

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 September 2023 at 4.30pm

A handwritten signature in black ink, appearing to be "James Miller".

James Miller

CHIEF EXECUTIVE OFFICER

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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 - 28 August 2023

“that the minutes of the Ordinary Council Meeting held on 28 August 2023 (MB Folios 17867 to 17880 inclusive) be accepted as read and confirmed.”

CONFIDENTIAL

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 28 August 2023 at 4.30pm

The Mayor formally declared the meeting open at 4.32pm.

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 (from 4.36pm)

Councillor Kay Boon

Councillor Terry-Anne Keen

Councillor John Lush

Councillor Dante Mazzeo

Councillor Margherita Panella (from 5.45pm)

Councillor David Paton

Councillor Marcus Strudwicke

Councillor Eddie Stubing

Staff in Attendance:

Chief Executive Officer

Director Finance

Director Growth and Investment

Director Infrastructure and Environment

Group Manager – Development and Community

Executive Assistant to the CEO and Mayor

Governance Administration Officer/Minute Taker

Information Technology Officer

Property Officer

Mr James Miller

Mr Rajith Udugampola

Mr Darren Starr

Mr Thomas Jones

Mr Michael Ravno

Ms Susan Cook

Ms Stacie Shrubsole

Mr Sean Murphy

Mr Maurice Park

Apologies:

Nil

3 MINUTES**3.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING – 24 JULY 2023****RESOLUTION 2023/229****Moved: Councillor Keen****Seconded: Councillor Paton**

“that the minutes of the Ordinary Council Meeting held on 24 July 2023 (MB Folios 17836 to 17862 inclusive) be accepted as read and confirmed.”

CARRIED**3.2 CONFIRMATION OF MINUTES – SPECIAL COUNCIL MEETING – 25 JULY 2023****RESOLUTION 2023/230****Moved: Councillor Lush****Seconded: Councillor Boon**

“that the minutes of the Special Council Meeting held on 25 July 2023 (MB Folios 17863 to 17866 inclusive) be accepted as read and confirmed.”

CARRIED**4 BUSINESS ARISING**

Nil

5 DECLARATION OF MEMBERS' INTEREST

Nil

6 ADJOURNED BUSINESS

Nil

7 MAYOR'S REPORT**7.1 MAYOR'S REPORT – AUGUST 2023****RESOLUTION 2023/231****Moved: Councillor Keen****Seconded: Councillor Boon**

“that Council, having considered Item 7.1 – *Mayor's Report – August 2023*, dated 28 August 2023, receives and notes the report.”

CARRIED

7.2 ACTING MAYOR'S REPORT – AUGUST 2023**RESOLUTION 2023/232**

Moved: Councillor Strudwicke

Seconded: Councillor Lush

“that Council, having considered Item 7.2 – *Acting Mayor’s Report – August 2023*, dated 28 August 2023, receives and notes the report.”

Councillor Bombardieri entered the meeting at 4.36pm.

CARRIED

8 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9 DEPUTATIONS**9.1 DEPUTATION – DEVON HARDIMAN – TWO WELLS FOOTBALL AND NETBALL SPORTING CLUB – FUNDING SUPPORT FOR OVAL LIGHTING UPGRADE**

Mrs Lynette Seccafien, Grants Officer and spokesperson for the Two Wells Football and Netball Sporting Club made a 12-minute presentation seeking funding support for oval lighting upgrade at the Two Wells Oval, including taking questions of Members.

10 PRESENTATIONS/BRIEFINGS

Nil

11 PETITIONS

Nil

12 COMMITTEE MEETING MINUTES**12.1 MINUTES OF THE ADELAIDE PLAINS COUNCIL HISTORICAL COMMITTEE MEETING HELD 3 AUGUST 2023****RESOLUTION 2023/233**

Moved: Councillor Strudwicke

Seconded: Councillor Boon

“that Council receives and notes the minutes of the Minutes of the Adelaide Plains Council Historical Committee Meeting held 3 August 2023 as presented at Attachment 1 to this report.”

CARRIED

12.2 MINUTES OF THE INFRASTRUCTURE AND ENVIRONMENT COMMITTEE MEETING HELD 17 AUGUST 2023

RESOLUTION 2023/234

Moved: Councillor Keen

Seconded: Councillor Lush

“that Council receives and notes the minutes of the Infrastructure and Environment Committee Meeting held 17 August 2023 as presented at Attachment 1 to the report.”

CARRIED

RESOLUTION 2023/235

Moved: Councillor Lush

Seconded: Councillor Keen

“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.”

CARRIED

RESOLUTION 2023/236

Moved: Councillor Boon

Seconded: Councillor Strudwicke

“that Council endorses resolution 2023/017 of the Infrastructure and Environment Committee and in doing so adopts the revised Vehicle Crossover Policy as presented within Agenda for the Infrastructure and Environment Committee Meeting on 17 August 2023.”

CARRIED

RESOLUTION 2023/237

Moved: Councillor Boon

Seconded: Councillor Mazzeo

“that Council endorses resolution 2023/018 of the Infrastructure and Environment Committee and in doing so adopts the revised Resident Contribution to Road Sealing Policy as presented within Agenda for the Infrastructure and Environment Committee Meeting on 17 August 2023.”

CARRIED

RESOLUTION 2023/238**Moved: Councillor Boon****Seconded: Councillor Mazzeo**

“that Council endorses resolution 2023/019 of the Infrastructure and Environment Committee and in doing so adopts the revised Verge Landscaping and Maintenance Guidelines Policy as presented within Agenda for the Infrastructure and Environment Committee Meeting on 17 August 2023.”

CARRIED**RESOLUTION 2023/239****Moved: Councillor Keen****Seconded: Councillor Strudwicke**

“that Council endorses resolution 2023/020 of the Infrastructure and Environment Committee and in doing so adopts the revised Vegetation Management Policy as presented in Attachment 2 to this report subject to the inclusion of reference to the Bushfire Management Plan.”

CARRIED**RESOLUTION 2023/240****Moved: Councillor Boon****Seconded: Councillor Keen**

“that Council endorses resolution 2023/021 of the Infrastructure and Environment Committee and in doing so adopts the Road Side Vegetation Plan as presented within Agenda for the Infrastructure and Environment Committee Meeting on 17 August 2023.”

CARRIED**RESOLUTION 2023/241****Moved: Councillor Boon****Seconded: Councillor Keen**

“that Council endorses resolution 2023/022 of the Infrastructure and Environment Committee and in doing so accepts the LGA CWMS Program offer of \$155,000 to progress the Two Wells CWMS to concept design as presented at Attachment 3 to this Report.”

CARRIED

13 SUBSIDIARY MEETINGS**13.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY – SPECIAL BOARD MEETING HELD 27 JULY 2023****RESOLUTION 2023/242****Moved: Councillor Keen****Seconded: Councillor Lush**

“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Special Board Meeting held on 27 July 2023 as presented as Attachment 1 to this report.”

CARRIED**13.2 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY – BOARD MEETING HELD ON 17 AUGUST 2023****RESOLUTION 2023/243****Moved: Councillor Keen****Seconded: Councillor Lush**

“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Board Meeting held on 17 August 2023, presented as Attachment 1 to this report.”

CARRIED**14 REPORTS FOR DECISION****14.1 REQUEST FOR LEAVE OF ABSENCE – MAYOR WASLEY**

Mayor Wasley declared a perceived Conflict of Interest in relation to Item 14.1 – *Request for Leave of Absence – Mayor Wasley*, on the basis that he is the subject matter of the report. Mayor Wasley chose to deal with the conflict by leaving the meeting for the item.

Mayor Wasley left the meeting at 5.17pm.

Deputy Mayor Strudwicke presided the meeting.

RESOLUTION 2023/244**Moved: Councillor Keen****Seconded: Councillor Boon**

“that Council, having considered Item 14.1 – *Request for Leave of Absence – Mayor Wasley*, dated 28 August 2023, receives and notes the report and in doing so grants Mayor Wasley a leave of absence for the period 4 October 2023 to 23 December 2023 (inclusive).”

CARRIED UNANIMOUSLY

Mayor Wasley returned to the meeting at 5.21pm.

14.2 ADOPTION OF REVISED LONG TERM FINANCIAL PLAN 2024-2033

RESOLUTION 2023/245

Moved: Councillor Stubing

Seconded: Councillor Boon

“that the Council, having considered Item 14.2 – *Adoption of Revised Long Term Financial Plan 2024-2033*, dated 28 August 2023, pursuant to Section 122(1a)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Financial Management) Regulations 2011*, adopts the Long Term Financial Plan 2024-2033 contained in Attachment 1.”

CARRIED

14.3 RECRUITMENT OF AN INDEPENDENT MEMBER – AUDIT COMMITTEE

RESOLUTION 2023/246

Moved: Councillor Keen

Seconded: Councillor Boon

“that Council, having considered Item 14.3 – *Recruitment of an Independent Member – Audit Committee*, dated 28 August 2023, receives and notes the report and in doing so:-

1. Instructs the Chief Executive Officer to call for Expressions of Interest in relation to one (1) independent membership position for a four (4) year term from 30 November 2023 on Council’s Audit Committee; and
2. Notes clause 3.7 of the Audit Committee Terms of Reference wherein it states the evaluation panel will be comprised of the Mayor, Chief Executive Officer and the two (2) Council Members appointed to the Audit Committee.”

CARRIED

14.4 LIQUOR LICENCE APPLICATIONS

RESOLUTION 2023/247

Moved: Councillor Lush

Seconded: Councillor Stubing

“that Council, having considered Item 14.4 – *Liquor Licence Applications*, dated 28 August 2023, receives and notes the report and in doing so endorses undertaking of public consultation in relation to Liquor Licence application proposals by the Thompson Beach Progress Association, Mallala and Districts Lions Club and Mallala Football Club, as outlined in Attachments 2, 3 and 4 to this report.”

Councillor Panella entered the meeting at 5.45pm.

CARRIED

14.5 UPDATED TWO WELLS WALKING CYCLING PLAN**RESOLUTION 2023/248**

Moved: Councillor Keen

Seconded: Councillor Boon

Councillor Mazzeo left the meeting at 5.48pm.

Councillor Mazzeo returned to the meeting at 5.51pm.

“that Council, having considered Item 14.5 – *Updated Two Wells Walking Cycling Plan*, dated 28 August 2023, receives and notes the report and in doing so:

- 1. Adopts the updated Two Wells Walking Cycling Plan as presented in Attachment 1 to this report.**
- 2. Instructs the Chief Executive Officer to undertake any editorial but not policy amendments to the documents, where required.”**

CARRIED

15 REPORTS FOR INFORMATION**15.1 COUNCIL RESOLUTIONS – STATUS REPORT****RESOLUTION 2023/249**

Moved: Councillor Lush

Seconded: Councillor Strudwicke

“that Council, having considered Item 15.1– *Council Resolutions – Status Report*, dated 28 August 2023, receives and notes the report.”

CARRIED

15.2 REGIONAL REFORM ROUNDTABLE**RESOLUTION 2023/250**

Moved: Councillor Keen

Seconded: Councillor Paton

“that Council, having considered Item 15.2 – *Regional Reform Roundtable*, dated 28 August 2023, receives and notes the report and in doing so instructs the Mayor, Deputy Mayor and Chief Executive Officer to continue attending future meetings comprising The Barossa Council, Light Regional Council, Town of Gawler and Adelaide Plains Council, facilitated by the Member for Light, as a means of advancing and collaborating on issues of regional significance.”

CARRIED

15.3 DUBLIN LAND LEASE PROPOSAL – MALLALA AND DISTRICTS LIONS CLUB**RESOLUTION 2023/251****Moved: Councillor Lush****Seconded: Councillor Keen**

“that Council, having considered Item 15.3 – *Dublin Land Lease Proposal – Mallala and Districts Lions Club*, dated 28 August 2023, receives and notes the report and in doing so notes the Mallala and Districts Lion’s Club (the Lions Club) position that it no longer wishes to pursue the lease on the suggested land earmarked for development by the Lions Club in Dublin.”

CARRIED**15.4 PUBLIC FORUM 31 JULY 2023 – SUMMARY****RESOLUTION 2023/252****Moved: Councillor Keen****Seconded: Councillor Boon**

“that Council, having considered Item 15.4 – *Public Forum 31 July 2023 – Summary*, dated 28 August 2023, receives and notes the report.”

CARRIED**15.5 UPDATE ON SALE OF LAND FOR NON-PAYMENT OF RATES****RESOLUTION 2023/253****Moved: Councillor Keen****Seconded: Councillor Stubing**

“that Council, having considered Item 15.5 – *Update on Sale of Land for Non-payment of Rates*, dated 28 August 2023, receives and notes the report.”

CARRIED**15.6 MALLALA ROAD ROUNDABOUT****RESOLUTION 2023/254****Moved: Councillor Boon****Seconded: Councillor Mazzeo**

“that Council, having considered Item 15.6 – *Mallala Road Roundabout*, dated 28 August 2023, receives and notes the report.”

CARRIED

15.7 GREATER ADELAIDE REGIONAL PLAN DISCUSSION PAPER CONSULTATION**RESOLUTION 2023/255****Moved: Councillor Boon****Seconded: Councillor Keen**

“that Council, having considered Item 15.7 – *Greater Adelaide Regional Plan Discussion Paper Consultation*, dated 28 August 2023, receives and notes the report.”

CARRIED**15.8 LIBRARY AND COMMUNITY SERVICES REPORT – APRIL TO JUNE 2023****RESOLUTION 2023/256****Moved: Councillor Boon****Seconded: Councillor Mazzeo**

“that Council, having considered Item 15.8 – *Library and Community Services Report – April to June 2023*, dated 28 August 2023, receives and notes the report.”

CARRIED**16 QUESTIONS ON NOTICE**

Nil

17 QUESTIONS WITHOUT NOTICE

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

18 MOTIONS ON NOTICE**18.1 NOTICE OF MOTION – COUNCILLOR PANELLA – WINDSOR INSTITUTE****RESOLUTION 2023/257****Moved: Councillor Panella****Seconded: Councillor Strudwicke**

“that the Chief Executive Officer bring back a report to Council encompassing all information regarding the Windsor Institute. The report to cover information such as status of the building (to keep, sell or find a new use for the building), determine any repairs required, cost of repairs, inventory list of all items in and out of the institute and to ensure that all items of historical and/or value to the community be removed and stored for safe keeping until a place can be found to incorporate the history of the Windsor Institute.”

CARRIED

18.2 NOTICE OF MOTION – DEPUTY MAYOR STRUDWICKE – SOCIAL MEDIA PRESENCE**RESOLUTION 2023/258****Moved: Councillor Strudwicke****Seconded: Councillor Keen**

“that the Chief Executive Officer provide a report to the next ordinary meeting of Council, updating the chamber on the work currently being undertaken, and next steps required, to fast track the implementation of a social media presence for Adelaide Plains Council.”

