100.0%</b>	<b>3,550</b>	<b>28</b>	<b>69</b>	<b>7</b>	<b>15</b>	<b>1,456</b>	<b>683</b>	<b>59</b>	<b>5,867</b>

#### Management Recommendation for rate rises

From sound financial management perspective, **Option 6** gives the best outcome that will eliminate intergenerational-inequity as Council will be raising sufficient income in next financial year including the shortfall from current financial year to fund its services and programs.

#### 2024/2025 Draft Budget

The Draft Budget has two components:

- i. Statement of Comprehensive Income (Profit & Loss Statement) which includes: -
  - a) Recurrent Budget covering income and expenses with regard to running day to day Council operations on a “business as usual basis”;
  - b) Operating Projects Budget (one off service initiatives and programs that support strategic objectives of the Council);
- ii. Capital Projects Budget (Income and expenses with regard to renewal/replacement of existing Council assets or creating new/upgraded assets).

#### Statement of Comprehensive Income (Profit & Loss Statement)

As shown in **Table 5** below, based on a 9.21% increase in average rates (**Option 6** in the rates model) plus 4.19% of growth, it is estimated that for 2024/2025 Financial Year, there will be an Operating Deficit of \$0.190m from recurrent and operating project activities.

**Table 5: Draft Statement of Comprehensive Income (\$'000) – Option 6**

Description	2023/2024 Adopted Budget (\$)	2024/2025 Draft Budget (\$)	(%)	Budget Movement \$	%
<b>OPERATING INCOME</b>					
Rates					
- General Rates - Existing Assessments	12,089	14,076	73	1,987	16
- General Rates - New Assessments	138	138	1	-	
- Rate Rebates	(116)	(119)	(1)	(3)	(3)
- Waste Levy	898	950	5	52	6
- Regional Landscape Levy	319	338	2	19	6
- Other Rates Income	105	117	1	12	11
- CWMS Charges	281	300	2	20	7
Statutory charges	520	500	3	(20)	(4)
User charges	229	232	1	3	1
Grants, subsidies & contributions	2,240	2,527	13	288	13
Interest Income	3	3	0	-	-
Reimbursements	139	171	1	32	23
Other Income	48	38	0	(9)	(19)
<b>TOTAL INCOME</b>	<b>16,893</b>	<b>19,271</b>	<b>100</b>	<b>2,379</b>	<b>14</b>
<b>OPERATING EXPENSES</b>					
Employee Costs	7,075	7,543	40	(468)	(7)
Materials, contracts and other	5,736	6,337	34	(600)	(10)
<i>Including legal expenditure</i>	<i>150</i>	<i>200</i>	<i>1</i>	<i>(50)</i>	<i>(33)</i>
Depreciation	3,517	4,223	22	(706)	(20)
Interest Expenses	820	725	4	96	12
Share of loss from GRFMA	79	79	0	-	-
<b>TOTAL EXPENSES</b>	<b>17,226</b>	<b>18,905</b>	<b>100</b>	<b>(1,679)</b>	<b>(10)</b>
<b>RECURRENT (DEFICIT)/SURPLUS</b>	<b>(334)</b>	<b>366</b>	<b>2</b>	<b>700</b>	
Funding for growth initiatives/OPs	(511)	(556)	(3)	(45)	
<b>OPERATING DEFICIT</b>	<b>(845)</b>	<b>(190)</b>		<b>655</b>	

**Major changes in the draft 2024/2025 budget (in comparison to 2023/2024 Adopted Budget)'\$000**

<b>Statutory charges</b>	
Reduction in income from Dog Registration fees and fines	(13)
Reduction in come from Septic Tank Inspection/Approvals	(5)
<b>Grant Income</b>	
Increase in Financial Assistance grant from Federal Government	280
<b>Employee Costs</b>	
A position moved from operating project to the recurrent budget	(79)
Increase in superannuation from 11.0% to 11.5%	(33)
Impact of EBA, reclassifications and step increases	(216)



**Materials, contracts and other**

Cost Increases in	
Contractors (maintenance of public lighting, buildings, parks, playgrounds etc)	(122)
Kerbside waste collection	(35)
Cleaning	(76)
Consultants	(49)
Legal advices	(50)
Water	(28)
Regional Landscape Levy	(19)
Insurance	(57)
Membership & Subscription	(42)

**Depreciation**

Due to combined impact of increase in Building Price Index (7.56% as of 30 June 2023), inflation, additional depreciation associated with donated assets & new road sealing, budgeted depreciation expenses for 2024/2025 is expected to increase from \$3.517m to \$4.223m in 2024/2025, an increase of \$0.706m or by 20%.

**Interest Expenses**

Council currently has a \$14.973m Cash Advance Facility (CAD) obtained from Local Government Finance Authority. Due to new borrowings approved for this financial year (as part of both Adopted and Revised Budgets), it is expected that Council's total actual CAD borrowings will increase to \$13.613m by the end of this financial year. Therefore, the budgeted interest expense for CAD is estimated at \$0.648m for next year.

In addition, Council has one (1) long-term debenture borrowings for Mallala CWMS and the expected interest expense for this loan is \$0.077m in the next year.

**LTFP and Updated Statement of Comprehensive Income comparison**

Draft operating deficit of \$0.190m forecast for 2024/2025 Financial Year is \$0.694m better than LTFP estimates for the same year adopted by the Council on 28 August 2023. **Table 6** below shows the comparison of draft budget against LTFP forecasts for next financial year.

**Table 6: Draft Budget for 2024/2025 in comparison with LTFP Projections (\$'000)**

OPERATING INCOME	LTFP	DRAFT BUDGET	VAR (\$)	VAR (%)
Rates				
- General Rates Revenue	12,934	14,095	1,162	9
- Waste Levy	987	950	(38)	(4)
- Regional Landscape Levy	329	338	9	3
- Other Rates Income	109	117	8	7
- CWMS Charges	292	300	8	3
Statutory charges	535	500	(35)	(7)
User charges	237	232	(5)	(2)
Grants, subsidies and contributions	2,307	2,527	220	10
Investment Income	3	3	-	-
Reimbursements	139	171	32	23
Other Income	48	38	(9)	(20)

<b>TOTAL INCOME</b>	<b>17,918</b>	<b>19,271</b>	<b>1,353</b>	<b>8</b>
<b>OPERATING EXPENSES</b>				
Employee Costs	7,497	7,543	(45)	(1)
Materials, contracts and other services	5,872	6,337	(465)	(8)
<i>Including legal expenditure</i>	<i>200</i>	<i>200</i>	<i>-</i>	<i>-</i>
Depreciation	3,692	4,223	(530)	(14)
Interest Expenses	876	725	152	17
Share of loss from GRFMA	79	79	-	-
<b>TOTAL EXPENSES</b>	<b>18,016</b>	<b>18,905</b>	<b>(889)</b>	<b>(5)</b>
<b>RECURRENT (DEFICIT)/SURPLUS</b>	<b>(98)</b>	<b>366</b>	<b>464</b>	
Funding for growth initiatives/OPs	(786)	(556)	230	
<b>OPERATING DEFICIT</b>	<b>(884)</b>	<b>(190)</b>	<b>694</b>	

Main reasons for increase in operating deficit over and above LTFP forecasts for 2024/2025 are summarised in **Table 7** below.

Description	LTFP	Draft Budget	Variance
<b>RECURRENT INCOME</b>			
<b>Rates</b>			
- General Rates Revenue	12,934	14,095	1,162
LTFP estimated an increase of 6.75% in rates income for 24/25. However, in 24/25, additional rates income from growth alone is estimated at 4.19% resulting in rates income for 24/25 being higher than LTFP forecast.			
- Waste Levy	987	950	(38)
Cost of delivering Kerbside Waste Collection Service has been over estimated in the current financial year resulting a reduction in estimates for 24/25 compared to LTFP.			
- Regional Landscape Levy	329	338	9
Amount required to be collected on behalf of Northern and Yorke Landscape Board is expected to increase by 5.90%			
- Other Rates Income	109	117	8
- CWMS Charges	292	300	8
<b>Statutory charges</b>	<b>535</b>	<b>500</b>	<b>(35)</b>
Estimated income from development applications and septic tank inspection/approval have been lower than LTFP forecasts.			
<b>User charges</b>	<b>237</b>	<b>232</b>	<b>(5)</b>
No significant variance in updated estimates for 2024/2025 and LTFP forecast			
<b>Grants, subsidies and contributions</b>	<b>2,307</b>	<b>2,527</b>	<b>220</b>
Income Financial Assistance Grant has been higher than LTFP estimates			
<b>Investment Income</b>	<b>3</b>	<b>3</b>	<b>(0)</b>
No significant variance between updated estimates for 2024/2025 and LTFP forecast			
<b>Reimbursements</b>	<b>139</b>	<b>171</b>	<b>32</b>
No significant variance between updated estimates for 2024/2025 and LTFP forecast			
<b>Other Income</b>	<b>48</b>	<b>38</b>	<b>(10)</b>
No significant variance between updated estimates for 2024/2025 and LTFP forecast			
<b>TOTAL RECURRENT INCOME</b>	<b>17,918</b>	<b>19,271</b>	<b>1,353</b>

<b>RECURRENT EXPENSES</b>			
<b>Employee Costs</b>	<b>7,497</b>	<b>7,543</b>	<b>(45)</b>
No significant increase in employee costs compared to LTFP estimates for 2024/2025 Financial Year			
<b>Materials, contracts and other</b>	<b>5,872</b>	<b>6,337</b>	<b>(465)</b>
Increase in insurance costs			(33)
Increase in Regional Landscape Levy			(8)
Increase in costs of Kerbside Waste Collection Program			(75)
Increase in costs of water			(27)
Increase in various contract costs (building maintenance, parks mgt., CWMS, quarry mgt., playground maintenance, public lighting maintenance etc.)			(144)
Membership & subscription			(41)
Increase in cleaning costs			(71)
Reduction in legal costs			(50)
<b>Depreciation</b>	<b>3,692</b>	<b>4,223</b>	<b>(530)</b>
Due to combined impact of increase in construction costs and the additional depreciation associated with donated and new/upgraded assets, the depreciation expense has been higher than what was anticipated in the LTFP.			
<b>Interest Expenses</b>	<b>876</b>	<b>725</b>	<b>152</b>
Interest expense for current financial year has been over estimated due to lower than anticipated actual borrowings for the current financial year.			
<b>TOTAL RECURRENT EXPENSES</b>	<b>18,016</b>	<b>18,905</b>	<b>(889)</b>
<b>RECURRENT DEFICIT</b>	<b>(98)</b>	<b>366</b>	<b>464</b>
<b>Funding for growth initiatives (Operating Projects)</b>	<b>(786)</b>	<b>(556)</b>	<b>230</b>
Levees associated with housing development in Two Wells has been deferred to 2025/2026 Financial Year			309
An operating project in the LTFP was transferred to capital program for next year			50
An operating project that was earmarked for 2024/2025 in the LTFP was removed			23
Increase in the cost for some of the projects over above LTFP forecast			(56)
New operating projects added outside LTFP forecast			(96)
<b>Operating Deficit</b>	<b>(884)</b>	<b>(190)</b>	<b>694</b>

#### Proposed Operating Project Program 2024/2025

The Operating Projects budget encompasses programs and activities that are outside the 'business as usual' services and are considered discretionary in nature, i.e. the Council is under no obligation to provide the services, activities or programs or if required to undertake the activity, are irregular in nature (For example, Local Government Elections). Operating Projects may be one off activities or programs, an expansion of an existing service or program or proposals to introduce a new service or program.

Operating projects are funded via new borrowings or rate increases. The cost of the draft Operating Project program as summarised in **Table 8** below is estimated to be \$0.556m.

**Table 8: Proposed Operating Projects Program for 2024/2025 (\$'000)**

Operating Project Name	Rationale	Risk Assessment	Estimated Cost
1. Street/Verge Tree Planting	C	Low	30
2. Business Support Program	A/D	Low	10
3. Business Case for TW Oval Master Plan Upgrade Grant Applications	C/D	Medium	20
4. Heritage Code Amendment consultation	B/D	Medium	5
5. Content Manager Patch Upgrade - EDRMS	D	High	6
6. Two Wells Investment & Growth	A/B	High	50
7. Two Wells Cemetery - landscaping	C	Low	30
8. TW Library - Salt damp treatment (Grant to be applied)	C	Medium	60
9. Community Partnership Funding	A	Low	5
10. New labour to commensurate with growth	B/D	High	286
11. New Cemetery Management System	D	Medium	54
<b>Total Estimated Costs</b>			<b>556</b>

**Rationale**

- A. Previous Council resolutions/Elected Members' feedback;
- B. Investment for growth/Economic Development;
- C. Infrastructure and Assets Management Plans; and
- D. Staff initiatives to reduce cost and improve productivity/service standard

**Depreciation and Assets Renewal**

Depreciation is the wearing out, consumption or other loss of value of an asset whether arising from use, passing of time or obsolescence through technological and market changes. *Assets Renewal Expenditure* are the expenditure on an existing asset which returns the service potential or the life of the asset to the level which it had originally.

**Infrastructure Backlog**

According to sound asset management principles, Council should (on average) spend annually on assets renewal an amount equal to its annual depreciation expenses. Upon development of Council's Capital Works Program, it has become evident the gap that previously existed between the Capital Works Program and the LTFP, caused by asset renewal deferral and the compounding effect into future capital works programs has now closed. The assets renewal strategy/funding allocations outlined in this report attempts to undertake asset renewal close to their expiry date over a ten (10) year period, with consideration given to current internal resources capacity to deliver such program.

Proposed Capital Project Program for 2024/2025

The Capital Works budget encompasses projects which renew, upgrade or create new infrastructure assets. Examples of projects are the Civil Infrastructure Whole-of-Life Program (renew), streetscape (New).

Renewal Capital Projects are funded through Rate Revenue, via the depreciation charge, with new or upgrade works being funded through borrowings.

Draft 2024/2025 capital programme is summarised below. The estimated cost of the capital works program is \$6.028m of which \$4.685m (78%) would be spent on assets renewals in line with Council's assets management plans. The remaining expenditure of \$1.343m (22%) is proposed to be spent on new assets.

**Table 9: Proposed Capital Works Program (\$'000)**

Project Description	24/25 (LTFP)	24/25 (Updated)
Plant, Fleet & Equipment	1,415	1,325
Street Scape	100	213
Site Improvements	1,550	990
Sealed Roads	-	1,228
Unsealed Roads	-	1,532
Car Parks & Traffic Control	60	-
Pram Ramps	10	10
Other Assets	-	540
Building	-	15
Kerbing	565	30
Stormwater	110	60
CWMS	25	85
<b>Total Capital Expenditure</b>	<b>3,835</b>	<b>6,028</b>

Project Description	24/25 (LTFP)	24/25 (Updated)
New/Upgrade	1,665	1,343
Renewal	3,970	4,685
<b>Total Capital Expenditure</b>	<b>5,635</b>	<b>6,028</b>

New Assets to be delivered in next year

Please refer to **Table 10** below for the reasons for Council's proposed these spending on new assets.

**Table 10: Draft New Assets Program (\$'000)**

Description	Budget	Comment
Strategic Asset Purchase	540	Previous Council resolution
Street Scape (Footpath, Kerbing and Street Trees)	213	As part of IAMP & LTFP
Two Wells Mainstreet Playground and off street car parking lighting	150	As part of IAMP & LTFP
Township Entrance Signs	140	As part of IAMP & & LTFP
Middle Beach - Foreshore upgrade	100	

Streetscape and Water Sensitive Urban Design	100	As part of IAMP & LTFP
Lewiston Wetland Trails - Seating, paths, signage	50	
Lewiston Dog Park Shelters	30	Funded from Dog rego fees
Street & Reserves/Parks Furniture Program	20	As part of IAMP & LTFP
<b>Total Expenditure on New/Upgraded Assets</b>	<b>1,343</b>	

#### Total Proposed Budget for 2024/2025

**Table 11** below shows the total budget proposed for next financial year including Recurrent, Operating and Capital projects.

**Table 11 – Proposed Total Budget (\$'000)**

Description	Recurrent Budget	Operating Projects	Capital Projects	Total Budget
Rates	15,800	-	-	15,800
Statutory charges	500	-	-	500
User charges	232	-	-	232
Grants, subsidies and contributions	2,527	-	-	2,527
Investment Income	3	-	-	3
Reimbursements	171	-	-	171
Other Income	38	-	243	281
<b>TOTAL INCOME</b>	<b>19,271</b>	<b>-</b>	<b>243</b>	<b>19,514</b>
Employee Costs	7,543	286	537	8,365
Materials, contracts and other services	6,415	270	5,491	12,176
Depreciation	4,223	-	-	4,223
Interest Expenses	725	-	-	725
<b>TOTAL EXPENSES</b>	<b>18,905</b>	<b>556</b>	<b>6,028</b>	<b>25,489</b>
<b>Deficit</b>	<b>366</b>	<b>(556)</b>	<b>(5,785)</b>	
<b>No of FTEs</b>	<b>62.70</b>	<b>2.50</b>	<b>5.80</b>	<b>71.00</b>

#### Kerbside Waste Collection Services

For 2024/2025 Financial Year, it is estimated that the total cost of the kerbside waste collection program is expected to be increased by 9% to \$0.945m (inclusive of new services) including \$0.040m for the waste education program. Therefore, the annual waste collection service charge is expected to increase from \$206 to \$210, an increase of 2%.

#### CWMS Charges

CWMS charges for both Mallala and Middle Beach is proposed to increase by 7% to \$792 and \$522 respectively in order to cover the costs associated with operation of the scheme including maintenance and loan repayments. However, the income generated for Mallala CWMS is not sufficient to cover its operating expenses as shown below in **Table 12**.

**Table 12: Budgeted CWMS Income and Expenses for 2024/2025 (\$')**

Description		Mallala (\$)	Middle Beach (\$)
Depreciation		180,000	9,500
Other operating costs		104,311	23,101
<b>Total Operating Costs (Excluding Costs of capital)</b>	<b>- A</b>	<b>284,311</b>	<b>32,601</b>
<b>Cost of Capital (CoC)</b>			
Cost of capital - 3.00% real interest		71,127	10,301
Cost of capital - 1.60% for risk premium		96,718	5,494
<b>Total Cost of Capital</b>	<b>- B</b>	<b>167,845</b>	<b>15,795</b>
<b>Total Operating Costs (Including Costs of capital)</b>	<b>- C</b>	<b>452,156</b>	<b>48,396</b>
No. of units serviced	<b>- D</b>	345	52
Cost per connection based on ESCOSA Pricing Requirement <i>(C divided by D)</i>		1,311	931
Cost per connection based on ESCOSA Pricing Requirement (Excl. CoC) <i>(A divided by D)</i>		824	627
Proposed CWMS Charge for 2024/2025		792	522
		<i>(7% Increase)</i>	<i>(7% Increase)</i>
% increase required to achieve ESCOSA Compliance		77	91

**Financing the budget**

At the end of the 2023/2024 Financial Year, Council is expected to have only two (2) outstanding fixed rate long-term borrowings with a value of \$5.743m.

Council has already made several resolutions to borrow funds to deliver annual budgets and some of the capital programs being delivered in partnership with State/Federal Governments. However, in compliance with Council's Treasury Management Policy, so far Council has been able to meet those expenses with short-term borrowings which attract lower interest charge compared to fixed rate long-term borrowings. Based on Mid-Year Budget Review, the estimated short-term borrowings at the end of this financial year would be \$13.613m.