CARRIED**19 MOTIONS WITHOUT NOTICE**

Nil

20 URGENT BUSINESS

Nil

21 CONFIDENTIAL ITEMS**21.1 TWO WELLS TOWN CENTRE DEVELOPMENT****RESOLUTION 2023/259****Moved: Councillor Keen****Seconded: Councillor Boon****“that:**

1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except the Chief Executive Officer, Director Finance, Director Growth and Investment, Director Infrastructure and Environment, Group Manager – Development and Community, Executive Assistant to the Chief Executive Officer and Mayor, Governance Administration Officer/Minute Taker and Information Technology Officer, be excluded from attendance at the meeting of Council for Agenda Item 21.1 – *Two Wells Town Centre Development*;
2. That Council is satisfied that pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item 21.1 – *Two Wells Town Centre Development* concerns commercial information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business, or to prejudice the commercial position of Council, and would on balance be contrary to the public interest;
3. That Council is satisfied that in 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

Councillor Boon left the meeting at 7.10pm.

21.1 TWO WELLS TOWN CENTRE DEVELOPMENT

Councillor Boon returned to the meeting at 7.13pm.

Councillor Bombardieri left the meeting at 7.13pm.

Councillor Bombardieri returned to the meeting at 7.16pm.

RESOLUTION 2023/260

Moved: Councillor Keen

Seconded: Councillor Boon

“that it being 7.27pm, the meeting be extend by 30 minutes.”

CARRIED

Councillor Stubing left the meeting at 7.38pm

RESOLUTION 2023/261

Moved: Councillor Strudwicke

Seconded: Councillor Boon

“that Council, having considered Item 21.1 – *Two Wells Town Centre Development*, dated 28 August 2023, receives and notes the report”

CARRIED

RESOLUTION 2023/262

Moved: Councillor Strudwicke

Seconded: Councillor Boon

Councillor Stubing returned to the meeting at 7.40pm

“that Council, having considered Item 21.1 – *Two Wells Town Centre Development*, dated 28 August 2023, resolves that given that Section 180 Hundred of Port Gawler (Volume 5984 Folio 730), Two Wells and Section 716 Hundred of Port Gawler, Two Wells (Volume 5755 Folio 739) (the Land) was acquired less than 12 months ago, an open expression of interest process was conducted for its sale and the substantial financial and non-financial benefits that are to be derived from the sale, Council will not seek a further valuation of the land. This is considered to be a reasonable approach in the circumstances as identified and concluded in the BRM Advisory Prudential Report dated 22 June 2023.”

CARRIED

RESOLUTION 2023/263

Moved: Councillor Keen

Seconded: Councillor Paton

“that Council, having considered the matter of Item 21.1 – *Two Wells Town Centre Development* in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that:

1. The staff report and resolution 2023/262 pertaining to Item 21.1 – *Two Wells Town Centre Development* remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;
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 Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”

CARRIED

22 CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.43pm.

Confirmed as a true record.

Mayor:.....

Date: ____/____/____

3.2 Confirmation of Minutes - Special Council Meeting - 5 September 2023

“that the minutes of the Special Council Meeting held on 5 September 2023 (MB Folios 17881 to 17885 inclusive) be accepted as read and confirmed.”

Subject to Confirmation

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

Tuesday 5 September 2023 at 7.00pm

The Mayor formally declared the meeting open at 7.00pm.

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 Terry-Anne Keen

Councillor Margherita Panella

Councillor David Paton

Councillor Marcus Strudwicke

Councillor Eddie Stubing

Also in Attendance:

Chief Executive Officer

Governance Administration Officer

Manager, Human Resources Consulting – McArthur

Mr James Miller

Ms Stacie Shrubsole

Ms Rebecca Hunt

Apologies:

Councillor John Lush

Councillor Dante Mazzeo

3 DECLARATION OF MEMBERS' INTEREST

Nil

4 CONFIDENTIAL ITEMS**4.1 SUMMARY REPORT ON CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW JULY 2023****RESOLUTION 2023/264**

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 and Rebecca Hunt – McArthur, be excluded from attendance at the meeting of the Council for Agenda Item 4.1 – *Summary Report on Chief Executive Officer Annual Performance Review July 2023*;**
- 2. Council is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item 4.1 – *Summary Report on Chief Executive Officer Annual Performance Review July 2023* contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being information regarding the performance of the Chief Executive Officer pursuant to their contract of employment.**
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential."**

CARRIED

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 period of up to 20-minutes to facilitate informal discussions in relation to Item 4.1 – *Summary Report on Chief Executive Officer Annual Performance Review July 2023*.

Leave was granted.

The meeting was suspended at 7.05pm.

The Chief Executive Officer and Governance Administration Officer left the meeting at 7.06pm.

Ms Rebecca Hunt, Human Resources Consulting – McArthur, provided Members with a verbal briefing on the Chief Executive Officer's performance review.

The meeting resumed at 8.45pm.

RESOLUTION 2023/265**Moved: Councillor Keen****Seconded: Councillor Boon**

“that Council receives and notes the Summary Report on the Chief Executive Officer Performance Review dated July 2023 provided as Attachment 1 to this report.”

CARRIED UNANIMOUSLY**RESOLUTION 2023/266****Moved: Councillor Strudwicke****Seconded: Councillor Stubing**

“that Council offer the Chief Executive Officer a 4% remuneration package increase being, \$275,431.”

CARRIED UNANIMOUSLY

The Chief Executive Officer returned to the meeting at 8.54pm.

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 period of time sufficient to facilitate informal discussions in relation to Item 4.1 – *Summary Report on Chief Executive Officer Annual Performance Review July 2023*.

Leave was granted.

The meeting was suspended at 8.55pm

The meeting resumed at 9.32pm.

The Governance Administration Officer returned to the meeting at 9.32pm.

RESOLUTION 2023/267**Moved: Councillor Keen****Seconded: Councillor Boon**

“that Council, having considered the matter of Agenda Item 4.1 – *Summary Report on Chief Executive Officer Annual Performance Review July 2023* in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves:

- 1. That Attachment 1, Attachment 2, all associated information submitted to this meeting pertaining to Agenda Item 4.1 – *Summary Report on Chief Executive Officer Annual Performance Review July 2023* remain confidential and not available for public inspection until further order of Council;**
- 2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and**
- 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”**

CARRIED

5 CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.37pm.

Confirmed as a true record.

Mayor:.....

Date: ____/____/____

Subject to Confirmation

4 BUSINESS ARISING

5 DECLARATION OF MEMBERS' INTEREST

6 ADJOURNED BUSINESS

Nil

7 MAYOR'S REPORT

7.1 MAYOR'S REPORT - SEPTEMBER 2023

Record Number: D23/41403

Prepared for: Mayor Mark Wasley

Reporting Period - Thursday 24 August 2023 to Wednesday 20 September 2023

Friday 25 August 2023

Legatus Group AGM and Ordinary Meeting, Peterborough

Monday 28 August 2023

Pre-Council Meeting – Mayor and Executive Management Team

Ordinary Council Meeting

Wednesday 30 August 2023

Meeting – Mayor and Chief Executive Officer – Various Matters

Thursday 31 August 2023

Meeting – Mayor, Chief Executive Officer and the Hon Nick Champion, Minister for Planning, Parliament House, Adelaide

Discussion on Gather Round Regional Tourism Opportunities, Gawler

Monday 4 September 2023

Pre-Audit Committee Meeting – Mayor and Chief Executive Officer

Meeting – Audit Committee

Tuesday 5 September 2023

Pre-Special Council Meeting – Mayor and Ms Rebecca Hunt, McArthur Recruitment Services

Elected Member Workshop

Special Council Meeting

Wednesday 6 September 2023

Meeting – Mayor and Chief Executive Officer – Various Matters

Friday 8 September 2023

Webinar - Preparing Your Community for Disasters and Emergencies

Meeting – Mayor and Chief Executive Officer – Various Matters

Sunday 10 September 2023

Community Event - SA Rifle Association - Presentation of Trophies

Monday 11 September 2023

Elected Member Workshop

Wednesday 13 September 2023

Meeting – Mayor and Chief Executive Officer – Various Matters

Greater Adelaide Regional Planning Session Drop In Session - Two Wells Chamber

Monday 18 September 2023

Mandatory Training - Council Leadership Workshop & 3.2 Values, Ethics & Behaviour IH Adelaide Plains

Citizenship Ceremony

GAROC Forum

Tuesday 19 September 2023

Mandatory Training - Behavioural Modules 3.3, 3.4a & 3.4b

Confidential Information Briefing

Wednesday 20 September 2023

Two Wells Community Fund Cheque Presentation

Meeting – Mayor and Chief Executive Officer – Various Matters

RECOMMENDATION

“that Council, having considered Item 7.1 – *Mayor’s Report – September 2023*, dated 25 September 2023, receives and notes the report.”

8 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

9 DEPUTATIONS

9.1 DEPUTATION - LOUIE BOURAS - LIFESTYLE FACILITY IN ADELAIDE PLAINS COUNCIL

Record Number: D23/42010

Author: Executive Assistant to the Chief Executive Officer and Mayor

Authoriser: Chief Executive Officer

Attachments: 1. Deputation Request Form - Lifestyle Facility Within the Adelaide Plains Council [↓](#)



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 / 9 / 20 23

Surname:	BOURAS		
Given Name(s):	LOUIE		
Address:	<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 2px;"></div> <div style="display: flex; justify-content: space-between;"> Suburb TWO WELLS P/Code 5501 </div>		

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)	
---	--

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 Email: 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)*

I will be speaking about the growing need to provide a lifestyle village within the Adelaide Plains Council area and in particular Two Wells. I will expand on this need and discuss the viable option that my property presents in relation to facilitating a lifestyle village where retirees can move to an area which offers great lifestyle facilities, activities and housing in a growing and expanding area of Adelaide. I will also discuss how the zoning of this site can be incorporated and form a major part within the lifestyle village and its residents, which will hence create a unique attraction to the Two Wells area for an ageing population.

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 Email: 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: Louie Bouras

(In full – Please Print)

Signature: _____

Date: 19/9/23

Once completed, please return to the Adelaide Plains Council, either in person, by post, facsimile or email (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 or

Website: 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.

10 PRESENTATIONS/BRIEFINGS**10.1 PRESENTATION - MS KATHARINE WARD - GAWLER RIVER FLOOD MANAGEMENT BUSINESS CASE****Record Number: D23/41408****Author: Executive Assistant to the Chief Executive Officer and Mayor****Authoriser: Chief Executive Officer****Attachments: Nil**

Ms Katharine Ward, Project Manager Gawler River Flood Management, Department for Environment and Water (DEW) will be in attendance to present on the Gawler River Flood Management Business Case.

10.2 PRESENTATION - MR ANTHONY FOX - NORTHERN AND YORKE LANDSCAPE BOARD**Record Number: D23/41424****Author: Executive Assistant to the Chief Executive Officer and Mayor****Authoriser: Chief Executive Officer****Attachments: Nil**

Mr Anthony (Tony) Fox, General Manager, Northern and Yorke Landscape Board will be in attendance to present on behalf of the Northern and Yorke Landscape Board in relation to the activities of the Board.

11 PETITIONS

Nil

12 COMMITTEE MEETING MINUTES

12.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 4 SEPTEMBER 2023

Record Number: D23/40460

Author: Director Finance

Authoriser: Chief Executive Officer

Attachments:

1. Draft Minutes of the Audit Committee Meeting held on 4 September 2023 [↓](#)
2. Mark-up version of the Rating Policy - September 2023 [↓](#)
3. Current Procurement Policy - To be Rescinded [↓](#)
4. Proposed Procurement Policy - September 2023 [↓](#)
5. Draft Fraud, Corruption, Misconduct and Maladministration Prevention Policy [↓](#)

OVERVIEW

The purpose of this report is for Council to consider the Audit Committee's recommendations, made at its meeting held on 4 September 2023. A copy of the minutes of this meeting is presented as **Attachment 1** to this report.

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

- Item 6.1 - Policy Review - Rating Policy;
- Item 6.2 - Policy Review - Procurement Policy;
- Item 6.3 - Draft Fraud, Corruption, Misconduct and Maladministration Prevention Policy; and
- Item 6.5 - Appointment of External Auditors for 2023/2024 Financial Year Audit

Click [Agenda](#) here to view the [Agenda](#) for the Audit Committee Meeting on 4 September 2023.

RECOMMENDATION 1

"that Council receives and notes the Minutes of the Audit Committee Meeting held 4 September 2023 as presented at Attachment 1 to this Report."

RECOMMENDATION 2

"that Council, having considered Item 12.1 – *Minutes of the Audit Committee Meeting held 4 September 2023*, dated 25 September 2023, endorses resolution 2023/051 of the Audit Committee and in doing so adopts updated Rating Policy as presented at Attachment 2 to this Report."

RECOMMENDATION 3

“that Council, having considered Item 12.1 – *Minutes of the Audit Committee Meeting held 4 September 2023*, dated 25 September 2023, endorses resolution 2023/052 of the Audit Committee and in doing so:-

- 1. Rescind the current Procurement Policy as presented as Attachment 3 to this Report; and**
- 2. Adopt the proposed Procurement Policy as presented as Attachment 4 to this Report subject to the following amendment: -**
 - the inclusion of a requirement that all exemptions approved by the Chief Executive Officer pursuant to Clause 8 of the policy be reported to the Audit Committee on a bi-annual basis.”**

RECOMMENDATION 4

“that Council, having considered Item 12.1 – *Minutes of the Audit Committee Meeting held 4 September 2023*, dated 25 September 2023, endorses resolution 2023/053 of the Audit Committee and in doing so adopts draft Fraud, Corruption, Misconduct and Maladministration Prevention Policy as presented at Attachment 5 to this Report”

RECOMMENDATION 5

“that Council, having considered Item 12.1 – *Minutes of the Audit Committee Meeting held 4 September 2023*, dated 25 September 2023, endorses resolution 2023/055 of the Audit Committee and in doing so authorise the Chief Executive Officer to extend the contract for the provision of audit service with Mr. Tim Muhlhausler of Galpins Accountants, Auditors & Business Consultants by one (1) year to include the audit of 2023/2024 Financial Year”

MINUTES

of the

Audit Committee Meeting



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

**Council Chamber
Redbanks Road
Mallala**

on

Monday 4 September 2023 at 4.30pm

The Chairperson formally declared the meeting open at 4.30pm.

1 ACKNOWLEDGEMENT OF COUNTRY

The Audit Committee of the Adelaide Plains Council acknowledges that we meet on the traditional country of the Kaurna 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 Kaurna people living today.

2 ATTENDANCE RECORD

2.1 Present

Mr Alan Rushbrook (Chairperson)

Mr Peter Fairlie-Jones (Independent Member)

Mayor Mark Wasley

Deputy Mayor Marcus Strudwicke

Councillor Margherita Panella (*by electronic means*)

Also in Attendance

Chief Executive Officer

Director, Finance

Accountant

Executive Assistant to the Mayor and Chief Executive Officer

Governance Administration Officer/Minute Taker

Mr James Miller

Mr Rajith Udugampola

Ms Carmel Vandermolen

Ms Susan Cook

Ms Stacie Shrubsole

3 MINUTES**3.1 CONFIRMATION OF MINUTES – AUDIT COMMITTEE MEETING – 3 JULY 2023****COMMITTEE RESOLUTION 2023/050****Moved: Deputy Mayor Strudwicke****Seconded: Mayor Wasley**

“that the minutes of the Audit Committee Meeting held on Monday 3 April 2023 (MB Folios 265 to 272, inclusive), be accepted as read and confirmed.”

CARRIED**4 BUSINESS ARISING**

At the request of the Chairperson, the Director, Finance provided a verbal update to the Committee in relation to the 2023/2024 Annual Business Plan and Budget adoption process.

5 DECLARATION OF MEMBERS' INTEREST

Nil

6 REPORTS FOR DECISION**6.1 POLICY REVIEW – RATING POLICY****COMMITTEE RESOLUTION 2023/051****Moved: Mayor Wasley****Seconded: Mr Fairlie-Jones**

“that the Audit Committee, having considered Item 6.1 – *Policy Review – Rating Policy*, dated 4 September 2023, receives and notes the report and in doing so recommends to the Council that the updated Rating Policy as presented in Attachment 1 to this report, be adopted.”

CARRIED**6.2 POLICY REVIEW – PROCUREMENT POLICY****COMMITTEE RESOLUTION 2023/052****Moved: Deputy Mayor Strudwicke****Seconded: Mr Fairlie-Jones**

“that the Audit Committee, having considered Item 6.2 – *Policy Review – Procurement Policy*, dated 4 September 2023, receives and notes the report and in doing so recommends to the Council that it:-

- 1. Rescind the current Procurement Policy as presented as Attachment 1 to this Report; and**
- 2. Adopt the proposed Procurement Policy as presented as Attachment 2 to this Report subject to the following amendment: -**

- the inclusion of a requirement that all exemptions approved by the Chief Executive Officer pursuant to Clause 8 of the policy be reported to the Audit Committee on a bi-annual basis.”

CARRIED

6.3 DRAFT FRAUD, CORRUPTION, MISCONDUCT AND MALADMINISTRATION PREVENTION POLICY

COMMITTEE RESOLUTION 2023/053

Moved: Mayor Wasley

Seconded: Deputy Mayor Strudwicke

“that the Audit Committee, having considered Item 6.3 – *Draft Fraud, Corruption, Misconduct and Maladministration Prevention Policy*, dated 4 September 2023, receives and notes the report and in doing so recommends to the Council that the draft Fraud, Corruption, Misconduct and Maladministration Prevention Policy as presented in Attachment 1 to this report, be adopted.”

CARRIED

6.4 DRAFT ANNUAL WORK PROGRAM FOR 2023/2024 FINANCIAL YEAR

COMMITTEE RESOLUTION 2023/54

Moved: Mr Fairlie-Jones

Seconded: Councillor Panella

“that the Audit Committee, having considered Item 6.4 – *Draft Annual Work Program for 2023/2024 Financial Year*, dated 4 September 2023, receives and notes the report and in doing so adopts Draft 2023/2024 Audit Committee Work Program and instructs the Chief Executive Officer to bring back a report to the next meeting of the Audit Committee setting out timeframes and priorities.”

CARRIED

6.5 APPOINTMENT OF EXTERNAL AUDITORS FOR 2023/2024 FINANCIAL YEAR AUDIT

COMMITTEE RESOLUTION 2023/055

Moved: Deputy Mayor Strudwicke

Seconded: Mayor Wasley

“that the Audit Committee, having considered Item 6.5 – *Appointment of External Auditors for 2023/2024 Financial Year Audit*, dated 4 September 2023, receives and notes the report and in doing so recommend to the Council that it authorise the Chief Executive Officer to extend the contract for the provision of audit service with Tim Muhlhausler of Galpins Accountants, Auditors & Business Consultants by one (1) year to include audit of 2023/2024 Financial Year.”

CARRIED

7 REPORTS FOR INFORMATION**7.1 COMMITTEE RESOLUTIONS****COMMITTEE RESOLUTION 2023/056****Moved: Mayor Wasley****Seconded: Councillor Panella**

“that the Audit Committee, having considered Item 7.1 – *Committee Resolutions*, dated 4 September 2023, receives and notes the report.”

CARRIED**7.2 ACCOUNTING TREATMENT OF THE LAND PURCHASED IN TWO WELLS****COMMITTEE RESOLUTION 2023/057****Moved: Mr Fairlie-Jones****Seconded: Deputy Mayor Strudwicke**

“that the Audit Committee, having considered Item 7.2 – *Accounting Treatment of the Land Purchased in Two Wells*, dated 4 September 2023, receives and notes the report.”

CARRIED**7.3 CHIEF EXECUTIVE OFFICER CREDIT CARD EXPENSES FOR THE PERIOD 1 JANUARY 2023 TO 30 JUNE 2023****COMMITTEE RESOLUTION 2023/058****Moved: Mayor Wasley****Seconded: Mr Fairlie-Jones**

“that the Audit Committee, having considered Item 7.3 – *Chief Executive Officer Credit Card Expenses for the period 1 January 2023 to 30 June 2023*, dated 4 September 2023, receives and notes the report.”

CARRIED**7.4 LEAVE LIABILITY AS AT 30 JUNE 2023****COMMITTEE RESOLUTION 2023/059****Moved: Mr Fairlie-Jones****Seconded: Deputy Mayor Strudwicke**

“that the Audit Committee, having considered Item 7.4 – *Leave Liability as at 30 June 2023*, dated 4 September 2023, receives and notes the report.”

CARRIED

7.5 REVIEW OF COUNCIL INVESTMENT AND BORROWINGS 2022-2023**COMMITTEE RESOLUTION 2023/060****Moved:** Deputy Mayor Strudwicke**Seconded:** Mayor Wasley

"that the Audit Committee, having considered Item 7.5 – *Review of Council Investment and Borrowings 2022-2023*, dated 4 September 2023, receives and notes the report."

CARRIED**7.6 OVERDUE COUNCIL RATES AS AT 30 JUNE 2023****COMMITTEE RESOLUTION 2023/061****Moved:** Mayor Wasley**Seconded:** Councillor Panella

"that the Audit Committee, having considered Item 7.6 – *Overdue Council Rates as at 30 June 2023*, dated 4 September 2023, receives and notes the report."

CARRIED**8 QUESTIONS WITHOUT NOTICE**

Nil

9 MOTIONS WITHOUT NOTICE

Nil

10 URGENT BUSINESS

Nil

11 NEXT MEETING

Monday 16 October 2023 at 4.00pm.


12 CLOSURE

There being no further business, the Chairperson declared the meeting closed at 6.09pm.

Confirmed as a true record.

Chairperson:.....

Date: ____/____/____

	Rating Policy	
	Version Adopted by Council:	27 February 2023 TBC
	Resolution Number:	2023/039 TBC
	Current Version:	V1.0 V2.0
	Administered by:	Last Review Date: 2022 20
	General Manager – Finance and Business Director - Finance	Next Review Date: 2023 20
Document No: D22/57106 D23/36474	Strategic Objective: Proactive Leadership Strategic and sustainable financial management Proactively engage in Local Government Reform and continuous improvement.	

1. Objective

1.1 Section 123 of the *Local Government Act 1999* (the Act) requires Councils, as part of the Annual Business Plan, to have a rating policy which must be prepared and adopted each financial year in conjunction with the declaration of rates. The Council's power to raise rates and the framework within which the Council must operate is outlined in Chapter 10 of the Act.

1.2 The purpose of this policy is to: -

- provide a clear understanding of the process for determining rates on an annual basis.
- provide guidance that the Adelaide Plains Council adheres to when setting and collecting rates from its community.

2. Scope

2.1 Council's decision regarding its rating is underpinned by:

- accountability and transparency with its community;
- equitable and fair distribution of the general rate responsibility across the whole community; and
- consistency with Council's strategic and financial direction and budgetary requirements.

2.2 Therefore, this policy outlines the principles governing: -

- Council's revenue raising powers;
- Principles of taxation;
- Method used to value land;

- Adoption of valuations;
- Differential general rates and fixed charges;
- Service charges;
- Regional Landscape Levy;
- Payment of rates and payment plans;
- Late payment of rates and collection of overdue rates;
- Remission and postponement of rates;
- Rebate of rates; and
- Sale of land for non-payment of rates

3. Definitions

Council – refers to the Adelaide Plains Council;

Contiguous land (adjoining land) are parcels of land which abut (touch) one another or are separated only by certain types of public land. Under section 149 of the Act, for the purposes of rating, land will be considered contiguous where:

- the owner or occupier of all the land concerned is the same;
- all the land is used for the same purpose as defined by the Valuer-General.

Pieces of land will be taken to be contiguous if they abut (touch) one another at any point or if they are separated only by:

- a street, road, lane, footway, court, railway, thoroughfare or travelling stock route;
or
- a reserve or other similar open space dedicated for public purposes.

Strategic Documents – refers to Council's Strategic Management Plan, Infrastructure and Assets Management Plan and Long-Term Financial Plans

Single Farm Enterprise – A single farm enterprise must be comprised of two or more pieces of rateable land, which are farmland and are occupied by the same person or persons.

Section 152 of the Act defines a "single farm enterprise" as:

- a) a land which is used wholly or mainly for the business of primary production as a single enterprise and is occupied by the same person or persons. The land which constitutes the single farm enterprise need not be adjoining parcels of land.
- b) Where the land has upon it a dwelling which is used as a principal place of residence for one of the occupiers, the land with the dwelling must adjoin at least one of the other pieces of land used for the single farm enterprise.

2

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- c) If different persons occupy any of the allotments which constitute the farm, then a single farm enterprise does not exist.

The definition imposes an absolute requirement that all of the occupiers must be the same for all the allotments comprising the single farm enterprise (regardless of who may own the land).

Where multiple dwellings are located on a farming enterprise it will be necessary for Councils to be advised of every occupier in order to assess whether a single enterprise exists.

4. Policy Statement

4.1 What are Rates?

- 4.1.1 Rates are levied as a tax on property in accordance with the provisions of the Act. They constitute a system of taxation for Local Government purposes.
- 4.1.2 Rates are not a service or user charge. For example, some property owners may choose to not use the library, but nevertheless make a contribution to the library service through their rates.
- 4.1.3 Because rates are levied on the value of property, those in higher valued properties pay more in rates than those in lower valued properties.

4.2 Strategic Focus

- 4.2.1 In adopting its rates for the ~~2022/2023~~2023/2024 Financial Year, Council has considered its Strategic Plan 2021-2024, the current economic climate, specific issues faced by the community and the budgetary requirements for the financial year.

4.3 Council's Revenue Raising Powers

- 4.3.1 The Act provides for a Council to raise revenue for the broad purposes of the Council through a general or differential rate which applies to all rateable land.
- 4.3.2 In accordance with the Act, all land within a council area is rateable, except for land specifically exempt under Section 147 (2) of the Act. This includes;
- unalienated Crown land;
 - land used or held by the Crown or an instrumentality of the Crown for a public purpose (including an educational purpose), except any such land—
 - o that is held or occupied by the Crown or instrumentality under a lease or licence; or
 - o that constitutes domestic premises;

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- land (not including domestic or residential premises) occupied by a university established by statute;
- land that is exempt from rates or taxes by virtue of the *Recreation Grounds Rates and Taxes Exemption Act 1981*;
- land occupied or held by the council, except any such land held from a council under a lease or licence;
- land occupied by a subsidiary where the land is situated in the area of the council that established the subsidiary or a constituent council (as the case may be);
- land occupied or held by an emergency services organisation under the *Fire and Emergency Services Act 2005*; and
- land that is exempt from council rates under or by virtue of another Act.

4.3.3 The Act provides for rates to be assessed against any piece or section of land subject to separate ownership or occupation and requires that the division of land for the purposes of establishing separate ownership and occupation be made fairly and in accordance with principles and practices that apply on a uniform basis across the area of the council.

4.4 Principles of Taxation

4.4.1 This Policy represents the Council's commitment to balancing the five main principles of taxation:

- **Benefits received** (i.e. services provided, or resources consumed). Reliance on this principle suggests that (all other things being equal) a person who received more benefits should pay a higher share of tax. Ratepayers should receive some benefit from the tax paid, but not necessarily to the extent of tax paid as rates are not a fee-for-service.
- **Capacity to pay.** This principle suggests that a person who has less capacity to pay should pay less; and ~~that persons of similar~~ meansthose persons of similar means should pay similar amounts.
- **Administrative simplicity.** This principle refers to the costs involved in applying and collecting the tax and how difficult it is to avoid. The tax must also be understandable and easy to collect.
- **Economic efficiency.** This refers to whether or not the tax distorts economic behavior. For example, a tax which is designed to change behavior, and the behavior changes, then the tax is considered efficient.
- **Policy consistency.** The principle that taxes should be internally consistent, and based on transparent, and predictable rules.

4

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4.4.2 These principles may be in conflict with each other. Therefore, the Council must strike a balance between the:

- application of the principles of taxation;
- policy objective of levying rates;
- need to raise revenue; and
- the effect of the tax on the community.

4.4.3 The Council has considered each principle when determining its Rating Policy.

4.5 Method Used to Value Land

4.5.1 Pursuant to Section 151 of the Act, Councils may adopt one of three valuation methodologies to value the land in its area. They are:

- **Capital Value** – the value of the land and all of the improvements on the land;
- **Site Value** - the value of the land and any improvements which permanently affect the amenity of use of the land, such as drainage works, but *excluding* the value of buildings and other improvements; and
- **Annual Value** – the valuation of the rental potential of the land.

4.5.2 Local Government reforms passed through SA Parliament will see site value removed as an option from the 2024/2025 Financial Year.

4.5.3 Council resolved to use Capital Value for the purpose of valuing land within the council area for the ~~2022/2023~~2023/2024 Financial Year.

4.5.4 Council considers that this method of valuing land provides the fairest method of distributing the rates across all ratepayers because:

- property value is a good indicator of wealth. Capital Value, which closely approximates the market value of a property, provides the best indicator of overall property value;
- as a measure of wealth, it most closely reflects property owners' capacity to pay; and
- it accords with the taxation principle, that people should contribute to the community social and physical infrastructure, in accord with their capacity to pay, as measured by property wealth.

4.5.5 Site value (value of land only) and annual value (value of rental potential of property) are not considered appropriate for the Council.

4.6 Adoption of Valuations

4.6.1 The Council adopts the Capital Valuations as assessed by the State

5

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Valuation Office, effective at 1 July as the Capital Value of each property.