An operating deficit means Council is spending more than what it generates as income in delivering services to the community. In addition, Council has loan and interest obligations as well as the need to fund new assets. Therefore, if the Council decides to continue the same level of service and draft project program as included in this report with an average rate increase of 9.21%, it has to borrow \$1.710m to deliver operating and capital projects identified above and meet its loan repayment obligations as summarised in the **Table 13** below. Out of the new borrowings;

- \$0.214m will be allocated for assets renewal program;
- \$1.343m will be spent on new assets across the Council district;



- \$0.153m will be used to deliver operating project program proposed; and

**Table 13: Funding Shortfall for 2024/2025 (\$'000)**

Description	Amount
Cash shortfall due to Operating Deficit	(190)
Cash injection from sale of surplus/replaced assets	248
Share of operating loss from GRFMA (non-cash transactions)	63
To fund capital Program - Money available through depreciation	4,223
- Proposed assets renewal expenditure	(4,685)
- Proposed new capital expenditure	(1,343)
Grants specifically for new or upgraded assets	-
Loan Repayment	(25)
<b>Total estimated funding shortfall for 2024/2025</b>	<b>(1,710)</b>

While the maximum amount estimated to be borrowed is \$1.710m, the timing of the actual borrowings would depend on the progress of the capital works program. However, if the Elected Members wish to reduce the amount of new borrowings, the only way to do this is to:

- Reduce recurrent expenses while keeping the average rate increase of 9.21% unchanged; and/or
- Reduce recurrent expenses by an amount larger than the reduction in rates income; and/or
- Increase the average rate by more than 9.21% while keeping the recurrent expenses unchanged.

While deferring project related expenses to a later year provide temporary (short-term) relief, it will not assist the Council in the long-term.

### **Long Term Financial Plan 2024/2025 to 2032/2033**

Long Term Financial Objective of the Adelaide Plains Council

The Long Term Financial Objective of Adelaide Plains Council is to be “a Council which delivers on its strategic Objectives by managing its financial resources in a sustainable and equitable manner by incremental growth and service cost containment to reduce the operating deficit over time; as opposed to burdening the ratepayers of the Council with short term excessive increases to their annual council rate bill”.

Financial sustainability means having a financial position capable of meeting long-term service and infrastructure levels and standards, acceptable to the community, without substantial increases in rates or cuts to services. The Long-Term Financial Plan has been developed based on following budget principles. They are;

#### **Principle 1: Breakeven budget**

Cost of annual Council’s services and programs, including depreciation of assets, are fully funded by the current ratepayers being the consumers of those Council services, programs and assets.



**Principle 2: Rate Stability**

Annual rate collections are fair and equitable for the ratepayers with the aim to keep rate revenue increases stable over the medium term.

**Principle 3: Infrastructure and Asset Management**

Maintain Infrastructure and Assets in line with the Council's Infrastructure Asset Management Plans.

**Principle 4: Prudent Debt Management**

Prudent use of debt to invest in new long-term assets to ensure intergenerational equity between current and future users.

The LTFP provides the financial projections and budget framework to guide the development of the detailed annual budget and provide a level of assurance to Elected Members and the community on the sustainability of Council operations.

A 10-year Long Term Financial Plan summarises the financial impacts of Council's strategic directions and provides an indication of the sustainability of these plans. By evaluating our financial strategies over a planning horizon of 10 years, Council can determine how decisions it makes now and for the Draft Budget will impact on future and ensure the impact of rates is spread equitably across generations of ratepayers so that planned service standards over the long term and infrastructure levels can be met without unplanned and disruptive increases in rates or cuts to services.

The LTFP is prospective information. Actual results are likely to vary from the information presented. Consequently, the information presented is prepared on the basis of best estimate assumptions as to future events which Council expects are likely to take place. These estimates arise from information known in March 2024.

The Long-Term Financial Plan has been developed as part of Council's ongoing financial planning to assist Council to plan within a longer-term strategic framework. Key inputs and influences on the Long-Term Financial Plan include:

- An assessment of Council's current financial position for achieving longer term financial sustainability;
- Alignment with the Strategic Plan;
- Consideration of Council's appropriate role and responsibilities;
- Alignment with Council Programs;
- Alignment with Corporate Programs and internal support strategies;
- Alignment with agreed service provision and delivery standards;
- Alignment with Infrastructure and Asset Management Plans.

Draft LT Profit & Loss Statement

The revised LTFP for the period 2025-2034 shows that the Council is not expected to make operating surplus until 2027/2028 Financial Year if it proceeds with average rate increase of 9.21% plus growth of 4.19%.

ADELAIDE PLAINS COUNCIL LONG TERM STATEMENT OF COMPREHENSIVE INCOME												
	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34
	Actual	Adopted	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
INCOME												
Rates	12,195	13,714	15,800	16,974	18,238	19,598	21,062	22,636	24,331	26,165	28,128	30,242
Statutory charges	567	520	500	515	529	544	560	576	593	610	627	645
User charges	215	229	232	239	246	254	262	270	278	287	296	306
Grants, subsidies and contributions	2,893	2,240	2,527	2,611	2,698	2,788	2,882	2,980	3,081	3,187	3,297	3,411
Investment Income	4	3	3	3	3	3	3	3	3	3	3	3
Reimbursements	110	139	171	171	171	171	171	171	171	171	171	171
Other Income	132	48	38	38	39	39	39	39	39	39	40	40
TOTAL INCOME	16,116	16,893	19,271	20,550	21,924	23,397	24,978	26,675	28,496	30,461	32,562	34,817
EXPENSES			6,685									
Employee Costs	6,497	7,075	7,543	7,844	8,158	8,484	8,823	9,176	9,543	9,925	10,322	10,735
Materials, contracts and other services	6,396	5,736	6,352	6,553	6,790	7,042	7,411	7,796	8,101	8,430	8,777	8,947
Depreciation	3,746	3,517	4,223	4,645	5,109	5,620	6,182	6,800	7,481	8,229	9,051	9,957
Finance Costs	360	820	725	724	595	594	492	491	490	488	487	487
Share of loss - joint ventures & associates	103	79	63	63	63	63	63	63	63	63	63	63
TOTAL EXPENSES	17,102	17,227	18,905	19,828	20,715	21,803	22,972	24,327	25,677	27,135	28,700	30,188
RECURRENT SURPLUS / (DEFICIT)	(986)	(334)	366	722	1,208	1,593	2,006	2,348	2,819	3,327	3,862	4,629
Net Operating Project Expenses		(511)	(556)	(1,220)	(1,344)	(1,584)	(1,920)	(2,036)	(2,335)	(2,645)	(2,703)	(2,763)
OPERATING SURPLUS / (DEFICIT)	(986)	(845)	(190)	(498)	(136)	10	87	311	484	681	1,159	1,866
Asset Disposal & Fair Value Adjustments	(543)	257	248	212	100	100	100	100	100	100	100	100
Amounts received for new/upgraded assets	501	-	-	-	-	-	-	-	-	-	-	-
Physical resources received free of charge	3,734	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
NET SURPLUS (DEFICIT)	2,706	4,412	5,058	4,714	4,964	5,110	5,187	5,411	5,584	5,781	6,259	6,966
OTHER COMPREHENSIVE INCOME												
Changes in assets revaluation surplus	15,789	2,500	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Share of Operating loss at GRFMA	(49)	(55)	(55)	(55)	(55)	(55)	(55)	(55)	(55)	(55)	(55)	(55)
TOTAL COMPREHENSIVE INCOME	18,446	6,857	7,003	6,659	6,909	7,055	7,132	7,356	7,529	7,726	8,204	8,911

The operating surplus ratio would be -2.31% in 2025/2026 which is well within the requirements of LGFA should the Council wish to undertake new borrowings.

**Conclusion**

The Draft Budget and the Draft LTFP as presented in this report is based on the Council continuing to deliver its existing services, program and activities and 9.21% in average rate increase.

To ensure that a responsible budget is set, the Council has adopted at its February 2024 meeting a series of Budget Parameters, to guide Council Staff in preparing their respective budget estimates. As detailed in this report, the Draft Budget has been delivered with reference to these guidelines and where the parameters have not been achieved, the reasons have been provided.

2024/2025 will be particularly challenging year given the impacts that world events are having on the cost of delivering services with the Consumer Price Index (CPI) currently at 4.8% for South Australia and expected to be around 3.5% in 2024/2025 Financial Year.

Given the costs of delivering services in Local Government often exceed CPI, the focus of the Draft Budget has been to review expenditure to enable the impact on rates, which are Council's primary

source of revenue, to be held at CPI in 2024/2025 while investing in growth related programs and projects.

Financial sustainability underpins the Council's Financial Goals and Outcomes, which are set out in the Long-Term Financial Plan. In general terms, financial sustainability is ensuring that the Council has the financial resources to meet the long-term service and infrastructure needs of the community, without any unexpected sharp increases in rate revenue or cuts in service provision and standards.

Decisions regarding the Draft Budget need to take into account the impact on the Council's ability to continue to meet its operational and financial outcomes and achieve objectives identified in Council's strategic documents.

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## References

### Legislation

*Regulation 9 of the Local Government (Financial Management) Regulations 2011*

*Section 123 (13) of the Local Government Act 1999*

### Council Policies/Plans

*Budget Management Policy*

*Council Vehicle Policy*

*Funding Policy*

*Treasury Management Policy*

*Strategic Plan 2021-2024 (Adopted on 27 January 2021)*

*Infrastructure and Asset Management Plan (Adopted on 25 October 2021)*

*Long Term Financial Plan 2023-2032 (Adopted on 28 August 2023)*

**14.8 ALL HISTORIC MALLALA STREET PARTY 2024 - COSTINGS****Record Number:** D24/12163**Author:** Manager Library and Community**Authoriser:** Director Development and Community**Attachments:** Nil**EXECUTIVE SUMMARY**

- At the 26 February 2024 Ordinary Council meeting, the Sporting Car Club of South Australia presented a deputation requesting Council consider providing traffic control, toilets, lighting and waste for the All Historic Mallala Street Party scheduled for Friday, 26 April 2024.
- Members moved a motion for a report to be brought back to Council detailing the costs for the provision of potential Council assistance.

**RECOMMENDATION (OPTION 1)**

“that Council, having considered Item 14.8 – *All Historic Mallala Street Party 2024 - costings*, dated 25 March 2024, receives and notes the report and in doing so:

1. **approves** the request to provide traffic control, toilets, lighting and waste to the Sporting Car Club of South Australia for the All Historic Mallala Street Party scheduled for 26 April 2024 and instructs the Chief Executive Officer to engage suitable contractors to provide these services for the event; and
2. acknowledges that an allocation of \$4,000.00 will be incorporated into the quarter three budget revision.”