- 4.6.2 If a ratepayer is dissatisfied with the valuation made by the Valuer-General then they may object to the Valuer-General in writing within 60 days of receiving the first notice of the valuation, explaining the basis for the objection - provided they have not:
- previously received a notice of this valuation under the Act, in which case the objection period is 60 days from the receipt of the first notice; or
 - previously had an objection to the valuation considered by the Valuer-General.
- 4.6.3 The sixty (60) day objection period may be extended by the Valuer-General where it can be shown there is reasonable cause. Contact details to lodge an objection are included on the Rates Notice sent by the Council.
- 4.6.4 The Council has no role in this process. It is also important to note that the lodgment of an objection does not alter the due date for payment of rates. Rates must be paid in accordance with the Rate Notice unless otherwise notified by the Council.
- 4.6.5 If an objection is upheld and a new value issued by the Office of the Valuer General, rates will be adjusted accordingly for the current financial year and an amended rate notice will be issued.
- 4.6.6 Retrospective adjustments will not be made for prior financial years.

4.7 Differential General Rates

- 4.7.1 Every resident will benefit from the general amenity of the Council area in some way, whether that is at the present time or in the future. The amenity includes the local economy, general Council operations and the option to use Council facilities.
- 4.7.2 However, Council has assessed that the level of differential rating imposed is governed in part by the;
- ability to pay;
 - the potential for income tax deductions; and
 - the perception of accessibility or usability of council services by the residents and consumers.
- 4.7.3 To this end, Council has determined the following.

a) Commercial Properties

Commercial properties generally have available to them, their employees and customers the same services as other ratepayers. However, in most cases commercial users have a greater impact on the

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main services such as road maintenance and generally derive a greater benefit from the services provided. In addition, commercial properties have potential taxation benefits.

b) Industrial Properties

Industrial properties generally have available to them, their employees and customers the same services as other ratepayers. However, in most cases industrial users have a greater impact on the main services such as road maintenance and generally derive a greater benefit from the services provided, particularly where, for example, large amounts of raw or unrefined product is delivered to site for processing utilising Council's infrastructure. Similar to commercial properties, industrial properties have potential taxation benefits.

c) Primary Production Properties

Primary Production properties tend to be more remote from some of the services provided by Council. In terms of infrastructure adjacent to their properties, they may not have sealed or formed roads, footpaths or street lighting. However, they do have capacity to enjoy the formed roads, footpaths or street lighting and enjoy the same level of amenity as other residents of the Council area. Primary production properties also have potential taxation benefits.

4.7.4 Pursuant to Section 153 of the Act, the Council can impose a general rate on all rateable land/or a differential rate based on location of land and/or the use to which the land is put. In applying the equity and benefit principles, the Council will apply a differential rate based on the use of the land.

4.7.5 Land use categories as provided in the *Local Government (General) Regulations 1999* (regulation) are used as the basis of Council's general rate calculation.

4.7.6 Definitions of land use are prescribed by regulation and are categorised as follows for rating purposes:

- Residential;
- Commercial – Shop;
- Commercial – Office;
- Commercial – Other;
- Industrial – Light;
- Industrial – Other;
- Primary Production;
- Vacant Land; and,

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- Other

- 4.7.7 If a ratepayer believes a particular property has been incorrectly classified as to its land use, then an objection may be made to the Council within sixty (60) days of being notified of the land use classification.
- 4.7.8 It is important to note that the lodgment of an objection does not alter the due date for the payment of rates. Rates must be paid in accordance with the Rate Notice unless otherwise notified by the Council.
- 4.7.9 For the ~~2022/2023~~2023/2024 Financial Year, the Council determined that the following differential rates will be applied to all of its rateable assessments:

Land Use	Differential Rate Cents -in-the-Dollar	Relativity against Residential Rates
Residential, Vacant land & Other	0.00440940 0.0038216	100%
Commercial & Industry	0.00573180 0.0055414	130% 145%
Primary Production	0.00400860 0.0037452	91% 98%
Vacant land	0.0045860	120%

4.8 Fixed Charge

- 4.8.1 Section 152 of the Act permits Council to impose a fixed charge. Adelaide Plains Council's rates are made up of both a fixed charge component and a variable (differential general rates) charge.
- 4.8.2 Council considers it appropriate that all rateable properties make a base level contribution (Fixed Charge) to the cost of providing Council services and to the cost of creating and maintaining the physical infrastructure that supports each property.
- 4.8.3 If two or more pieces of rateable land are *contiguous*, ratepayer may be eligible for a reduction in the fixed charge component of annual rates, meaning you only pay one fixed charge across all applicable properties.
- 4.8.4 Ratepayer will still be required to pay the *variable charge* for each piece of rateable land.
- 4.8.5 If two or more pieces of rateable land within the area of the council constitute a *single farm enterprise*, only one fixed charge may be imposed against the whole of the land.
- 4.8.6 As per the Act, Council is limited to the amount that can be raised by the fixed charge in that it cannot raise more than 50% of its general rate revenue from the fixed charge component.
- 4.8.7 In the ~~2022/2023~~2023/2024 Financial Year, Council adopted a fixed charge of ~~\$123.20~~\$185. This equates to approximately ~~6%-8%~~ of general

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rate revenue.

4.9 Service Charges

- 4.9.1 Council provides specific services for the benefit of specific properties for which service charges are applied.
- 4.9.2 Services charges may be raised to cover the cost of establishing, operating, maintaining, improving, and replacing such services.
- 4.9.3 Funds raised may not be immediately required until future capital expenditure is necessary for renewing or replacing assets used in the provision of the service. Council imposed the following service charges for the ~~2022/2023~~2023/2024 Financial Year.
- 4.9.4 Community Wastewater Management Scheme (CWMS)
 - 4.9.4.1 Council operates two (2) CWMS in Mallala and Middle Beach under a license from The Essential Services Commission of South Australia (ESCOSA).
 - 4.9.4.2 ESCOSA has determined that the common effluent drainage schemes (i.e. CWMS) that the council provides are a regulated service and as such charges applied by councils are effectively oversighted by ESCOSA.
 - 4.9.4.3 ESCOSA's responsibility is to ensure that councils charge a fair price (that complies with sound economic and equity principles) on an ongoing basis.
 - 4.9.4.4 Councils set their own charges but ESCOSA can provide directions and seeks to be satisfied that prices determined are reasonable and appropriate.
 - 4.9.4.5 In accordance with South Australian and other states commitments, ESCOSA requires that council's pricing methodology is not in conflict with the National Water Initiative (NWI) principles/objectives.
 - 4.9.4.6 All revenue raised from the CWMS service charge must be used to cover the cost to the Council of establishing, operating, maintaining, improving, and replacing (including by future capital works) the CWMS service.
 - 4.9.4.7 The service charge for CWMS is calculated using the Code for Establishing and Applying Property Units for the Imposition of Annual Services Charges for CWMS.
 - 4.9.4.8 In the ~~2022/2023~~2023/2024 financial year, the CMWS service charge for Mallala and Middle Beach is ~~\$692~~\$740 and ~~\$456~~\$488 per property unit respectively on all land to which the Council provides or makes available the service.

4.9.5 Kerbside Waste Collection and Recycling Charge

- 4.9.5.1 Council provides a three-bin refuse collection service (Domestic Waste, Recycling and Organic) within the townships of Mallala, Two Wells and Dublin and a two-bin refuse collection service (Domestic Waste and Recycling) in rural and coastal settlement areas.
- 4.9.5.2 The service is provided to those ratepayers in Council's area that are able to access the service along the designated collection routes.
- 4.9.5.3 Where the service is provided to rebated land, a service charge is still levied against the land.
- 4.9.5.4 Some residents may have to utilise one of the collection points to have their bin emptied as the waste collection truck does not traverse all roads in the district.
- 4.9.5.5 Those residents are entitled to the following waste levy reductions if the resident's collection point is greater than 500 meters from the access point to their land: -
 - If greater than 500 meters but no more than 2 kilometers from the resident's access point to their land, 75% of the annual levy is charged;
 - If greater than 2 kilometers but less than 5 kilometers, 50% of the annual levy is charged; and
 - If 5 kilometers or more from the resident's access point to their land, no annual levy is charged.
- 4.9.5.6 The waste levy is *mandatory* for properties located within the townships of Mallala, Two Wells and Dublin.

4.10 Regional Landscape Levy

- 4.10.1 The Regional Landscape Levy is a State Government tax which the Council is required to collect under the *Landscape South Australia Act 2019*, in order to make a specified contribution to the funding of the operations of the Green Adelaide Board.
- 4.10.2 Revenue collected from this levy is not retained by the Council and the Council does not determine how the revenue raised is allocated by the State Government.
- 4.10.3 The Council's contribution to the Green Adelaide Board is collected from property owners through a separate rate, the Regional Landscape Levy, based on Capital Value. The rate is fixed and calculated to raise the equivalent amount as Council's share to be contributed to the Green Adelaide Board, taking into account any rebates/remissions under Section 159-166 of the Act.

4.10.4 The Regional Landscape Levy is separate to the General Rates levied by the Council.

4.10.5 For the ~~2022/2023~~2023/2024 Financial year, the Council will collect ~~\$0.197~~\$0.319m for the payment of the State Government Regional Landscape Levy. The Regional Landscape Levy has been set at ~~0.0082040.00011019 cents~~ rate in-the-dollar against all rateable properties.

4.11 Payment of Rates

4.11.1 Rate Notices are issued to the principal ratepayer either by post or by email to an address nominated by the Principal Ratepayer 30 days prior to the due date of each instalment (unless paid in full by the due date of the first instalment).

4.11.2 Council rates will be due in four instalments in the months of September, December, March and June. The exact date that rates fall due are detailed on the Rates Notice. Alternatively, the total outstanding balance of rates may be paid in full at any time.

4.11.3 Any ratepayer who may, or is likely to, experience difficulty with meeting the standard instalments due dates can contact the Council's Rates Officer to discuss alternative payment arrangements. Such enquiries are treated confidentially by the Council.

4.11.4 Fines and interest are still levied in accordance with the Act while there is an arrears balance.

4.11.5 The council provides various methods to enable the payment of rates. which are detailed on the rates notice.

4.12 Payment Plans

4.12.1 If a ratepayer is experiencing difficulties meeting rates payments on time and are experiencing financial hardship, a payment plan can be organised with the ratepayer by the Rates Officer.

4.12.2 However, all payment arrangements/plans shall be determined on the merits of each individual case. Recovery action for overdue rates will be suspended whilst the terms/conditions of the payment plan are being met.

4.12.3 Each payment plan shall specify the amounts of each regular payment and the dates by which each payment must be made to Council. Payments under a plan should be of regular amounts- and be payable at regular intervals.

4.12.4 All payments plans can be approved by the Rates Officer or the equivalent delegate.

4.12.5 If ratepayer fails to honour the payment plan or contact Council, the arrangement may be terminated and the full amount of the outstanding rates and charges and accrued interest shall be due and payable immediately.

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- 4.12.6 A maximum of three defaults applies for any one financial year. Further action may be taken for recovery of the amount due through Council debt collection agency without further notice to the ratepayer.

4.13 Late Payment of Rates

- 4.13.1 If the Council does not receive quarterly rates instalment in full on or before the due date of the instalment, fines (and interest) will apply in accordance with the provisions of the Section 181 (8) of the Act.
- 4.13.2 When paying online (via Council website, Bpay or Australia Post), ratepayers need to be mindful that it can take up to 72 hours for funds to be transferred to Council.
- 4.13.3 It is the ratepayer's responsibility to ensure payment is received by Council on or before the due date of each instalment.
- 4.13.4 If an instalment of rates is not paid on or before the date on which it falls due, the instalment:
- will be regarded as being in arrears;
 - will incur a fine of 2% as prescribed under Section 181(8)(b) of the Act of the amount of the instalment, applied immediately after the due date of the instalment; and
 - on the expiration of each full month from that date, will incur interest at the prescribed percentage as per the Act of the amount in arrears (including the amount of any previous unpaid fine and including interest from any previous month).
- 4.13.5 The Council will consider applications for remissions of fines in certain extenuating circumstances. A request for waiver of fines should be made in writing, setting out detailed reasons why a fine remission has been requested.
- 4.13.6 Council allows a further two working days after the due date for payment as a grace period. Thereafter late payment fines are applied in accordance with the Act.

4.14 Collection of Overdue Rates

- 4.14.1 Steps will be taken to recover overdue rates including fines and interest as per Council's Rates Arrears and Debtor Management Policy.
- 4.14.2 When Council receives a payment in respect of overdue rates, Council applies the money received as follows:
- **First** – in payment of any costs awarded to, or recoverable by, the Council in any court proceedings undertaken by the Council for the recovery of the rates;
 - **Second** – in satisfaction for any liability for interest;

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- **Third** – in payment of any fine;
- **Fourth** – in satisfaction of liabilities for rates in the order in which those liabilities arose in payment of rates, in date order of their imposition (starting with the oldest account first).

4.15 Remission and Postponement of Rates

4.15.1 Postponement of Rates - Hardship

Section 182 of the Act permits Council, on the application of the ratepayer, to partially or wholly remit rates or to postpone rates, on the basis of hardship.

Where a ratepayer is suffering hardship in paying rates they are invited to contact Council's Rates Officer to discuss the matter. Such enquiries are treated confidentially by Council.

4.15.2 Seniors Rate Postponement

Section 182A of the Act provides the option for State Senior Card holders to apply to postpone part of their council rates on a long-term basis.

The deferred amount is subject to a monthly interest charge at the prescribed percentage rate), with the accrued debt being payable on the disposal or sale of the property.

Postponement is similar to a reverse mortgage by relying on the equity in the property.

A ratepayer who has a State Seniors Card may apply for postponement of council rates payable on property they own:-

- if it is their principal place of residence; and
- if no other person other than their spouse has an interest as owner of the property; and
- there is appropriate equity in the property.

Further information can be obtained from Council's Rates Officer.

4.16 Rebate of Rates

4.16.1 Section 159 to 165 of the Act requires councils to rebate the rates payable for certain land uses. This includes a 100% rate rebate granted on places of worship, public cemeteries, hospitals and land occupied by universities, and 75% rate rebates have been granted on educational facilities (subject to some qualifications).

4.16.2 Discretionary rebates may be applied by the Council under section 166 of the Act. Council annually considers rate rebates and for the ~~2022/2023~~ 2023/2024 Financial Year has rebated rates charged to various district community and sporting organisations.

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4.17 Sale of Land for Non-Payment of Council Rates

4.17.1 Section 184 of the Act provides that a council may sell any property where the rates have been in arrears for three (3) years or more, and Council has unsuccessfully pursued all reasonable attempts to secure payment.

4.17.2 Before a Council sells land in pursuance of this section, it must send a notice to the principal ratepayer at the address appearing in the assessment record stating:-

- the period for which the rates have been in arrears; and
- the amount of the total liability for rates presently outstanding in relation to the land; and
- that if that amount is not paid in full within one (1) month of service of the notice (or such longer time as the Council may allow), the Council intends to sell the land for non-payment of rates.

4.17.3 Except in extraordinary circumstances, Council enforces the sale of land for arrears of rates, in accordance with the Local Government Act.