**RECOMMENDATION (OPTION 2)**

“that Council, having considered Item 14.8 – *All Historic Mallala Street Party 2024 - costings*, dated 25 March 2024, receives and notes the report and in doing so **does not approve** the request to provide traffic control, toilets, lighting and waste to the Sporting Car Club of South Australia for the All Historic Mallala Street Party scheduled for 26 April 2024.”

**BUDGET IMPACT**

Estimated Cost:	To provide traffic control, toilets, light and waste to Sporting Cub of South Australia for All Historic Mallala Street Party 2024 is estimated to be \$4,000 approx.
Future ongoing operating costs:	Unknown
Is this Budgeted?	No

**RISK ASSESSMENT**

Council currently provide limited financial support and assistance to locally based community group events. Approval for financial assistance to the Sporting Car Club of South Australia may set a precedence.

## DETAILED REPORT

### Purpose

The purpose of this report is for Council to consider a request from the Sporting Car Club of South Australia (SCCSA) to provide traffic control, toilets, lighting and waste for the All Historic Mallala Street Party scheduled for Friday, 26 April 2024.

### Background

At the 25 March 2024 Ordinary Council Meeting, the following motion without notice was adopted by Council:

***RESOLUTION 2024/51***

***Moved: Councillor Paton***

***Seconded: Councillor Panella***

***“that the Chief Executive Officer bring back a report to the chamber detailing the costings and/or assistance for the All Historic Mallala Street Party regarding Council providing traffic control, toilets, lighting and waste.”***

**CARRIED**

### Discussion

As requested by Council in resolution 2024/51, the below table breaks down Council’s estimated costs in providing traffic control, toilets, lighting and waste for the All Historic Mallala Street Party, scheduled for Friday, 26 April 2024 (noting these figures are approximate):

Item	Estimated cost (excl. GST)
Traffic Control	\$1,758.00
Toilets	\$910.00
Lighting	\$500.00
Waste	\$560.00
<b>TOTAL</b>	<b>\$3,728.00</b>

### Conclusion

This report provides a summary of Council’s estimated costs in providing traffic control, toilets, lighting and waste for the All Historic Mallala Street Party, scheduled for Friday, 26 April 2024.

### References

Legislation

*Local Government Act (SA) 1999*

Council Policies/Plans

*Event Management Policy*

## 15 REPORTS FOR INFORMATION

### 15.1 COUNCIL RESOLUTIONS - MONTHLY STATUS UPDATE

**Record Number:** D24/185

**Author:** Manager Governance

**Authoriser:** Acting Director Corporate Services

**Attachments:** 1. Resolution Register - Update - March 2024  

#### RECOMMENDATION

**“that Council, having considered Item 15.1 – *Council Resolutions - Monthly Status Update*, dated 25 March 2024, receives and notes the report.”**

#### Purpose

The purpose of this report is to provide Council with an update in relation to the status of ongoing Council Resolutions.

#### Discussion

Council Resolutions Status Update report is presented as a standing monthly Agenda Item and provided for Members’ information and monitoring.

Provided for as **Attachment 1** to this report is a ‘Resolution Register’ showing all ongoing (yet to be completed) resolutions of Council with up-to-date commentary regarding progress and status. Any items that have been completed since the last Council Resolutions Status Update report are also included, and marked as ‘Complete’.

#### Conclusion

The Council Resolutions Status Update report is a transparent and efficient reporting tool, ensuring that Council Members and the community are regularly updated in relation to the implementation of Council decisions.

#### References

##### Legislation

*Local Government Act 1999*

*Local Government (Procedures at Meetings) Regulations 2013*

##### Council Policies/Plans

*Strategic Plan 2021-2024 Proactive Leadership*

Meeting Date	Item #	Title	Resolution Description	Resolution #	Status	Responsible Department	Comments
25-Mar-19	12.2	Infrastructure and Environment Committee Meeting - 13 March 2019	"that Council endorses resolution 2019/020 of the Infrastructure and Environment Committee, and in doing so instructs the Chief Executive Officer to have particular regard to the financial impact of relevant design specifications, in assessing Eden and Liberty development applications, until a policy is adopted."	2019/119	Ongoing	Infrastructure & Environment	I&E Committee Agenda (likely June 2024)
24-Feb-20	14.7	Two Wells District Tennis Club Lease Request	"that Council, having considered Item 14.7 – Two Wells District Tennis Club Lease Request, dated 24 February 2020, receives and notes the report and in doing so: 1. Authorises the Chief Executive to seek the assistance of Norman Waterhouse Lawyers and to negotiate and finalise the Lease Agreement between Council and the Two Wells District Tennis Club Inc for the lease of a portion of land within Crown Reserve 5753, Folios 647, adjacent to the Two Wells Netball Club on Old Port Wakefield Road, Two Wells 2. Authorises, pursuant to section 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Two Wells District Tennis Club and 3. In accordance with section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the whole of a portion of land within Crown Reserve 5753, Folios 647, adjacent to the Two Wells Netball Club on Old Port Wakefield Road, Two Wells, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100% of the rates imposed, effective from the 2020/21 rating year."	2020/055	Ongoing	Corporate Services	Updated received from Club on 8 January, repairs not completed, lease execution pending finalisation of repairs
23-Nov-20	14.6	Mallala Resource Recovery Centre - Twelve Month Closure Review	"that Council, having considered Item 14.6 – Mallala Resource Recovery Centre – Twelve Month Closure Review, dated 23 November 2020, instructs the Chief Executive Officer to bring back a report to Council exploring future land use/disposal options in relation to the former Mallala Resource Recovery Centre site."	2020/407	Ongoing	Infrastructure & Environment	I&E Committee Agenda (likely June 2024)
27-Jan-21	9	Motion Without Notice	"that the Chief Executive Officer contact all relevant government agencies and stakeholder groups with a view of facilitating a community forum that seeks to address escalating trends associated with public nuisance/public safety throughout the Council area."	2021/002	Ongoing	Development & Community	Surveyor General to give final approval for vesting of allotment 101 (Closed Road) to the Council
8-Nov-21	4.1	Outcome of Public Consultation - Wasleys Bridge Closure or Load Limit Reduction	"that Council, having considered Item 14.9 – Outcome of Public Consultation – Wasleys Bridge Closure or Load Limit Reduction, dated 25 October 2021, and in doing so, instructs the Chief Executive Officer to: 1. In accordance with the provisions of Section 32 of the Road Traffic Act 1961, apply a load limit of 6.5 tonnes, emergency vehicles, Council vehicles and service vehicles exempted, to Wasleys Road Bridge (Light River), Barabba 2. Relinquish the Bridge Renewal Program – Round 5 funding of \$107,500 and 3. Apply for Bridge Renewal Program – Round 6, with Council's contribution to be confirmed upon determination of the application."	2021/387	Ongoing	Infrastructure & Environment	Load limit applied, funding application ongoing

23-May-22	21.4	Heritage Survey Review	<p>"that Council, having considered Item 21.4 – Heritage Survey Review, dated 23 May 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> <li>Notes the Heritage Review Report in Attachment 1 to this Report includes: <ol style="list-style-type: none"> <li>The Local Heritage Assessment Sheets identifying 34 properties as being of local heritage value;</li> <li>The Buckland Park State Heritage Assessment identifying the property as being of State heritage value;</li> </ol> </li> <li>Endorses in principle commencing an Amendment to the Planning and Design Code: <ol style="list-style-type: none"> <li>To formally designate as local heritage places the 34 properties identified in Attachment 1 to this report;</li> <li>With early commencement of the Amendment to enable the buildings being listed on an interim basis to prevent risk of demolition during consultation.</li> </ol> </li> <li>Endorses in principle nominating the Buckland Park Station complex of buildings to the SA Heritage Council for consideration as a potential State heritage place;</li> <li>Authorises the Chief Executive Officer to commence the statutory processes: <ol style="list-style-type: none"> <li>To initiate an amendment to the Planning and Design Code including engagement with property owners under the Planning, Development and Infrastructure Act 2016;</li> <li>To nominate the Buckland Park Station complex of buildings to the SA Heritage Council for consideration as a potential State heritage place, noting the Department of Environment and Water are the lead agency for engagement with property owners, under the Heritage Places Act 1993;</li> </ol> </li> <li>Notes administration intent to include an allocation of up to \$10,000 in the draft budget for 2023/24 for the purpose of a local heritage incentives and advisory service." </li></ol>	2022/151	Ongoing	Development & Community	The State Planning Commission has requested additional specific heritage analysis to occur prior to the initiation of a Code Amendment and staff are considering funding sources for this additional work with a recent grant application being made to the South Australian History Fund. Correspondence with State Planning Commission Staff requesting reconsideration of their position
27-Jun-22	12.3	Infrastructure and Environment Committee Meeting	<p>"that Council endorses resolution 2022/012 of the Infrastructure and Environment Committee and in doing so:</p> <ol style="list-style-type: none"> <li>Instructs the Chief Executive Officer to engage a suitably qualified consultant in accordance with Council's Procurement Policy to deliver a community waste education program; and</li> <li>Acknowledges that an allocation of \$15,000 will be incorporated into the appropriate quarterly budget revision in the 2022/2023 Financial Year." </li></ol>	2022/175	Ongoing	Infrastructure & Environment	Consultant has been engaged – Work is underway to collect data to be used in the development of a community waste education program
22-Aug-22	11.3	Infrastructure and Environment Committee Meeting	<p>"that Council endorses resolution 2022/025 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to undertake the necessary process to enable the development of CR6249/280 (Attachment 3) for stormwater and passive recreation uses."</p>	2022/277	Ongoing	Infrastructure & Environment	Crown land assessing the request
19-Dec-22	15.5	Update on Parham Campground and Road Closure	<p>"that Council, having considered Item 15.5 – Update on Parham Campground and Road Closure, dated 19 December 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> <li>Acknowledges the Public Mapping System data anomaly and that the resultant issues are through no fault of Adelaide Plains Council;</li> <li>Resolves to enter into an interim Licence Agreement with the Minister for Climate, Environment and Water to continue upgrade works and operation of the Parham Campground on portion of Section 631 CR 6202/438, effective from 10 January 2023;</li> <li>Resolves to enter into a long-term Lease Agreement with the Minister for Climate, Environment and Water to operate the Parham Campground on portion of Section 631 CR 6202/438, with provision for the site to be managed by a third party; and Instructs the Chief Executive Officer to execute the documents specified above, on behalf of Council, in accordance with Section 44 of the Local Government Act 1999." </li></ol>	2022/406	Ongoing	Corporate Services	Headlease document executed January 2024



19-Dec-22	15.5	Update on Parham Campground and Road Closure	<p>"that Council, having considered Item 15.5 – Update on Parham Campground and Road Closure, dated 19 December 2022:</p> <ol style="list-style-type: none"> <li>1. Endorses the action of the Chief Executive Officer to proceed with the closure of portion of The Esplanade from North Parade Road to North Terrace, Parham, comprising part of the Parham Campground, in accordance with Section 5 of the Roads (Opening and Closing) Act 1991; and</li> <li>2. Resolves to exclude the portion of The Esplanade being closed, from North Parham Road to North Terrace, Parham, from classification of Community Land pursuant to Section 193(4a) of the Local Government Act 1999 prior to the Final Plan being approved by the Surveyor-General under the Roads (Opening and Closing) Act 1991 and Certificate of Title issued."</li> </ol>	2022/407	Ongoing	Corporate Services	Road Closure process orders signed and returned to Surveyors for finalisation. Delays with corrections to documentation, now resolved and awaiting Surveyor General sign off
30-Jan-23	14.3	Hart Reserve Skate Park Investigation	<p>"that Council, having considered Item 14.3 – Hart Reserve Skate Park Investigation dated 30 January 2023, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> <li>1. Approves the skate park design elements presented as Attachment 2 to this report into the adopted Hart Reserve Option 1 Master Plan.</li> <li>2. Instructs the Chief Executive Officer to Proceed with detailed design plans and documentation for the construction of a new skate park in consultation with community members and key stakeholders; and</li> <li>3. At the conclusion of the public consultation process that a report be presented to Council."</li> </ol>	2023/013	Ongoing	Infrastructure & Environment	I&E Committee Agenda (likely June 2024)
27-Feb-23	14.5	Hart Reserve - Detailed Design Update (50% Stage)	<p>"that Council, having considered Item 14.5 – Hart Reserve - Detailed Design Update (50% Stage), dated 27 February 2023, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> <li>1. Endorses the design direction of the 50% Hart Reserve detailed design plans presented as Attachment 1 to this report.</li> <li>2. Instructs the Chief Executive Officer to progress detailed design documentation to 90% and undertake an itemised schedule of costs.</li> <li>3. Notes that at the completion of the 90% detailed design phase, a further report be presented to Council outlining a public consultation strategy for Council's approval."</li> </ol>	2023/052	Ongoing	Infrastructure & Environment	Detail design is progressing to 90% hold point
27-Mar-23	12.2	Minutes of the Infrastructure and Environment Meeting held 16 March 2023	<p>"that Council endorses resolution 2023/005 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to:</p> <ol style="list-style-type: none"> <li>1. Undertake public consultation in relation to a proposed green waste collection service for the coastal communities of Middle Beach, Thompson Beach, Webb Beach and Parham in accordance Council's Public Consultation Policy; and</li> <li>2. Bring a report back to the Infrastructure and Environment Committee on the outcome of the public consultation process."</li> </ol>	2023/073	Ongoing	Infrastructure & Environment	Consultant has been engaged – Work is underway to collect data to be used to understand the sustainability of a future Organics waste service within the coastal communities
27-Mar-23	14.7	Short Term Staff Accommodation	<p>"that Council, having considered Item 14.7 – Short Term Staff Accommodation, dated 27 March 2023, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> <li>1. Determines not to proceed with the conversion of 65 Old Port Wakefield Road, Two Wells (former Two Wells RSL building) to provide short term staff accommodation; and</li> <li>2. Instructs the Chief Executive Officer to continue to progress the Short-Term Staff Accommodation Project, through further costings of the purchase and location of a transportable building within the existing Two Wells Service Centre Car Park."</li> </ol>	2023/083	Ongoing	Development & Community	This project has been put on hold pending the outcome of the Community & Civic Hub Stage 2 project and internal reconfiguration of areas of the Two Wells Service Centre to create additional work stations

24-Apr-23	14.4	Thompson Beach Vehicle Access – Public Consultation	<p>“that Council, having considered Item 14.4 – Thompson Beach Vehicle Access – Public Consultation, dated 24 April 2023, receives and notes the report and in doing so:-</p> <p>1. Endorses in principle undertaking public consultation about a seasonal vehicle closure of Thompson Beach to inform a Council resolution under the Local Government Land By-Law 2019.</p> <p>2. Instructs the Chief Executive Officer to prepare the Thompson Beach Seasonal Vehicle Closure Discussion Paper and to bring it to Council for endorsement for use for public consultation.”</p>	2023/097	Ongoing	Development & Community	<p>Liaising with DEW, DIT, Birdlife Australia and National Parks Ranger Service regarding beach vehicle access closure, as these authorities will be involved in the consultation process. Update to be provided to Council in mid 2024</p>
24-Apr-23	18.1	Motion on Notice	<p>“that Council instructs the Chief Executive Officer to undertake investigations into a traffic management plan for Old Port Wakefield Road (Brooks Road to Mallala Road), Two Wells, as included in the Draft 2023/2024 Financial Year Annual Business Plan and Budget.”</p>	2023/111	Ongoing	Infrastructure & Environment	<p>Consultant has been engaged to undertake investigations. Commencing mid 2024</p>
26-Jun-23	14.6	Dogs On Leash – Lewiston Wetlands and Reserves Trails	<p>“that Council, having considered Item 14.6 – Dogs On Leash – Lewiston Wetlands and Reserves Trails, dated 26 June 2023, receives and notes the report and in doing so:-</p> <p>1. Endorses undertaking public consultation in relation to a proposal that dogs be on-leash in the Lewiston Wetlands and Reserves Trails to inform a Council resolution under the Dogs By-Law 2019.</p> <p>2. Notes the Background Paper – Proposed Dogs On Leash in Lewiston Wetlands and Reserves Trails as outlined in Attachment 2 will be used to inform the public consultation process.</p> <p>3. Authorises the Chief Executive Officer to undertake editorial changes to finalise the Background Paper for consultation.”</p>	2023/155	Ongoing	Development & Community	<p>Public consultation to commence mid 2024</p>
24-Jul-23	12.4	Committee Meetings	<p>“that Council endorses resolution 2023/045 of the Audit Committee and in doing so instruct the Chief Executive Officer to organise a Risk Management workshop facilitated by Bentleys in August 2023.”</p>	2023/189	Ongoing	Executive Office	<p>Workshops will be delayed until the Court of Disputed Returns process has concluded and the composition of the chamber has been determined.</p>
24-Jul-23	14.3	Community and Civic Hub Investigation – Completion of Phase 1	<p>“that Council, having considered Item 14.3 – Community and Civic Hub Investigation – Completion of Phase 1, dated 24 July 2023, instructs the Chief Executive Officer to engage Holmes Dyer to continue to advance (Phase 2) the Community and Civic Hub Investigation as outlined within the Holmes Dyer report dated 17 July 2023.”</p>	2023/204	Ongoing	Infrastructure & Environment	<p>resolution 2024/33 (deferred to 2025)</p>
24-Jul-23	14.6	Deed of Extension and Variation of Lease – Adelaide Kerbing Pty Ltd	<p>“that Council, having considered Item 14.6 – Deed of Extension and Variation of Lease – Adelaide Kerbing Pty Ltd, dated 24 July 2023, receives and notes the report and in doing so authorises the Chief Executive Officer to:</p> <p>i. Negotiate and finalise the terms and conditions of the Draft Deed of Extension and Variation of Lease, and to prepare the Draft Lease for execution; and</p> <p>ii. Pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer execute the lease agreement between the Adelaide Plains Council and Adelaide Kerbing Pty Ltd.”</p>	2023/208	Ongoing	Corporate Services	<p>Lease execution pending Greencap report and further discussion with EPA. Lessee applied for EPA licence to relocate their business operation.</p>
28-Aug-23	12.2	Committee Meetings	<p>“that Council endorses resolution 2023/016 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to bring back a report to Council in relation to setting up a working party/reporting structure that focuses on Salt Creek remediation and other associated infrastructure matters.”</p>	2023/235	Complete	Infrastructure & Environment	<p>John Drexel establishing a working party, refer to I&amp;E Agenda 14 March 2024</p>