5. Related Documents

Local Government Act 1999

Section 133 – Sources of Funds

Section 146-166 – Rates and Charges on Land

Sections 182 and 182A – Remission and postponement of Rates

Local Government (Financial Management) Regulations 2011.

Regulations 5 – Long-term Financial Plans

Regulation 6 – Annual business plans

Regulation 7 – Budgets

Local Government (General) Regulations 1999

Landscape South Australia Act 2019

Local Government Financial Sustainability Paper 20 - Rating and Other Funding Policy Options (Revised August 2020)

Rates Arrears and Debtor Management Policy

Funding Policy

Strategic Plan 2021-2024

Annual Business Plan and Budget

Long Term Financial Plan

Local Government Association's CWMS Accounting Principles - The Costing and Pricing of

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CWMS

6. ~~Records Information~~ Management

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

7. Document Review

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

8. Further Information


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

2a Wasleys Road, Mallala SA 5502

A copy of this Policy may be obtained on payment of a fee.

Any queries in relation to this policy must be in writing and directed to the Chief Executive Officer.

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 Adelaide Plains Council	Procurement Policy	
	Adoption by Council: 27 April 2021 Resolution Number: 2021/149 Current Version: V4	
	Administered by: General Manager – Finance and Business	Last Review Date: 2021 Next Review Date: 2023
Document No: D21/10178	Strategic Objective: Strategic and sustainable financial management	

1. Objective

The purpose of this Policy is to ensure compliance with section 49 of the *Local Government Act 1999* (the Act) when acquiring goods and services.

The Local Government Act requires Council to develop and maintain policies, and procedures directed towards:

- obtaining value in the expenditure of public money;
- providing for ethical and fair treatment of participants; and
- ensuring probity, accountability and transparency in all operations.

In particular, section 49 of the Act requires Council to prepare and adopt policies on contracts and tenders, including policies on:

- the contracting out of services;
- competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; and
- encourages the use of local goods and services.

This Policy seeks to:

- define the methods by which Council can acquire goods and services;
- demonstrate accountability and responsibility of Council to ratepayers;
- be fair and equitable to all parties involved;
- enable all processes to be monitored and recorded; and
- ensure that the best possible outcome is achieved for the Council.

2. Scope

This Policy informs procurement activities associated with the acquisition of goods, works, services or consultants.

This Policy applies to anyone who undertakes or is involved in procurement activities on behalf of

Council.

Compliance with the provisions set out in this Policy is mandatory unless expressly indicated otherwise.

This Policy does not apply to:

- non-procurement expenditure such as sponsorships, grants, funding arrangements, donations and employment contracts;
- the disposal of land and other assets owned by the Council; or
- the purchase of land by the Council.

During Caretaker Mode, the Caretaker Policy will apply. Where any provisions of the Procurement Policy are inconsistent with any provisions of the Caretaker Policy, the Caretaker Policy will operate.

3. Definitions

Caretaker Mode means the period preceding an election during which Council is required to operate pursuant to its *Caretaker Policy*.

Council means Adelaide Plains Council.

Emergency Situation means a situation where Council is required to remedy or make good damage incurred to Council property from a natural or man-made incident. The Chief Executive Officer has the authority to act in an Emergency Situation; goods and services in these instances may be purchased from a supplier without reference to the financial limitations provided in this Policy.

Employee/s means any person that is employed full time, part time or casually by the Council and who receives remuneration for their work.

Evaluation Team means the team of Employees who evaluate tender submissions to assess their suitability in relation to a tender scope.

Expressions of Interest (EOI) means the process to shortlist potential suppliers before seeking detailed bids.

Goods means a physical or tangible item that does not include a labour component.

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

Local Supplier means a supplier that is beneficially owned by persons who are residents or ratepayers of Adelaide Plains Council; or has its principle business within Adelaide Plains Council; or a business that substantially employs persons who are residents or ratepayers.

Officer means an Employee of the Council with either delegated authority or sub delegated authority in relation to a power of Council.

Procurement means a series of activities that are undertaken when purchasing goods and services, based on three key phases: planning, purchasing and contract management.

Request for Quotation (RFQ) means the process where suppliers are invited to participate in a process to bid on specific products or services.

Request for Tender (RFT) means a formal and structured invitation to suppliers, to bid, to supply products or services.

Service means the performance of a task, duties or work for another, by an individual or organisation, which normally involves the provision of labour and/or professional services.

Supplier means an entity that provides goods, works or services to the Adelaide Plains Council.

Total Cumulative Spend means the total expenditure with a supplier or a number of suppliers over a set time period providing similar goods or services of an ongoing nature.

Value of Purchase Threshold means the relationship between the expected value of the purchase of a type of good or service from a supplier, or number of suppliers providing similar goods or services, and the procurement method used to procure those goods or services (refer **Schedule 1**).

4. Policy Statement

Council aims to achieve advantageous procurement outcomes by:

- enhancing value for money through fair, competitive, non-discriminatory procurement;
- promoting the use of resources in an efficient, effective and ethical manner;
- making decisions with probity, accountability and transparency;
- advancing and/or working within Council's economic, social and environmental policies;
- providing reasonable opportunity for competitive local businesses to supply goods and services to Council;
- appropriately managing risk;
- where advantageous, undertaking a collaborative approach to the procurement of goods and services with other local government authorities and entities, and
- ensuring compliance with all relevant legislation.

5. Procurement

5.1 Principles

Council must have regard to the following principles in its acquisition of goods and services:

Principle 1 - Encouragement of open and effective competition

Open and effective competition is to be fostered and maintained by providing suppliers with appropriate access to Council's procurement opportunities. Council will ensure, where reasonably practicable, that:

- there is reasonable access for all suitable and competitive suppliers;
- where market circumstances limit competition, procurement activities recognise this and an associated methodology is used to address these requirements; and
- adequate, identical and timely information is provided to all suppliers to enable them to bid.

Principle 2 - Obtaining Value for Money

Value for money is not restricted to price alone. An assessment of value for money must include, where possible, consideration of:

- the contribution to Council's strategic and long term financial plans;
- any relevant direct and indirect benefits to Council, both tangible and intangible;

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- efficiency and effectiveness of the proposed procurement activity;
- the performance history, and quality, scope of services and support of each prospective supplier;
- fit for purpose of the proposed goods or services;
- whole of life costs;
- Council's internal administration costs;
- technical compliance issues;
- risk exposure; and
- the value of any associated environmental benefits.

Principle 3 - Probity, Ethical Behaviour and Fair Dealing

Council is to behave with impartiality, fairness, independence, openness and integrity throughout the procurement process, and in particular, during discussions and negotiations.

Principle 4 - Accountability, Transparency and Reporting

Council will demonstrate accountability and transparency by ensuring that decisions can be explained and evidenced, so that an independent third party can clearly see that a fair and reasonable process has been followed. An audit trail will be visible for all procurement activities for monitoring, reporting and review purposes.

Principle 5 - Ensuring compliance with all relevant legislation

Relevant legislation includes, but it not limited to, *Local Government Act 1999*, *Work Health and Safety Act 2012*, *Work Health and Safety Regulations 2012*, *Independent Commission Against Corruption Act 2012*.

Principle 6 - Development and Support of local business and industry

Where the evaluation criteria are comparable, Council will endeavour to, support the development of local businesses and industry, and may consider the following:

- the creation of local employment opportunities;
- increased availability of local servicing support;
- increased convenience with communications with the supplier for contract management;
- economic growth within the local area;
- benefit to Council of associated local commercial transaction; and/or
- the short and long term impact of the procurement on local business.

Principle 7 – Risk Management

Risk assessment will focus on assessing a potential supplier's capacity and capability to meet Council's requirements, and identifying any other factors which might result in the works, goods or services not being successfully delivered. High risk acquisitions require more formal procurement planning methodologies and higher levels of management oversight.

Principle 8 – Work, Health, Safety

Council is committed to meeting the legislative requirements of the Work Health Safety Act and Regulations 2012. To meet these requirements management shall develop and effectively implement its procurement framework to eliminate and/or minimise the risk of injury or illness to its workers, Council members, customers and the community.

Principle 9 – Environmental protection

Council will endeavour, where reasonably practicable, to promote environmental protection through its procurement processes. This may include:

- adopting purchasing practices which conserve natural resources;
- aligning its procurement activities with principles of ecological sustainability;
- purchasing recycled and environmentally preferred products where possible;
- integrating relevant principles of waste minimisation and energy efficiency;
- fostering the development of products and services which have a low environmental impact; Consider the whole of life environmental impacts of a product, from production to disposal; and
- Provide leadership to business, industry and the community in promoting the use of environmentally sensitive goods and services.

5.2 Methods

Generally, open and fair competition is best achieved by undertaking a tender process so that all interested parties have an opportunity to bid. However, there may be procurements in which a tender process will not necessarily deliver the most advantageous outcome for the Council – in such instances, other market approaches may be more appropriate.

The Council may, having regard to its Procurement Principles and any other factors considered relevant by the Council, in its absolute discretion determine to utilise one or more of the following procurement methods.

- Direct Purchasing

Purchases made from a single source based on advertised price or written quotation and without obtaining competitive bids.

This method may be appropriate:

- For low value, low risk goods and services;
- There is only one supplier for the goods or services;
- The prospective supplier has knowledge, experience and expertise or owns intellectual

property associated with the goods or services that would prevent any other prospective supplier to compete for the goods or services; and

- Where the supplier already has a successful service history with Council.

Any use of direct purchasing must be evidenced and approved by the relevant financial delegate prior to entering into a contract for the goods or services.

- Request for Quotations (RFQ)

Formal quotations are obtained using Council's Request for Quotations template. Generally, a minimum of three (3) written quotations are sought, or one (1) written quotation from the Panel. This method may be suitable for simple complexity, low-medium value, low-medium risk, largely price-based purchases where the supplier is required to provide some detail.

- Request for Tenders (RFT) – Open Tender or Select Tender

Council may issue a tender for proposed goods and or services.

Council may issue a Select Request for Tender where it has already issued an EOI. A minimum of three (3) written quotations may also be sought where justification exists or three (3) written quotations from the Panel.

Otherwise, Council will issue an Open Request for Tender, for proposed goods or services where the scope and specifications have been clearly defined.

- Expressions of Interest (EOI)

Generally, an open invitation for proposed goods and/or services that outlines a general intention to acquire goods and services, and invites suppliers to indicate their interest in being considered to meet the requirement.

This method may be used where there is possibly a large, or speciality, market for the proposed goods and/or service, and Council would like to be able to prepare a short list of suppliers to invite to participate in a tender process. Potential suppliers are generally not required to provide prices as part of the EOI process.

- Panel Contracts

Panel arrangements are established with a select group of suppliers following a RFT approach to the marketplace; once Council has completed its appointment of such suppliers in accordance with this Policy, and can include:

- a standing offer from a pool of suppliers for the provision of works, goods or services on agreed terms; or
- prequalification of certain suppliers who may or may not be engaged on terms to be agreed.

A panel may be appropriate where:

- there are a number of suppliers who can provide the works, goods or services and there is some advantage to the Council having a choice of suppliers (e.g. the availability of contractors to provide works services is not always guaranteed, or to avoid conflict of interest);
- there is an ongoing demand from the Council;
- marketplace competitiveness is advantageous;

- the procurement requirement cannot be accurately predicated; or
- The volume of work may be too large for one supplier.

Once a panel has been established, the Council will, in the first instance, seek to purchase the particular goods and/or services through such panel arrangements.

- Strategic Alliances

Procurement is undertaken through contract arrangements already established and administered by other organisations, including:

- LGA Procurement;
- Barossa Regional Procurement Group;
- Other Councils;
- Procurement Australia;
- Department Planning, Transport & Infrastructure;
- State Government Panel contracts;
- SA Tenders; and
- Council Solutions (Regional Authority).

5.3 Local Industry Sourcing

With the aim of achieving a value for money outcome, Council will endeavour to, at its discretion and to the full extent permitted by law, support local businesses by:-

- Actively promoting local businesses with opportunities to supply to the Council;
- Structuring the purchasing processes to be accessible to all businesses;
- Giving preference to a local business when all other commercial considerations are equal; and
- Ensuring that, where possible, specifications and purchasing descriptions are not structured in such a way that would potentially exclude local suppliers and contractors.□

5.4 Considerations for the Council

The appropriate method of procurement will be determined by reference to a number of factors, including:

- Value of the Purchase Threshold (refer **Schedule 1**);
The Value of the Purchase will be calculated as follows:
 - single one-off purchase – the total amount, or estimated amount, of the purchase (excluding GST);
 - multiple purchases – the gross value, or the estimated gross value, of the purchases (excluding GST); or
 - Ongoing purchases over a period of time – the annual gross value, or the estimated annual gross value, of the purchases (excluding GST).

- Total cumulative spend;
- Cost of an open market approach versus the value of the acquisition and the potential benefits;
- The particular circumstances of the procurement activity;
- The objectives of the procurement;
- The size of the market and the number of competent suppliers;
- The Council's leverage in the marketplace;
- Time constraints;
- A global assessment of the risks associated with the relevant activity and /or project, including the risk profile of the procurement and any risks associated with the preferred procurement method.

Total Cumulative Spend

Council should consider the total cumulative spend with a supplier, or a number of suppliers providing similar goods or services, during the planning phase of their procurement. Council is precluded from splitting the value of the purchase to bring individual purchases into a lower Value of Purchase Threshold. Council will monitor the total Cumulative spend with suppliers at least annually. If expenditure with a supplier, or a number of suppliers providing similar goods or services, is ongoing in nature, and the cumulative spend is likely to exceed the Value of Purchase threshold over a 12 month period (financial year), Council should review the procurement method used and pursue opportunities to enter into contracts for the goods or service through a competitive process.

5.5 Exemptions from this Policy

This Policy contains general guidelines to be followed by the Council in its procurement activities. There may be emergency situations, or procurements in which a tender process will not necessarily deliver the best outcome for the Council, and other market approaches may be more appropriate.

In any event, where a contract is entered into other than as a result of a tender process, reasons will be documented.

The Chief Executive Officer has the authority to provide an exemption from using the required method of procurement, in accordance with the expenditure delegations in Schedule 2 and in order to pursue a method which will bring the best outcome for the Council. Reasons for any exemption to the procurement method must be documented and attached to the approved invoice and filed in Council's record management system.

These circumstances may include:

- There may be significant public risk if the procurement is delayed by process requirements, such as emergency situations threatening life and property; or
- The pressures of time are such that an open call is not feasible, such as where there has been an unanticipated Council or government policy decision; or
- Council purchases assets or goods at an auction up to \$100,000; or
- Council purchases second-hand assets or goods up to \$100,000; or

- The contract is made with, or under arrangement with or made through a strategic alliance pursuant to part 6 of this Policy; or
- A situation presents itself wherein a contractor or consultant has considerable background knowledge and experience or specialist expertise on that particular Council project or asset E.g. an extension of a previous project. In such situations the procurement of assets, goods, works or services on negotiated fees and terms through that consultant or contractor alone may be deemed sound and advantageous to the project. This could include engaging the contractor or consultant on a retainer basis for a specified period of time.