23-Oct-23	14.7	Recruitment of an Independent Member – Infrastructure & Environment Committee	“that Council, having considered Item 14.7 – Recruitment of an Independent Member - Infrastructure and Environment Committee, dated 23 October 2023, receives and notes the report and in doing so instructs the Chief Executive Officer to undertake an Expressions Of Interest process for one (1) vacant independent member position on Council’s Infrastructure and Environment Committee and bring a report back to Council in order for Council to consider appointing a second independent member to the Committee.”	2023/317	Ongoing	Infrastructure & Environment	Outcome of Expression of Interest to be tabled mid 2024
23-Oct-23	14.8	Local Roads and Community Infrastructure Program Funding	“that Council, having considered Item 14.8–Local Roads and Community Infrastructure Program Funding, dated 23 October 2023, receives and notes the report and in doing so; - 1. Allocates the Local Roads and Community Infrastructure Program Round 4 Part B - \$199,268 to Hart Road construct and seal project (Port Wakefield Road to Devon Road); 2. Instructs the Chief Executive Officer to apply for Heavy Vehicle Safety and Productivity Program funding for the Hart Road construct and seal project (Port Wakefield Road to Devon Road); and 3. Instructs the Chief Executive Officer to bring back a report outlining the outcome of the funding application.”	2023/318	Ongoing	Infrastructure & Environment	Funding Application ongoing
23-Oct-23	15.5	Windsor Institute Status	“that Council, having considered Item 15.5 – Windsor Institute Status, instructs the CEO to :- 1. Secure possession of all historical items including the machine gun, honour boards, photos and documentation. 2. Bring back a report to Council outlining the cost schedule of repairs sufficient to enable safe public access.”	2023/325	Ongoing	Infrastructure & Environment	Report to be tabled mid 2024
27-Nov-23	15.6	Thompson Beach & Parham - Webb Beach Discussion Paper for Consultation	“that Council, having considered Item 15.6 – Thompson Beach & Parham - Webb Beach Discussion Paper for Consultation, dated 27 November 2023, receives and notes the report and in doing so: 1. Endorses in principle the Discussion Paper - Thompson Beach and Parham - Webb Beach, as presented as Attachment 1 to this report, to be released for the purposes of undertaking consultation as envisaged in the Consultation Policy; and 2. Delegates authority to the Chief Executive Officer to undertake editorial but not policy changes to enable the Discussion Paper to be suitable for consultation.”	2023/355	Ongoing	Development & Community	Preparing for Consultation to commence mid 2024
18-Dec-23	14.1	Annual Review of Confidential Items	“that Council, having considered Item 14.1 – Annual Review of Confidential Items, dated 18 December 2023, resolves as follows with respect to the orders made under section 91(7) of the Local Government Act 1999 outlined in Table 3 of the report, entitled ‘Recommended to Release’: 1. For all orders which are marked as “Subject to Consultation”, Council authorises and directs the Chief Executive Officer: (a) to conduct consultation with whomever the Chief Executive Officer considers appropriate and however the Chief Executive Officer see fits; and (b) to determine, following such consultation, whether or not to revoke each order (and, for any such order with respect to which the Council has not already delegated the power to revoke, the Council hereby delegates that power to the Chief Executive Officer under section 91(9)(c) of the Local Government Act 1999); 2. For all orders which are not marked as “Subject to Consultation”, the Council revokes those orders.”	2023/380	Ongoing	Corporate Services	Consultation required with appropriate parties ongoing.

18-Dec-23	15.4	Mallala Council Chamber Livestream Audio	"that Council, having considered Item 15.4 – Mallala Council Chamber Livestream Audio, dated 18 December 2023, receives and notes the report."	2023/391	<b>Complete</b>	Finance	Internal Test was conducted on Tuesday 5 March 2024 with 4 people sitting in corners of the table all connected on laptops. Issues were found with the reverb (echo) coming through the TV. There was lots of difficulties with muting and unmuting and concerns are for meetings when conversations/discussions are occurring. the testing was performed over a span of 15-20 minutes and different configurations were tested, with neither resulting in an easier meeting experience or reverb (echo) reduction.
26-Feb-24	14.1	Community & Civic Hub Investigation - Phase 2	"that Council, having considered Item 14.1 - Community and Civic Hub Investigation Phase 2 Summary Report prepared by Holmes Dyer, dated 26 February 2024, endorses the Two Wells Office and Library site as the preferred location for the development of a Community and Civic Hub."	2024/32	<b>Complete</b>	Corporate Services	
26-Feb-24	14.1	Community & Civic Hub Investigation - Phase 2	<p>"that Council, having considered Item 14.1 - Community and Civic Hub Investigation Phase 2 Summary Report prepared by Holmes Dyer, dated 26 February 2024, in acknowledging the findings, conclusions and recommendations/next steps entailed within the report, determine to pause on any further advancements into the development of a Community and Civic Hub at this time to enable a suite of processes and initiatives to firstly occur, namely:</p> <ol style="list-style-type: none"> <li>1. Develop, consult upon and adopt Council's Strategic Plan 2025-2028 (which may or may not include a pathway forward regarding the development of a Community and Civic Hub); and</li> <li>2. Continue to advance Council's adopted position resolved at its 27 November 2023 Ordinary Council Meeting - Item 22.2 Two Wells Service Centre Land Valuation (refer confidential resolutions 2023/373 and 2023/374).</li> <li>3. Revisit the recommendations comprised within the report in early 2025 and following the completion of items 1 and 2 above."</li> </ol>	2024/33	<b>Complete</b>	Corporate Services	

26-Feb-24	14.2	Delegation Update	<p>"that Council, having considered Item 14.2 – Delegation Update, dated 26 February 2024, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> <li>1. exercises the power contained in section 44 of the Local Government Act 1999 to hereby delegate, on 26 February 2024, the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in this report to the person occupying the office of the Chief Executive Officer (and anyone acting in that position) subject to the conditions and/or limitations specified herein:</li> </ol> <ol style="list-style-type: none"> <li>(a) Burial and Cremations Act 2013</li> <li>(b) Expiation of Offences Act 1996</li> <li>(c) Local Government Act 1999</li> <li>(d) Road Traffic Act 1961</li> </ol> <p>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 the proposed Instrument of Delegation.</p> <ol style="list-style-type: none"> <li>2. exercises the power contained in section 44 of the Local Government Act 1999, and section 100 of the Planning, Development and Infrastructure Act 2016 to hereby delegate, effective from 3 July 2023, the powers and functions under the Planning, Development and Infrastructure Act 2016 Regulations, Planning &amp; Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority; a Designated Entity – (Instrument A), to the person occupying or acting in the Office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions.</li> </ol>	2024/34	Complete	Corporate Services	
26-Feb-24	14.3-14.5	Policy Reviews	Nil		Complete	Corporate Services	Workshop 5:30 - 7:30 on 18 March 2024
26-Feb-24	14.6	Australian Local Government Association - National General Assembly 2024 - Mayor and Chief Executive Officer Attendance	<p>"that Council, having considered Item 14.6 – Australian Local Government Association - National General Assembly 2024 - Mayor and Chief Executive Officer Attendance, dated 26 February 2024, endorses the attendance of Council's Mayor and Chief Executive Officer at the National General Assembly to be held in Canberra from 2 to 5 July 2024 and will incur costs of registration, travel, accommodation and reasonable meal expenditure."</p>	2023/36	Complete	Executive Office	
26-Feb-24	14.8	2024/2025 Annual Business Plan, Budget and 2025-2034 Long Term Financial Plan Development Framework	<p>"that Council, having considered Item 14.8 – 2024/2025 Annual Business Plan, Budget and 2025-2034 Long Term Financial Plan Development Framework, dated 26 February 2024, receives and notes the report and in doing so recommends that Council:</p> <ol style="list-style-type: none"> <li>1. endorse the budget parameters and assumptions set out in Table 1 of this Report for the purpose of preparing the draft 2024/2025 Annual Business Plan, Budget and 2025-2034 Long Term Financial Plan; and</li> <li>2. endorse the schedule set out in Table 2 of this report as the process to be undertaken in the preparation of the 2024/2025 Annual Business Plan, Budget and 2025-2034 Long Term Financial Plan, subject to any date changes the Chief Executive Officer determines necessary."</li> </ol>	2024/38	Complete	Corporate Services	

26-Feb-24	14.9	Strategic Plan Review	<p>"that Council, having considered Item 14.9 – Strategic Plan Review, dated 26 February 2024, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> <li>1. notes the Strategic Plan 2025–2028 Engagement Plan presented as Attachment 2 and Review of the 2020–2024 Strategic Plan presented as Attachment 3 to this report; and</li> <li>2. endorses the Draft Discussion Paper presented as Attachment 1 to this report and instructs the Chief Executive Officer to finalise the Draft Discussion Paper for the purpose of consultation in accordance with Council's Public Consultation Policy, further noting the output from this consultation will inform the preparation of a Draft Strategic Plan 2025–2028 to be brought forward for Council consideration."</li> </ol>	2024/39	<b>Complete</b>	Executive Office	Consultation scheduled 18 April 2024
26-Feb-24	14.10	Two Wells Recreation and Sport Precinct Master Plan for Consultation	<p>"that Council, having considered Item 14.10 – Two Wells Recreation and Sport Precinct Master Plan for Consultation, dated 26 February 2024, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> <li>1. endorses the draft Two Wells Recreation and Sport Precinct Master Plan presented as Attachment 2 to this report and instructs the Chief Executive Officer to work with the consultants to make any necessary editorial and mapping alterations to finalise the document for the purpose of undertaking consultation in accordance with Council's Public Consultation Policy, further noting the output from consultation will be brought forward for Council consideration and endorsing a Master Plan; and</li> <li>2. affirms an intent to work collaboratively with existing lessees and peak bodies on the physical design, funding, grant funding and precinct management solutions to lead to the realisation of an upgraded Precinct for the betterment of the growing Adelaide Plains community."</li> </ol>	2024/40	<b>Ongoing</b>	Development & Community	Consultation commencing april 2024 with lessees
26-Feb-24	14.11	Precinct Development Grant Application	<p>"that Council, having considered Item 14.11 – Precinct Development Grant Application, dated 26 February 2024, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> <li>1. endorses the proposed Northern Adelaide Plains Precinct Planning Grant Application as presented as Attachment 1, 2 and 3 to this report;</li> <li>2. instructs the Chief Executive Officer to finalise and lodge the Northern Adelaide Plains Precinct Planning Grant Application to the Australian Government's Regional Precincts and Partnerships Program; and</li> <li>3. acknowledges and expresses thanks to the various groups expressing interest in partnering with Council in precinct planning."</li> </ol>	2024/41	<b>Ongoing</b>	Development & Community	Application due to be submitted April 2024