5.6 Delegations

Council has delegated to the Chief Executive Officer the power in Section 137 of the Act to expend the funds of the Council.

- Monetary Limitations

All such delegations and sub delegations are subject to limitations set out in the instrument of delegations and sub delegations.

- Other Limitations

The power to expend funds, outlined in Section 137 of the Act must be exercised by Council (and any Officers with delegated/sub delegated power) in accordance with this Policy.

In addition to the requirements set out in this Policy, and any other Council policies, resolutions or documentation, the following conditions apply to the exercise of the powers and functions by delegates and sub delegates:

- **Monetary Limitation applies to procurement processes:** An Officer may only commence a procurement process in respect of good(s) or service(s) or other purchase or expenditure the total value of which is not more than the monetary limitation set out in their instrument of delegation or sub delegation of the power in Section 137 of the Act to expend the funds of Council.
- **Monetary Limitation applies to contract documentation:** An Officer may only sign contract documentation in respect of good(s) or services (s) or other purchase or expenditure for the total value of which is not more than the monetary limitation set out in their instrument of delegation or sub delegation of the power in Section 137 of the Act to expend the funds of Council.
- **Prohibition on approval of procurement process and signing contract documentation:** An Officer may not sign off on or otherwise approve a procurement process as well as sign contract documentation in relation to the same good(s) or services (s) or other purchase or expenditure (including proposed purchase or expenditure).

5.7 Prudential Requirements

Refer to Council's *Prudential Management Policy*.

6. Related Documents

Caretaker Policy

Contractor Management Policy

Contractor Management Procedure

Contractor Management Forms and Templates Disposal of Surplus Land Policy

Internal Financial Controls Policy Long Term Financial Plan

Procurement Procedure

Pre-Purchase Checklist Prudential Management Policy

Strategic Plan

7. Records Management

All documents relating to this Policy will be registered in Council's Record Management System.

At a minimum, documentation which details the procurement method, risk analysis, evaluation process and outcome, must be prepared and maintained for each relevant procurement. The preferred method of capturing procurement activity records is through use of established templates available to Council Officers.

8. Document Review

This document will be reviewed every two (2) years, including within six (6) months following a Council general election.

9. References

Local Government Act 1999 (SA)

Competition and Consumer Act 2010 (Cth)

Independent Commissioner Against Corruption Act 2012 (SA)

South Australian Industry Participation Policy

Security of Payment Act 2009 (SA)

Work Health and Safety Act 2012 (SA)

Environment Protection Act 1993 (SA)

State Procurement Act 2004

State Procurement Board Guidelines

Relevant Free Trade Agreements (Various)

10. Further Information

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


2a Wasleys Road, Mallala SA 5502

A copy of this Policy may be obtained on payment of a fee.

Any queries in relation to this Policy must be in writing and directed to the General Manager – Finance and Business.

Schedule 1 – Value of the Purchase Threshold

Value of Purchase (\$)	Method of Procurement	Decision Making Responsibility
<i>\$1 to \$5,000</i>	Direct Purchase Based on Advertised Price or Written Quotation	Employees – within the limit of their delegated purchasing authority and the approved budget
<i>\$5,001 - \$10,000</i>	Direct Purchase Based on Advertised Price or Written Quotation	Chief Executive Officer, General Managers, Managers and Assets Engineer – within the limit of their delegated purchasing authority and the approved budget
<i>\$10,001 - \$100,000</i>	Three (3) Written Quotations or one (1) Written Quotation from Panel	Chief Executive Officer and General Managers – within the limit of their delegated purchasing authority and the approved budget
<i>\$100,001 - \$500,000</i>	Open Tender or Select Tender (minimum three (3) tenderers) Where justification exists or three (3) Written Quotations from Panel. Also includes Request for Expression of Interest	Chief Executive Officer. Where the CEO determines that a tender is of commercial or community sensitivity, approval must be obtained by Council resolution.
<i>\$500,001 and above</i>	Open Tender	Council resolution

	Draft Procurement Policy	
	Version Adoption by Council: TBC	
	Resolution Number: TBC	
	Current Version: V1	
	Administered by: Director - Finance	Last Review Date: 2023
		Next Review Date: 2025
Document No: D23/32493	Strategic Outcome Strategic and sustainable financial management	

1. Objective

1.1 Council is committed to implementing fair, transparent and competitive purchasing and contracting practices achieving optimum value for money outcomes aligned to the Council's strategic objectives, community expectations and the requirements of any special funding sources.

1.2 In compliance with Section 49 of the *Local Government Act 1999* (the Act) and best practice principles in procurement, this Policy seeks to:

- Define the methods by which Council can acquire goods and services.
- Demonstrate probity, accountability, and responsibility of Council to all stakeholders.
- Be fair and equitable to all parties involved.
- Enable consistency of approach in the application of procurement processes. and
- Ensure that the best possible outcome is achieved for Council.

2. Scope

2.1 This Policy applies to all procurement activities undertaken in the acquisition of goods or services on behalf of Council, whilst giving due regard to financial thresholds outlined in the associated Procedures and/or outlined in Procurement Thresholds - Clause 5 below, whether solicited by Council, or the result of an unsolicited proposal from the private or not-for-profit sectors, and whether transacted via a trading account or Council credit card.

2.2 This Policy does not cover:

- Non-procurement expenditures such as sponsorships, grants from the Council, funding arrangements, donations, and employment agreements;
- Real property acquisitions of land, buildings or structures;
- The disposal of land and other assets; or
- Procurement processes during the Council Caretaker period. These will be conducted under the requirements of the Council's Caretaker Policy.

3. Definitions

3.1 **Council** means Adelaide Plains Council.

3.2 **Acquisition Plan** is a document that outlines the procurement methodology and sourcing strategy to be undertaken in a proposed procurement.

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- 3.3 **Agreement** is an agreement between two or more authorised persons on behalf of their organisations to perform or not perform a specific act that is enforceable in law. An agreement may be verbal, written or inferred by conduct.
- 3.4 **Contractor** is an individual or organisation that is formally engaged to provide goods or services for or on behalf of an entity. This definition does not apply to casual, fixed-term or temporary employees directly employed by the entity.
- 3.5 **Direct Purchase** is a procurement process undertaken by directly approaching and negotiating with one supplier or contractor without testing the market. This method is generally only appropriate for low value and low risk goods and services.
- 3.6 **Emergency Situation** is a situation where Council is required to remedy or make good damage incurred to Council property from a natural or man-made incident. The Chief Executive Officer has the authority to act in an Emergency Situation: goods and services in these instances may be purchased from a supplier or contractor without reference to the financial limitations provided in this Policy.
- 3.7 **Expression of interest (EOI)** is used to identify suppliers and contractors interested in, and capable of, delivering the required goods or services. Potential suppliers and contractors are asked to provide information on their capability and capacity to do the work. It is usually the first stage of a multi-stage procurement process.
- 3.8 **Goods** is a physical or tangible item that does not include a labour component.
- 3.9 **Lifecycle cost** is the total cost of an item or system over its full life. It includes the cost of development, production, ownership (operation, maintenance, support), and disposal, if applicable. Also referred to as whole of life cycle cost or total cost of ownership.
- 3.10 **Local Supplier** is a supplier or contractor which is beneficially owned by persons who are residents or ratepayers of the Council, or has its principal business within the Council area, or a business that substantially employs persons who are residents or ratepayers.
- 3.11 **Market Approach** is the process undertaken to inform the market of your requirements to obtain offers to meet your requirements.
- 3.12 **Probity** means uprightness, honesty, proper and ethical conduct and propriety in dealings. It is often also used in government in a general sense to mean good process.
- 3.13 **Procurement** is a series of activities that are undertaken when purchasing goods and services, based on three key phases: planning, purchasing and contract management.
- 3.14 **Procurement process** is the step-by-step process for the planning, establishment and contract management of small and large acquisitions.
- 3.15 **Purchasing** is the process by which an organisation contracts with another party to obtain the goods and services required to fulfil its business objectives.
- 3.16 **Quotation/quote** is an offer to supply goods and/or services, usually in response to an invitation to supply known as a request for quotation. Often used interchangeably with proposal, tender, bid and offer.

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- 3.17 **Request for Quote (RFQ)** is a written process of inviting offers to supply goods and/or services involving simple documentation and a limited number of potential suppliers or contractors.
- 3.18 **Request for Tender (RFT)** is an invitation to supply or a request for offer against a set of clearly defined and specified requirements. Invitees are advised of all requirements involved including the conditions of participation and proposed contract conditions.
- 3.19 **Services** is the performance of a task, duties or work for another, by an individual or an organisation, which normally involves the provision of labour and/or professional services.
- 3.20 **Supplier** is a person or entity that provides goods or service to the Council.
- 3.21 **Total Cumulative Spend** is the total expenditure with a supplier or contractor or a number of suppliers or contractors over a set time period providing similar goods or services of an ongoing nature.
- 3.22 **Value for money** is achieved in procurement by finding the optimum balance of financial and non-financial factors including whole of life cost (lifecycle cost).

4. Procurement Objectives

- 4.1 Council is committed to achieving a range of objectives through its procurement processes that may be considered alongside achieving value for money outcomes. Such objectives should be supported by appropriate evaluation criteria and weightings and decisions of Council. Procurement activities undertaken by Council include the following nine (9) objectives.

4.2 Objective 1 - Open and Fair Competition

Open and fair competition will be fostered and maintained by providing suppliers and contractors with appropriate access to Council's procurement opportunities. Where reasonably practicable, Council will ensure that:

- There is reasonable access for all suitable and competitive suppliers and contractors to the Council's business;
- Where market circumstances limit competition, procurement activities recognise this, and associated methodology takes account of it; and
- Adequate, identical, and timely information is provided to all suppliers and contractors to enable them to quote or tender.

4.3 Objective 2 - Value for Money

Value for money outcomes can be achieved through balanced consideration of financial and non-financial factors relevant to the procurement. The following factors should be considered:

- The contribution to Council's long-term plan and strategic direction;
- Any relevant direct and indirect benefits to Council, both tangible and intangible;
- Efficiency and effectiveness of the proposed procurement activity;

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- The performance history, quality and scope of services, and support of each prospective supplier and contractor;
- Fit for purpose of the proposed goods or service;
- Whole of life costs including acquiring, using, maintaining and disposal;
- Council's internal administration costs;
- Technical compliance issues and costs;
- Risk exposure and WHS considerations;
- Prevailing market forces and trends;
- The value of any associated environmental benefits;
- Local Economic development and social inclusion;
- Trade-in values; and
- Other relevant matters identified in specific procurement process documentation.

4.4 Objective 3 - Probity, Accountability and Transparency

All procurement shall be undertaken in a manner that ensures:

- Clearly established roles and responsibilities;
- Appropriate record keeping and documentation;
- Integrity through transparency of process and documentation of decisions made;
- Adherence to relevant legislation, policy, and procedure;
- Identification and management of actual or potential conflicts of interest; and
- Confidentiality of all commercial information.

A Probity Advisor and/or Auditor may be appointed to advise on, or review, the procurement activity.

4.5 Objective 4 - Ethical Behaviour and Fair Dealing

All personnel involved in procurement activities are to:

- Behave with impartiality, fairness, openness, integrity, and professionalism;
- Provide all compliant suppliers and contractors (i.e. those who fulfil OHS , licences, insurances and procurement requirements) with equal opportunity to supply to Council;
- Establish clear and easy to understand documentation requirements, evaluation criteria and methodology;
- Provide consistent processes and constructive feedback on decisions upon request from suppliers and contractors; and
- Ensure effective communication and provision of information to all suppliers and contractors.

4.6 Objective 5 – Identification and Management of Risk

4.6.1 The Risk Assessment process should consider financial, supply, business, legal, management, reputations, probity, work health and safety, environmental, public safety, political and sensitive risks. Risks relating to the procurement process may include:

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- Procurement of unsuitable product or service;
- Funding (e.g. internal & external, impact on long term financial plan);
- Probity failure;
- Inappropriate or inadequate specification;
- Negotiation of agreement terms/failure to agree to terms;
- Actual or perceived breach of probity/confidentiality;
- Lack of responses/limited supplier participation; and
- Evaluation processes.

4.6.2 Risks relating to the engagement of the product/service provider may include:

- Supplier capability/capacity/availability;
- Agreement management/supervision;
- Price variations;
- Agreement disputes; and
- Unauthorised change in scope of work.

4.6.3 Risk Assessment

- Council staff will ensure that appropriate practices and procedures of internal control and risk management are in place for its procurement activities, including risk identification, assessment, and implementation of controls.
- Procurement risk assessments will focus on assessing a potential supplier's and contractor's capacity and capability to meet Council's requirements, and identify any other factors which might result in goods or services not being successfully delivered.

4.6.4 Risk Based Approach to Market

- Council's approach to market will be influenced by procurement risk assessments, with high-risk and high-value acquisitions requiring more formal procurement planning methodologies and higher levels of management oversight.

4.6.5 Work Health Safety

- Council is committed to protecting health, safety, and welfare. Council staff will ensure that its procurement activities protect the health, safety and welfare of its workers, elected members, customers, and community.
 - If the procurement of services, goods, materials or plant and equipment involves implications for work, health or safety, Council's Work Health & Safety & Risk Management staff should also be consulted prior to such procurement; and
 - Where appropriate, procurement evaluation must ensure an appropriately skilled person confirms all WHS requirements.

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4.7 Objective 6 - Environmental Sustainability

Council promotes environmental sustainability through its procurement activities and will consider the purchase of environmentally sustainable goods and services that satisfy the value for money criteria when all other financial and commercial considerations are equal. This can be by:

- Purchasing recycled and environmentally preferred products where possible;
- Adopting purchasing practices which conserve natural resources;
- Aligning the Council's procurement activities with principles of ecological sustainability;
- Select products and services which have lower environmental impacts across their life cycle compared with competing products and services;
- Integrating relevant principles of waste minimisation and conservation of energy;
- Provide leadership to business, industry, and the community in promoting the use of environmentally sensitive goods and services; and
- Fostering the development of products and services which have a low environmental impact.

4.8 Objective 7 - Local Economic Benefit

Council recognises the significant impact that its operations play in the local economy yet is mindful of its requirement to provide optimum value for money outcomes through its procurement activities and achieve budget expectations.

Council will endeavour to, at its discretion and to the full extent permitted by law, support local businesses by:

- Promoting to local and regional businesses opportunities to supply to the Council;
- Giving preference to local business when all other commercial considerations are equal;
- Encouraging Aboriginal and Torres Strait suppliers and contractors to quote and tender;
- Giving preference to Aboriginal and Torres Strait, local and regional businesses when all other commercial conditions are equal to ensure local employment opportunities and economic stability and/or growth; and
- Considering economic and social inclusion elements such as employment creation and training opportunities specifically within the Council area.