26-Feb-24	14.12	Adelaide North Transport Study Consultation	<p>"that Council, having considered Item 14.12 – Adelaide North Transport Study Consultation, dated 26 February 2024, receives and notes the report and in doing so:</p> <p>1. endorses the following comments to be provided to the Department of Infrastructure and Transport:</p> <p>(a) supports the investigations and engagement by the Department of Infrastructure and Transport in order to plan ahead for transport needs associated with envisaged population, business and agribusiness growth in Adelaide's north.</p> <p>(b) requests the Department of Infrastructure and Transport to:</p> <p>i. give priority to improving community transport and establishing public transport services to the rapidly growing Two Wells and Lewiston areas.</p> <p>ii. consider the role of the train line long term for public transport in the northern region and for increasing freight movement from business growth within Adelaide Plains.</p> <p>iii. improve safety within Two Wells on Gawler and Mallala Roads, drawing on the Two Wells Township Traffic Impact Assessment Report January 2023 by BE Engineering Solutions and the Two Wells Walking Cycling Plan.</p> <p>iv. investigate improving bypass options from Redbanks Road to Port Wakefield Highway reducing impact of trucks within increasing residential living of Two Wells and Mallala whilst improving freight connectivity, as outlined in Attachment 3 to this report.</p> <p>v. plan for a network of quiet country roads enabling walking, cycling, and horse-riding connections across Adelaide Plains and connecting to the wider region</p> <p>vi. review studies and strategies relevant to transport, as outlined in Attachment 2 to this report.</p> <p>(c) Council looks to work with the Department of Infrastructure and Transport to action</p> <p>"that Council, having considered Item 14.13 – Mid-Year Budget Review 2023/2024, dated 26 February 2024, receives and notes the report and in doing so:</p> <p>1. receives and notes the project progress reports presented as Attachment 1 and 2 to this report; and</p> <p>2. pursuant to regulation 9 (1)(a) of the Local Government (Financial Management) Regulations 2011, adopts the revised 2023/2024 Budgeted Financial Statements as contained within Attachment 3 that has been updated following the Mid-Year Budget Review changes identified in Table 1, 2 and Table 3 of the report."</p>	2024/42	<b>Complete</b>	Development & Community	Submission lodged 28 February 2024
26-Feb-24	14.13	Mid-Year Budget Review 2023/2024	<p>"that Council, having considered Item 14.13 – Mid-Year Budget Review 2023/2024, dated 26 February 2024, receives and notes the report and in doing so:</p> <p>1. receives and notes the project progress reports presented as Attachment 1 and 2 to this report; and</p> <p>2. pursuant to regulation 9 (1)(a) of the Local Government (Financial Management) Regulations 2011, adopts the revised 2023/2024 Budgeted Financial Statements as contained within Attachment 3 that has been updated following the Mid-Year Budget Review changes identified in Table 1, 2 and Table 3 of the report."</p>	2024/43	<b>Complete</b>	Finance	
26-Feb-24	19	Motion without Notice	<p>"that the Chief Executive Officer bring back a report to the chamber detailing the costings and/or assistance for the All Historic Mallala Street Party regarding Council providing traffic control, toilets, lighting and waste"</p>	2024/51	<b>Complete</b>	Development & Community	March 2024 Agenda

**15.2 PROJECTS EXPECTED TO BE CARRY OVER TO 2024/2025 FINANCIAL YEAR****Record Number:** D24/12443**Author:** Director Finance**Authoriser:** Acting Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

**“that Council, having considered Item 15.2 – *Projects Expected to be Carry Over to 2024/2025 Financial Year*, dated 25 March 2024, receives and notes the report.”**

**OVERVIEW****Purpose**

The purpose of this report is to provide an update to the Council in relation to projects that may not be completed by 30 June 2024 and therefore potentially be carried over to 2024/2025 Financial Year.

**Background***Policy Position*

Council's *Budget Management Policy*, reviewed by Council's Audit & Risk Committee, and subsequently reviewed and adopted by Council on 28 February 2022, provides:

**3.4 *Guidelines in relation to the carry forward of expenditure authority associated with projects included in the budget for the previous financial year.***

*Funding approval for budgeted activity not completed at the end of any budget year is forfeited unless approval to carry-over the activity and associated budget allocation is granted by Council.*

*While there may be one-off exceptions, operating activity budgeted for but not expended in a year generally should not be carried forward to the following year. Identifiable projects that will not commence in the year that they have been budgeted for should be re-evaluated and where warranted included in the budget for the following year at the time of its adoption. Similarly capital projects that have not commenced in one year should be considered against other competing priorities in determining the content of the budget for the following year rather than treated separately as 'carried forwards'.*

*The scope and funding requirements of capital projects and major operating-type activities that are committed or underway but not completed at the end of one-financial year needs to be reviewed and the projects/activities considered for carrying forward as soon as practicable in the relevant financial year.*

*Any request for carrying forward activity needs to clearly highlight whether the scope of each activity item and its associated funding quantum is proposed to be varied from that previously approved and if so the reasons for same. Any impact on the achievement of the targets for a financial indicator established in Council's original budget for the current year also should be identified.*



## Discussion

- Adopted budget

Adopted budget for 2024/2025 Financial Year had following budget estimates;

- an operating project budget of \$0.856m;
- capital project budget of \$3.986m; and
- new short-term loan borrowings of \$1.002m.

- Mid-Year Budget Review

Following the Mid-Year Budget Review in February 2024, projects budget and borrowings were updated as follows;

- an operating project budget of \$3.026m;
- capital project budget of \$7.584m; and
- new short-term loan borrowings of \$1.934m.

**Table 1** below provides the summary of adopted and revised budget following Mid-Year Budget review.

**Table 1: Value of Projects Approved for 2023/2024 Financial Year (\$'Mn)**

	Adopted Budget	Q1 Budget	New Expenditure	Q2 Budget
Capital Projects (\$'Mn)	3.986	7.599	(0.015)	7.584
Operating Projects (\$'Mn)	0.856	2.918	0.108	3.026
<b>Total</b>	<b>4.842</b>	<b>10.517</b>	<b>0.093</b>	<b>10.610</b>

As shown in **Table 2** below, the number of new projects approved for 2023/2024 was 44. However, following the Mid-Year Budget Review, total number of projects earmarked for implementation by 30 June 2024 has been increased to 73.

**Table 2: Number of Projects Approved for 2022/2023 Financial Year**

	Adopted Budget	Q1 Budget	Q2 Change	Q2 Budget
Capital Projects (Nos)	36	47	(1)	46
Operating Projects (Nos)	8	26	1	27
<b>Total</b>	<b>44</b>	<b>73</b>	<b>0</b>	<b>73</b>

Based on information available as of 18 March 2024, 5 capital projects with an estimated net cost of \$0.950m and 4 operating projects with an estimated net cost of \$0.955m are not expected to be completed by 30 June 2024. (Please see below for the list of the projects).

### Capital Projects

- Street Lighting - Two Wells Main Street \$315k
- Kerbing - Balaklava Road - Lisieux Street to Aerodrome Road \$240k
- Sealed Road - Two Wells Mainstreet - Pedestrian Refuges/Crossing \$195K
- Wasleys Bridge – Repairs \$200k
- Two Wells Township Levee (100% grant funded) \$1600k

Operating Projects

- |   |          |
|---|----------|
| 6. Coastal adaptation study review (100% grant funded)                | \$60k    |
| 7. Undergrounding of Power Lines in Two Wells (\$0.345k grant funded) | \$1,300k |
| 8. Two Wells CWMS - Concept Design (100% grant funded)                | \$155k   |
| 9. LRCIP Round 4 & Part B (100% grant funded)                         | \$199k   |

**Conclusion**

In accordance with Council's *Budget Management Policy*, projects committed or underway but not completed must be reviewed and considered for carrying forward as soon as practicable in the relevant financial year. This report identifies potential carry over projects based on information available as of 18 March 2024. Final carry over project list and the carry over amounts will not be known until the conclusion of 2023/2024 Financial Year.

**References**Legislation

*Not applicable*

Council Policies/Plans

*Budget Management Policy*

*2023/2024 Annual Business Plan and Budget*

*Draft 2024/2025 Annual Business Plan and Budget*

*2023/2024 Mid-Year Budget Update*

**15.3 CAPITAL WORKS AND OPERATING PROGRAM - MONTHLY UPDATE - MARCH 2024****Record Number:** D24/12677**Author:** Acting Director Infrastructure and Environment**Authoriser:** Acting Chief Executive Officer**Attachments:**  
1. Capital Projects Progress Report 2023-202    
2. Operating Projects Progress Report 2023-2024  **RECOMMENDATION**

**“that Council, having considered Item 15.3 – *Capital Works and Operating Program - Monthly Update - March 2024*, dated 25 March 2024, receives and notes the report.”**

**Purpose**

The purpose of this report is to provide an update in relation to the status of the Infrastructure and Environment Department 2023-2024 Capital Works and Operating Program, for Council Members' information and monitoring.

**Background**

Council has adopted a significant Capital Works and Operating Program for delivery in 2023-24 totalling \$6.9 million, with an additional \$4.4million allocated to Local Government Partnership Program and Two Wells Levee projects. Management have established a project management framework for managing and monitoring projects to ensure that every effort is made to deliver the projects on time and within budget.

**Attachment 1** provides a list and status of the 2023-2024 Capital projects, and **Attachment 2** provides a list and status of the 2023-2024 Operating projects.

Further to this, Management provides the following update of some of the activities and projects carried out by the Infrastructure and Environment Department over the last month.

**Discussion**Re-Sheeting Program

Council's re-sheeting program is progressing as scheduled. Currently undertaking re-sheeting on Paddys Bridge Road, with Wasleys Road the remaining Resheet of the 2023-2024 program commencing in the coming weeks.

Civil

The Civil team is currently carrying out maintenance activities such as sealed road maintenance, sweeping of loose stones from sealed intersections and illegal dumping clean-up.

Open Space and Environment

The Open Space and Environment team is currently carrying out routine maintenance activities within parks, gardens and oval precincts. Additionally they are undertaking declared weed control on road sides.

**Conclusion**

This report is provided as a standing monthly update for Council's information.