4.9 Objective 8 - Social Impact

This refers to the intentional generation of social value through procurement processes that can occur through direct or indirect approaches, but is not limited to:

- Indigenous Suppliers and Contractors;
- People with a disability;
- Women in business; and
- Small to medium business.

4.10 Objective 9 - Effective Management of the End-to-End Procurement Lifecycle

The procurement lifecycle includes all of the steps and tasks within the procurement process, from needs identification and data gathering to contract management, delivery of goods or services and relationships with suppliers and contractors.

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Council staff will determine appropriate methodology within the various steps of the procurement lifecycle including planning, risk management, tendering, purchasing, contracting and financial control with regard to the scale, complexity and importance of the goods or services being acquired.

5. Procurement Thresholds

- 5.1 Procurements are to be conducted in accordance with Council's financial thresholds outlined in this Procurement Policy and within the limit of Council employees delegated purchasing authority.
- 5.2 The value of the procurement is calculated as follows (excluding GST):
- Single one-off procurement – the total amount, or estimated amount, of the procurement;
 - Multiple procurements with the same supplier or contractor – the gross value, or the estimated gross value, of the procurements; or
 - Ongoing procurements over time – the annual gross value, or the estimated annual gross value, of the procurements.
- 5.3 The value of a procurement or transaction is calculated across all elements of the procurement process including any agreement options, extensions, renewals, and contingencies (exclusive of GST) and should be considered in the planning phase of the project.
- 5.4 Splitting the value of the purchase into individual components to meet with lower value of Purchase Thresholds is not permitted.
- 5.5 If the Council enters into a strategic alliances procurement process under this policy, then there will be no requirement for the Council to approach the wider market or enter into a separate RFT/RFQ as an open tender process has already been undertaken.
- 5.6 Council can meet its procurement requirements through contractual arrangements established and administered by other Councils and/or procurement organisations that demonstrate adherence to the requirements of this policy.
- 5.7 The use by the Council of Strategic Alliances means that the methods of procurement set out in this policy will be undertaken pursuant to and in accordance with the arrangements set out under the Strategic Alliances.
- 5.8 Procurements are to be in accordance with Council's financial thresholds outlined below:

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Value (ex GST)	Market Approach Minimum Requirements	Risk Rating	Market Approach Options	Agreement Type	Approver
Up to \$10,000	Direct purchase based on advertised price or written quotation	Not applicable or insignificant	Council's pre-qualified contractor register Council's existing panel arrangement or standing offer VendorPanel www.vendorPanel.com.au Direct approach i.e., email Verbal quote - must be supported by a level of written documentation	Purchase Order (For Purchases of a value more than \$1,000 (ex. GST)) Credit Card Store Card (Ex. BP Fuel Card)	Employees – within the limit of their delegated purchasing authority and the approved budget
\$10,001 to \$100,000	RFQ – Minimum three (3) written quotations OR one (1) written quotation from Panel	Moderate to Major	Council's pre-qualified contractor register Council's existing panel arrangement or standing offer Strategic Alliances VendorPanel www.vendorPanel.com.au	Purchase Order Services Agreement Works Agreement Goods Agreement	Employees – within the limit of their delegated purchasing authority and the approved budget Where the Risk Assessment/CEO determines that a tender is of commercial or community sensitivity, approval must be obtained by Council resolution

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Value (ex GST)	Market Approach Minimum Requirements	Risk Rating	Market Approach Options	Agreement Type	Approver
\$100,001 - \$500,000	EOI, Select Tender (Minimum three (3) tenderers) OR Open Tender OR RFQ from the Panel (minimum three (3) Written quotes)	Major to Catastrophic	Council's pre-qualified contractor register Council's existing panel arrangement or standing offer Strategic Alliances VendorPanel www.vendorPanel.com.au	Purchase Order Services Agreement Works Agreement Goods Agreement	Employees – within the limit of their delegated purchasing authority and the approved budget Where the Risk Assessment/CEO determines that a tender is of commercial or community sensitivity, approval must be obtained by Council resolution
\$500,001 and above	Open Tender	Catastrophic	SA Tenders and Contracts www.tenders.sa.gov.au VendorPanel www.vendorpanel.com.au Strategic Alliances	Purchase Order Services/ Works/ Goods Agreement	Council resolution

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6. Cumulative Spend

6.1 Cumulative Spend is identified as the estimated value of the total proposed purchase(s), including any agreement options, extensions and renewals (exclusive of GST), and potential cumulative value of the goods or services supplied over a period of time i.e. twelve (12) months against a supplier and contractor.

6.2 Cumulative Spend shall be monitored annually by Council to determine whether the appropriate procurement process has been undertaken and/or an alternative procurement method is required to be undertaken to comply with this policy.

7. Procurement Methods

7.1 The method of procurement for major procurements will typically be documented in an Acquisition or Probity Plan, with reference to a number of factors including procurement complexity, estimated value, risks, characteristics of the supply market, and Council's strategic objectives - and in accordance with procurement thresholds.

7.2 Acquisition or Probity Plan must be prepared when procuring all goods and services that can be considered as being of high expenditure, and/or for which there is a high degree of strategic, financial, operational, technological, environmental, regulatory or political risks. As a monetary threshold, an Acquisition Plan is required for all purchases over \$50,000 (ex GST).

7.3 Staff with financial delegated authority to procure will be responsible for ensuring appropriate procurement practices and procedures, including the identification of risk are observed.

7.4 Direct Purchasing

- Direct purchasing is a procurement method undertaken by directly approaching and negotiating with one (1) supplier or contractor.
- Procurement method may be conducted where transactions are of low value and low risk.
- Prices should be tested for currency prior to awarding supplier or contractor to give consideration to Value for Money.

7.5 Request for Quotations (RFQ)

- This is where Council obtains quotations from prospective suppliers or contractors for the provision of low value, low risk goods and services.
- This method may be suitable for simple, largely price-based purchases.

7.6 Expressions of Interest (EOI)

- Expressions of Interest are useful when the number of suppliers or contractors, market size or the approach to solving a problem is largely unknown.
- Such a process can form the platform for a future Request for Tender for the goods and/or services required.
- Council should attempt to assess the market before conducting an EOI process and

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refine its requirements as much as possible to ensure responses are targeted appropriately.

7.7 Request for Tender (RFT)

- This is where the Council issues a tender for the goods or services required.
- Council may issue a “Select” Request for Tender where it has already issued an EOI, or where it has reasonable grounds for only dealing with a select group of potential suppliers or contractors.
- Otherwise, Council may issue an “Open” Request for Tender.

7.8 Panel Contracts

7.8.1 Council may establish its own panel arrangements with a select group of suppliers or contractors to increase efficient procurement of goods and services.

- Panels must be established following the principles of this Policy.
- Any panels must operate under an Agreement and managed for performance and on-going value for money opportunities.

7.9 Strategic Alliances

7.9.1 If the Council enters into a strategic alliances procurement process under this policy (Strategic Alliances) then there will be no requirement for the Council to approach the wider market or enter into a separate RFT/RFQ as an open tender process has already been undertaken.

7.9.2 Council can meet its procurement requirements through contractual arrangements established and administered by other organisations that demonstrate adherence to the requirements of this policy.

7.9.3 The use by the Council of Strategic Alliances means that the methods of procurement set out in this policy will be undertaken pursuant to and in accordance with the arrangements set out under the Strategic Alliances. These include, but is not limited to:

- LGA Procurement (via VendorPanel);
- A purchasing group of which the Council is a member;
- Some State Government contracts; and
- Ad hoc alliances created with other Local Government entities.

8. Exemptions from this Policy

8.1 This Policy contains general guidelines to be followed by the Council in its procurement activities. There may be emergencies, or procurements in which a tender process will not necessarily deliver best outcome for the Council, and other market approaches may be more appropriate.

8.2 The authority to provide an exemption from using the required method of procurement will be delegated to the Chief Executive Officer in accordance with expenditure sub-delegations as prescribed in Council’s Delegations Register. Reasons for any exemption to the procurement method must be documented and registered in Council’s Electronic Document and Records Management System (EDRMS).

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- 8.3 The Chief Executive Officer, in approving an exempt method, will consider the scale, scope and relative risk of the purchase, including the principles defined in this Policy.
- 8.4 A request for waiver of a competitive process should not be viewed as a mechanism to remove the need for rigorous procurement planning.
- 8.5 Situations where it may be appropriate to waive application of this policy are:
- There may be significant public risk if the procurement is delayed by process requirements, such as emergency situations threatening life and property;
 - The pressures of time are such that an open tender call is not feasible, such as where there has been an unanticipated Council or Government policy decision;
 - Council purchases assets or goods at an auction up to \$100,000;
 - Council purchases second hand assets or goods up to \$100,000;
 - A supplier or contractor is evidenced to be a “sole supplier or contractor” in the market and effectively a niche specialist or monopoly, rendering the tender process redundant;
 - A supplier or contractor who has considerable background knowledge and experience, or specialist expertise on that particular Council project or asset e.g. an extension of a previous project. In such circumstances, the procurement of assets, goods, or services on negotiated fees and terms through that supplier or contractor alone may be deemed sound and advantageous to the project. This could include engaging the supplier or contractor on a retainer basis for a specialised period of time;
 - Continuation of services under an existing purchasing arrangement (i.e., variations/extensions to existing purchase orders or agreements);
 - Goods or services are being provided under an existing purchasing arrangement (i.e., warranty, servicing, maintenance or defects liability); and
 - Where knowledge, design and/or intellectual property is being retained to secure continuity of a staged initiative which may be disadvantaged (e.g., time, objective, financially) if subjected to a further competitive engagement process.

9. Delegations

- 9.1 Expenditure sub-delegations, detailing authorised purchases, purchasing limits and the ability to enter an agreement are prescribed in Council’s Delegations Register.
- 9.2 This Policy also applies to other delegated bodies of the Council with specific delegated authority to procure good under its Terms of Reference.
- 9.3 Where there is a conflict between the Terms of Reference and this Policy for the procurement of goods or services, this Policy will prevail.

10. Related Documents

Policies

- Caretaker Policy
- Budget Management Policy
- Code of Conduct for Council Employees
- Code of Conduct for Volunteers
- LGA’s Model Behavioural Management Policy
- Behavioural Standards for Council Members

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- Credit Card Policy
- Delegation Register
- Fraud, Corruption, Misconduct and Maladministration Prevention Policy
- Internal Financial Controls Policy
- Local Government Association Procurement Handbook
- National Competition Policy (Federal)
- Prudential Management Policy
- Risk Management Policy
- Council's Strategic Plan
- Work Health and Safety - Emergency Management Policy
- Work Health and Safety - Contractor Management Policy

Procedures

- Credit Card Receipts Procedure
- Procurement Procedures (related to this Policy)
- Purchase Order Procedure

Others

- Adelaide Plains Council Risk Management Framework
- AS ISO 31000:2018 Risk Management – Guidelines
- Acquisition Plan template

11. Information Management

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

12. Document Review

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

13. References

This Policy should not be considered as the only document that may relate to procurement; other tiers of government, agencies or organisations may have legislation or policies that also apply.

- *Competition and Consumer Act (Cth) 2010*
- *Competition Policy Reform (SA) Act 1996*
- *Criminal Law Consolidation Act 1935*
- *Disability Inclusion Act 2018*
- *Environment Protection Act 1993*
- *Freedom of Information Act 1991*
- *Independent Commission Against Corruption Act 2012*
- *Industry Advocate Act 2017*
- *Local Government (Elections) Act 1999 – Caretaker Provision*
- *Local Government Act 1999*
- *Local Government (Financial Management) Regulations 2011*
- *Modern Slavery Act (Cth) 2018*
- *Ombudsman Act, 1972*

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- *State Records Act 1997*
- *Trades Practices Act (Cth) 1974*
- *Work Health and Safety Act (SA) 2012 and Regulations 2012*

14. Further Information

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

2a Wasleys Road, Mallala SA 5502

A copy of this Policy may be obtained on payment of a fee.

Any queries in relation to this Policy must be made in writing to info@apc.sa.gov.au to the Attention of Chief Executive Officer of the Council.

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	Fraud, Corruption, Misconduct and Maladministration Prevention Policy		
	Version Adopted by Council: TBC Resolution Number: TBC Current Version: V1		
	Administered by: Chief Executive Officer	Last Date: Next Date:	Review 2023 Review 2025
Document No: D23/28532	Strategic Objective: Proactive Leadership Strategic and sustainable financial management Proactively engage in Local Government Reform and continuous improvement.		

1. Objective

- 1.1 Adelaide Plains Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency, which are all key components of good governance.
- 1.2 This Policy is designed to protect public funds and assets and the integrity, security and reputation of the Council by outlining Council's approach to the prevention or minimisation, identification and control of fraudulent and/or corrupt activity and summarises the associated responsibilities of Council members and Council Employees.
- 1.3 The Council recognises that Fraud, Corruption, Maladministration and Misconduct in Public Administration have the potential to cause significant financial and non-financial harm. Therefore, the prevention and control of Fraud, Corruption, Maladministration and Misconduct features predominantly within the systems and procedures of Council.

2. Scope and Purpose

2.1 The Purpose of this Policy is to ensure that Adelaide Plains Council;

- properly fulfils its responsibilities under the *Independent Commission Against Corruption Act 2012 (ICAC Act)*;
- takes appropriate steps towards compliance with relevant legislation, policies and instruments;
- provides a clear statement to all Employees through practices, policies and procedures that Fraud, Corruption, Misconduct and Maladministration are not acceptable and will not be tolerated;

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- protects Council assets, interests and reputation from the risks associated with Fraud, Corruption Misconduct and Maladministration;
- outlines the Council's approach to the prevention and detection or, and response to, Fraud, Corruption, Misconduct and Maladministration;
- fosters an ethical environment and culture which is conscious of, actively discourages, does not tolerate and appropriately deals with Fraud, Corruption, Misconduct and Maladministration;
- identifies the relevant responsibilities of Council members, Employees, the Chief Executive Officer, Managers and the Audit and Risk Committee;
- educates Employees and Council members about legal requirements for reporting conduct reasonably suspected of being Fraud, Corruption, Misconduct and/or Maladministration;
- evaluates practices, policies and procedures it has in place in order to further advance Council systems for preventing or minimising Fraud, Corruption, Misconduct and Maladministration; and
- develops a consistent approach to the management of relevant conduct across the organisation through the establishment and maintenance of effective systems and internal controls to guard against Fraud, Corruption, Misconduct and Maladministration.

2.2 Council has established a number of policies and procedures to assist with the prevention and control of Fraud, Corruption, Misconduct and Maladministration, and this Policy forms part of that suite of internal controls. The effectiveness of these procedures will be continuously reviewed and assessed and will remain up to date with any future developments in Fraud, Corruption, Maladministration and Misconduct prevention control techniques.