**References**Legislation

*Local Government Act 1999*

Council Policies/Plans

*Strategic Plan 2021-2024*

*Long Term Financial Plan 2024-2033*

*Infrastructure and Asset Management Plans*

*Annual Business Plan and Budget 2023-2024*

*Public Consultation Policy*

## CAPITAL PROJECT PROGRESS REPORT 2023-2024 - MARCH 2024

Budget No	Project Name	Total Budget	YTD Actual Spend	Available to Spend	Project Commenced (Y/N)	Estimated Project Start Date	Estimated Project Completion Date	Project Completed (Y/N)	Percentage of Completion	Grant Funded
72908	Sealed Road - Dublin Road - Hill Road to Earl Road - Pavement Rehabilitation	80,000	90,238	(10,238)	Yes	Jan-24	Jun-24	Yes	100%	
72909	Sealed Road - Bailey Road East - Old Port Wakefield Road to End	91,000	69,859	21,141	Yes	Jan-24	Jun-24	Yes	100%	
72910	Sealed Road - Baker Road – Gawler River Road to River	87,000	68,364	18,636	Yes	Jan-24	Jun-24	Yes	100%	
72911	Sealed Road - Boundary Road - Hayman Road to Dawkins Road	65,000	84,393	(19,393)	Yes	Jan-24	Jun-24	Yes	100%	
72912	Sealed Road - Garden Avenue - Artesian Road to Southern End	85,000	67,766	17,234	Yes	Jan-24	Jun-24	Yes	100%	
72913	Sealed Road - Germantown Road – Gawler Road to Dawkins	142,000	121,050	20,950	Yes	Jan-24	Jun-24	Yes	100%	Yes (100%)
72914	Sealed Road - Jenkin Court - Butler Road to End	77,000	66,665	10,335	Yes	Jan-24	Jun-24	Yes	100%	
72915	Sealed Road - Seventh Street – South Terrace to Fifth Street	69,000	65,981	3,019	Yes	Jan-24	Jun-24	Yes	100%	
72916	Sealed Road - Third Street (Dublin) - Sixth Street to End of Seal	23,000	21,192	1,808	Yes	Jan-24	Jun-24	Yes	100%	
72917	Sealed Road - Williams Road – Dawkins Road to Hayman Road	82,000	54,399	27,601	Yes	Jan-24	Jun-24	Yes	100%	
72940	Sealed Road - Two Wells Mainstreet - Pedestrian Refuges/Crossing	195,000	482	194,518	No	Jan-24	Jun-24			
72903	Sealed Road - Longview Road and Gameau Road - Traffic calming devices	60,000	-	60,000	No	Jan-24	Jun-24			
72941	Sealed Road - Pram Ramp renewal to DDA compliant	10,000	5,854	4,146	Yes	Jan-24	Jun-24	Yes	100%	
72906	Street Lighting - Two Wells Main Street	315,503	26,982	288,521	Yes	Jul-23	Jun-24		5%	
72918	Streetscape - Irish Street - Butler Street to Redbanks Road	31,000	21,345	9,655	Yes	Nov-23	Apr-24	Yes	100%	
72919	Streetscape - Rowe Crescent - Drew Street to Applebee Road	16,000	26,065	(10,065)	Yes	Nov-23	Apr-24	Yes	100%	
72920	Streetscape - Chivell Street - Mary Street to End	38,000	-	38,000	No	Nov-23	Apr-24			
72921	Streetscape - Tangari Reserve - Footpath	24,000	-	24,000	No	Nov-23	Apr-24			
72922	Resheet - Bakers Road - Slant Road to Ridley Road	104,000	90,793	13,207	Yes	Sep-23	Oct-23	Yes	100%	
72923	Resheet - Gallipoli Road - Curnow Road to Jarmyn Road	78,000	63,017	14,983	Yes	Oct-23	Nov-23	Yes	100%	
72924	Resheet - Germantown Road - Verner Road to Seal	134,000	170,774	(36,774)	Yes	Jan-24	Feb-24	Yes	100%	Yes (100%)
72925	Resheet - Harris Road - Schlodder Road to Bubner Road	19,000	20,608	(1,608)	Yes	Sep-23	Oct-23	Yes	100%	
72926	Resheet - Hart Road - Port Wakefield Road to Smith Road	140,000	-	140,000	No	Sep-23	Jun-24			
72927	Resheet - North Parham Road - Lowey Road to Gilberts Road	75,000	64,985	10,015	Yes	Oct-23	Nov-23	Yes	100%	
72928	Resheet - Owen Road - March Road to Woods Road	121,000	98,382	22,618	Yes	Nov-23	Dec-23	Yes	100%	
72929	Resheet - Paddys Bridge Road - Mallala - Two Wells Road to Germantown Road	287,000	74,778	212,222	Yes	Feb-24	Mar-24		80%	
72930	Resheet - Schlodder Road - Clonan Road to Schutt Road	39,000	29,448	9,552	Yes	Oct-23	Oct-23	Yes	100%	
72931	Resheet - Wasleys Road - Cheek Road to Woolsheds Road	263,000	19,182	243,818	No	Mar-24	Jun-24			
72862	Kerbing - Balaklava Road - Lisieux Street to Aerodrome Road	240,000	-	240,000	No	Jan-24	Jun-24			
72932	Site Improvements - Renew Street & Reserves/Parks Furniture Program	20,000	13,859	6,141	Yes	Mar-24	May-24	Yes	100%	
72935	Site Improvements - New/Upgrade Street & Reserves/Parks Furniture Program	20,000	27,552	(7,552)	Yes	Mar-24	May-24	Yes	100%	
72933	Site Improvements - Site Improvements Renewal	200,000	40,204	159,796	Yes	Oct-23	Mar-24		10%	
72934	Site Improvements - Fuel supply upgrade	45,000	35,586	9,414	Yes	Sep-23	Oct-23	Yes	100%	
72936	Site Improvements - Streetscape and WSUD	50,000	12,984	37,016	No	Jan-24	Jun-24			
72937	Site Improvements - Lewiston Dog Park Shelters	20,000	16,551	3,449	Yes	Mar-24	May-24	Yes	100%	
72942	Site Improvements - Dublin Oval - Toilet Block	70,000	48,105	21,895	Yes	Apr-24	Jun-24		80%	
72852	Site Improvements - Various locations - Signage - wayfinding and information	35,000	9,300	25,700	No	Jan-24	Jun-24			
72888	Site Improvements - Council Boundary Signs - Allocation	60,000	-	60,000	No	Jan-24	Jun-24			
72889	Site Improvements - Stage 1 - Hart Reserve Masterplan - Implementation	70,000	40,263	29,737	Yes	Sep-23	Feb-24		50%	
72893	Site Improvements - Renewal of Lighting & Paths and Bike Racks Various	25,686	19,672	6,014	Yes	Jan-24	Jun-24		50%	
72900	Wasleys Bridge - Repairs	199,771	229	199,542	No	Jul-23	Jun-24			
72938	CWMS - Mallala - Replacement of Property Pumps	15,000	11,776	3,224	Yes	Apr-24	Apr-24	Yes	100%	
72939	Stormwater - Mallala Oval stormwater and road upgrade	60,000	20,680	39,320	Yes	Nov-23	Apr-24		15%	
72899	Stormwater - Middle Beach - Tidal Drainage System	-	27	(27)	No	Jul-23	Dec-23			

80072	Two Wells Township Levee	1,566,373	91,419	1,474,954	No	Oct-23	Jun-24			Yes (100%)
75100	Plant and Equipment Program	1,111,000	1,026,711	84,289	Yes	Sep-23	Mar-24	Yes	100%	
		6,558,333	2,837,519	3,720,814						

## OPERATING PROJECT PROGRESS REPORT 2023-2024 - MARCH 2024

Budget No	Project Name	Total Budget	YTD Actual Spend	Available to Spend	Project Commenced (Y/N)	Estimated Project Start Date	Estimated Project Completion Date	Project Completed (Y/N)	Percentage of Completion	Grant Funded
80020	Installation of single lane roundabout	500,000	879,000	(379,000)	Yes	Sep-23	Oct-23	Yes	100%	
80084	Donaldson Road - Design (Reserve corridor)	10,000	1,410	8,590	No	Nov-23	Jun-24			
80098	Community Waste Education	15,000	-	15,000	No	Nov-23	Feb-24			
33000/820	Implement Regional/Council DAIP Initiatives	15,000	-	15,000	No	Nov-23	Jun-24			
80100	Coastal adaptation study review	60,000	-	60,000	No	Nov-23	Jun-24			Yes (100%)
80103	Undergrounding of Power Lines in Two Wells	1,320,902	1,011	1,319,891	Yes	Sep-23	Jun-24		50%	
80059	Establish Horse Floating Park Area	50,000	-	50,000	No	Dec-23	Feb-24			
80104	Street/Verge Tree Planting	30,000	5,160	24,840	No	Apr-24	Apr-24			
80107	Donaldson Road - WSUD and Open Space Elements	10,000	-	10,000	No	Nov-23	Jun-24			
80110	Two Wells CWMS - Concept Design	155,000		155,000	No	Nov-23	Jun-24			Yes (100%)
80111	LRCIP Round 4 (Part B)	199,268	-	199,268	No	Nov-23	Jun-24			Yes (100%)
		2,365,170	886,581	1,478,589						

**16 QUESTIONS ON NOTICE**

Nil

**17 QUESTIONS WITHOUT NOTICE**

**18 MOTIONS ON NOTICE**

Nil

**19 MOTIONS WITHOUT NOTICE**

**20 URGENT BUSINESS**



## **21 CONFIDENTIAL ITEMS**

### **21.1 EXTENSION/AMENDMENT TO LEASE AGREEMENT - KONZAG GRAINS**

**RECOMMENDATION**

**“that:**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except:**
  - **Acting Chief Executive Officer;**
  - **Chief Financial Officer;**
  - **Acting Director Corporate Services;**
  - **Director Development & Community;**
  - **Acting Director Infrastructure & Environment;**
  - **Manager Governance;**
  - **Senior Information Technology Officer;**
  - **Property Officer (*via electronic means*);**
  - **Executive Assistant to the CEO/Mayor;**
  - **Governance Administration Officer/Minute Taker;****be excluded from attendance at the meeting of Council for Item 21.1 Extension/Amendment to Lease Agreement - Konzag Grains;**
- 2. Council is satisfied that pursuant to sections 90(3)(b)(i) of the *Local Government Act 1999*, Item 21.1 Extension/Amendment to Lease Agreement - Konzag Grain concerns information of a confidential nature, the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of Council;**
- 3. Council is satisfied the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

**RECOMMENDATION**

**“that Council, having considered the matter of Item 21.1 Extension/Amendment to Lease Agreement - Konzag Grains in confidence under sections 90(2) and (3)(b)(i) of the *Local Government Act 1999*, resolves that:**

- 1. The report, Attachment 1 and Attachment 2 pertaining to Item 21.1 Extension/Amendment to Lease Agreement - Konzag Grains, remain confidential and not available for public inspection until further order of the Council;**
- 2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and**
- 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”**

## **22 CLOSURE**