2.3 This Policy applies to all Council members, Employees, contractors, consultants and volunteers of the Council. It is intended to complement and be implemented in conjunction with other relevant Council policies and procedures including:

- Public Interest Disclosure Procedure
- Risk Management Policy
- Internal Financial Controls Policy
- Human Resource Management Policy
- Code of Conduct for Volunteers
- Behavioural Management Policy
- Council Members Allowances and Benefits Policy

3. Definitions

For the purposes of this Policy the following definitions apply:

3.1 **Behavioural Management Policy** means the Local Government Association's Model Behavioural Management Policy or any subsequent behavioral management policy for Council members adopted by the Council pursuant to section 262B of the *Local Government Act 1999*.

3.2 **CEO** means the Chief Executive Officer of the Council.

3.3 **Commissioner** means the person holding or acting in the office of the principal officer of the Independent Commission Against Corruption per section 8 of the ICAC Act.

3.4 **Corruption means corruption in public administration as provided for in section 5(1) of the ICAC Act** and means conduct that constitutes:

3.4.1 an offence against Part 7 Division 4 (offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:

- a. bribery or corruption of public officers;
- b. threats or reprisals against public officers;
- c. abuse of public office;
- d. demanding or requiring benefit on basis of public office;
- e. offences relating to appointment to public office; or

3.4.2 an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or

3.4.3 an offence against the *Lobbyists Act 2015*, or an attempt to commit such an offence; or

3.4.4 any of the following in relation to an offence referred to in a preceding paragraph:

- a. aiding, abetting, counselling or procuring the commission of the offence;
- b. inducing, whether by threats or promises or otherwise, the commission of the offence;
- c. being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- d. conspiring with others to affect the commission of the offence.

3.5 **Council** means Adelaide Plains Council.

3.6 **Employee** refers to all the Council's employees whether they are working in a full-time, part-time or casual capacity, but also includes any contractors, volunteers and consultants undertaking work for or on behalf of Council.

- 3.7 **False Disclosure** is a disclosure of information relating to Fraud, Corruption, Maladministration or Misconduct that is made by a person who knows the information to be false.
- 3.8 **Fraud** includes an intentional dishonest act or omission done with the purpose of deceiving and may include conduct which does not strictly constitute Corruption, Misconduct or Maladministration.
- 3.9 **ICAC Act** is the *Independent Commission Against Corruption Act 2012*.
- 3.10 **Maladministration** means maladministration in public administration as defined in section 3(2) of the Ombudsman Act and
- 3.10.1 means:
- a. conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - b. conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
- 3.10.2 includes conduct resulting from impropriety, incompetence or negligence; and
- 3.11.3 is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
- 3.11 **Manager** means any Employee of the Council who is responsible for the direct supervision of other Employees.
- 3.12 **Misconduct** means misconduct in public administration as defined in section 3(1) of the Ombudsman Act and means an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer.
- 3.13 **Office for Public Integrity (OPI)** is the office established under the ICAC Act that has the function to:
- 3.13.1 receive and assess complaints about public administration from members of the public;
 - 3.13.2 receive and assess reports about Corruption, Misconduct and Maladministration in public administration from inquiry agencies (including the Ombudsman), public authorities (including the Council) and public officers; and
 - 3.13.3 refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated.

- 3.14 **Ombudsman Act** means the *Ombudsman Act 1972*.
- 3.15 **PID Act** means the *Public Interest Disclosure Act 2018*.
- 3.16 **Public administration** is defined at section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act will be taken to be carried out in the course of public administration.
- 3.17 **Public Officer** has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes:
- 3.17.1 a Council member; and
 - 3.17.2 an Employee or officer of the Council;
- 3.18 **Publish** is defined in section 4 of the ICAC Act, and means publish by:
- 3.18.1 newspaper, radio or television;
 - 3.18.2 internet or other electronic means of creating and sharing content with the public or participating social networking with the public; or
 - 3.18.3 any similar means of communication with the public.
- 3.19 **Relevant Authority** means the person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act.
- 3.20 **Responsible Officer** is a person who has been designated by the Council as a responsible officer under section 12 of the PID Act.

4. Prevention

- 4.1 The Council recognises that the occurrence of Fraud, Corruption, Misconduct and Maladministration will be more likely to prevail in an administrative environment where opportunities exist for waste and abuse.
- 4.2 The Council also recognises that the most effective way to prevent the occurrence of Fraud, Corruption, Misconduct and Maladministration is to instill and continually reinforce a culture across the Council of acting lawfully, ethically and in a socially responsible manner, and to support this culture with the implementation of appropriate internal control mechanisms.
- 4.3 The Council expects Employees and Council members will assist in facilitating a sound ethical culture and preventing Fraud, Corruption, Misconduct and Maladministration by:
- 4.3.1 understanding the responsibilities of their positions;
 - 4.3.2 familiarising themselves with Council policies and procedures and adhering to them;

- 4.3.3 understanding what behaviour constitutes Fraud, Corruption, Misconduct and/or Maladministration;
- 4.3.4 maintaining an awareness of the strategies that have been implemented by Council to minimise Fraud, Corruption, Misconduct and Maladministration;
- 4.3.5 being continuously vigilant to the potential for Fraud, Corruption, Misconduct and Maladministration to occur in the Council environment; and
- 4.3.6 reporting suspected or actual occurrences of Fraud, Corruption, Misconduct and Maladministration in accordance with Part 7,8 and 9 of this Policy.

5. Roles and responsibilities

- 5.1 The table in **Appendix 1** to this Policy outlines the roles and responsibilities of key individuals and groups with respect to Fraud, Corruption, Misconduct and Maladministration prevention within Council.

6. Educating for Awareness

- 6.1 The Council recognises that the success and credibility of this Policy will largely depend upon how effectively it is communicated throughout the organisation and beyond.
- 6.2 The Council will, therefore, from time to time take proactive steps towards ensuring that the wider community is aware of the Council's zero-tolerance stance towards Fraud, Corruption, Misconduct and Maladministration, including by:
 - 6.2.1 promoting the Council's initiatives and policies regarding the control and prevention of Fraud, Corruption, Misconduct and Maladministration on the Council website and at Council offices;
 - 6.2.2 referring to the Council's Fraud, Corruption, Misconduct and Maladministration initiatives in the Council's Annual Report; and
 - 6.2.3 facilitating public access to all of the documents that constitute the Council's Fraud, Corruption, Misconduct and Maladministration framework, including those documents identified at clause 2.3 of this Policy.

7. Reporting Corruption

- 7.1 Any Public Officer who knows of or reasonably suspects Corruption in the Council must report this information to the OPI as soon as practicable.
- 7.2 All knowledge or reasonable suspicion of Corruption must be reported the OPI in accordance with the Directions and Guidelines for Public Officers published by the

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OPI pursuant to section 18B(1) of the ICAC Act.

7.2.1 A report to the OPI must be made using the online report form available at:
publicintegrity.sa.gov.au

- 7.3 When reporting knowledge or reasonable suspicion of Corruption in the Council to the OPI under the ICAC Act, any requirements of other documents that form part of the Council's Fraud, Corruption, Misconduct and Maladministration framework (including those documents identified at clause 2.3 of this Policy) should also, to the extent possible, be adhered to.
- 7.4 Nothing in this section is intended to prevent a Public Officer from reporting suspected Corruption in the Council to a Relevant Authority, like the Council's Responsible Officer, for the purposes of the PID Act. Such a disclosure may be protected under the PID Act and, if made to the Council's Responsible Officer, will be managed in accordance with the Council's Public Interest Disclosure Procedure. Public Officers are encouraged to have regard to the Council's Public Interest Disclosure Procedure when determining where to direct a disclosure.
- 7.5 Further information about reporting requirements is available at the OPI's website:
<https://www.publicintegrity.sa.gov.au/>

8. Reporting Misconduct or Maladministration

- 8.1 Any Public Officer who knows of or reasonably suspects Misconduct or Maladministration in the Council should report this information to the Ombudsman as soon as practicable.
- 8.2 All knowledge or reasonable suspicion of Misconduct or Maladministration should be reported to the Ombudsman in accordance with the Directions and Guidelines published by the Ombudsman pursuant to section 12D(1) of the Ombudsman Act.
- 8.2.1 A report to the Ombudsman can be made online at <http://ombudsman.sa.gov.au>
- 8.3 When reporting knowledge or reasonable suspicion of Misconduct or Maladministration in the Council to the Ombudsman under the Ombudsman Act, any requirements of other documents that form part of the Council's Fraud, Corruption, Misconduct and Maladministration framework (including those documents identified at clause 2.3 of this Policy) should also, to the extent possible, be adhered to.
- 8.4 Nothing in this section is intended to prevent a Public Officer from reporting suspected Misconduct or Maladministration in the Council to a Relevant Authority, like the Council's Responsible Officer, for the purposes of the PID Act. Such a disclosure may be protected under the PID Act and, if made to the Council's Responsible Officer, will be managed in accordance with the Council's Public Interest Disclosure Procedure. Public Officers are encouraged to have regard to the Council's Public Interest Disclosure Procedure when determining where to direct a disclosure.

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9. Reporting Fraud

- 9.1. Where a Public Officer knows of or reasonably suspects Fraud or other similar conduct that does not constitute Corruption, Misconduct or Maladministration (and is therefore not required to be reported to OPI or expected to be reported to the Ombudsman), that knowledge should be reported to the Council's Responsible Officer.

10. Confidentiality and Publication Prohibitions

- 10.1. A person who receives information knowing that the information is connected with a matter that forms or is the subject of a complaint, report, assessment, investigation, referral or evaluation under the ICAC Act or Ombudsman Act must not disclose that information, other than in the limited circumstances set out in section 54(3) of the ICAC Act or section 29A(6) of the Ombudsman Act.
- 10.2. A person must not, other than as authorised by the Commissioner or Director of the OPI (in the case of matters under the ICAC Act) or the Ombudsman or a person approved by the Ombudsman (in the case of matters under the Ombudsman Act) publish or cause to be published any of the following:
 - 10.2.1. information tending to suggest that a particular person is, has been, may be, or may have been, the subject of a complaint, report, assessment, investigation or referral under the ICAC Act or the Ombudsman Act;
 - 10.2.2. information that might enable a person who has made a complaint or report under the ICAC Act or the Ombudsman Act to be identified or located;
 - 10.2.3. the fact that a person has made or may be about to make a complaint or report under the ICAC Act or the Ombudsman Act;
 - 10.2.4. information that might enable a person who has given or may be about to give information or other evidence under the ICAC Act or the Ombudsman Act to be identified or located;
 - 10.2.5. the fact that a person has given or may be about to give information or other evidence under the ICAC Act or the Ombudsman Act;
 - 10.2.6. any other information or evidence which the Commissioner or the Ombudsman has prohibited from publication.
- 10.3. A failure to comply with these requirements can constitute an offence.
- 10.4. A Council employee who fails to comply with these requirements may also face disciplinary action which may include dismissal from employment.

- 10.5. In addition to the requirements in this part, Council members and Employees should also be mindful of the confidentiality provisions in the Council's Public Interest Disclosure Procedure.

11. Action by the Chief Executive Officer

- 11.1. Unless otherwise directed by OPI, the Independent Commission Against Corruption, the Ombudsman or SAPOL, the CEO will investigate how the alleged Corruption, Fraud, Misconduct or Maladministration occurred to determine the cause for the breakdown in controls and identify if any recommendations as to changes in policies, procedures or internal controls should be made to the Council. The investigation should:
- 11.1.1. occur as soon as practicable after the alleged incident;
 - 11.1.2. not impose on or detract from any investigation being undertaken by the Independent Commission Against Corruption, the Ombudsman or SAPOL; and
 - 11.1.3. have regard to any recommendations in any report received from the Independent Commission Against Corruption, the Ombudsman or SAPOL on the incident.
- 11.2. The CEO will, in conducting the investigation and deciding whether and how to report on the investigation to Council, have regard to the provisions of the Public Interest Disclosure Policy, and any confidentiality requirements under the PID Act, Ombudsman Act and/or ICAC Act.
- 11.3. Action taken by the CEO following an investigation into alleged Corruption, Fraud, Misconduct or Maladministration may include disciplinary action against any Employee involved in the incident, up to and including the termination of employment

12. False Disclosure

- 12.1. A person who knowingly makes a False Disclosure or a false or misleading statement in a complaint or report under the ICAC Act or Ombudsman Act may be guilty of an offence.
- 12.2. An Employee who makes a False Disclosure may also face disciplinary action which may include the summary termination of their employment.
- 12.3. Council members who make a False Disclosure may also face disciplinary action pursuant to the Council's Behavioural Management Policy.

13. Related Documents

Legislation

Public Finance and Audit Act 1987

Independent Commission Against Corruption Act 2012

Local Government Act 1999

Public Interest Disclosure Act 2018

Ombudsman Act 1972

Other

Public Interest Disclosure Procedure

Risk Management Policy

Internal Financial Controls Policy

Human Resource Management Policy

Code of Conduct for Volunteers

Council Member Allowances and Benefits Policy

Gifts and Benefits Policy for Council Employees

Gifts and Benefits Policy for Council Members

Behavioural Management Policy

Council Members Allowances and Benefits Policy

14. Information Management

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

15. 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.

16. Further Information

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

2a Wasleys Road, Mallala SA 5502

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Appendix 1 —**Responsibilities and accountability for Fraud, Corruption, Misconduct and Maladministration prevention actions**

Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
Governance and ethics							
1	Comply with this policy and any related legislation, policy, protocol or procedure.	✓	✓	✓	✓	✓	✓
2	At all times in the performance of duties or in association with their role with Council, act in an ethical manner.	✓	✓	✓	✓	✓	✓
3	Promote a culture and environment in which Fraud, Corruption, Misconduct and Maladministration is discouraged and not tolerated	✓	✓	✓	✓		✓
4	Remain scrupulous in the use of Council information, assets, funds, property, goods or services	✓	✓	✓	✓	✓	✓
Awareness and training							

Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
1	Promote community awareness of the Council's commitment to the prevention of Fraud, Corruption, Misconduct and Maladministration.	✓	✓		✓ (as appropriate)		
2	Ensure all Employees under their supervision have been educated regarding Fraud, Corruption, Maladministration and Misconduct.		✓	✓	✓		
3	Undertake awareness training or education regarding Fraud, Corruption, Maladministration and Misconduct.	✓	✓	✓	✓	✓	✓ (as appropriate)
4	Develop and deliver training to Employees and other public officers to promote ethical conduct and an ethical culture.		✓	✓			
5	Act in an ethical manner at all times in the performance of duties, and comply with ethical obligations in accordance with any relevant code or policy regarding conduct and behaviour	✓	✓	✓	✓	✓	✓
6	Adopt and model constructive behaviours and approaches to work which promote ethical behaviours in Council Employees	✓	✓	✓	✓	✓	✓
Fraud prevention							

Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
1	Provide adequate security, including the provision of secure facilities for storage of assets, to assist in the prevention of Fraud, Corruption, Misconduct and Maladministration		✓	✓			
2	Develop procedures to deter fraudulent or corrupt activity from occurring	✓	✓	✓	✓		
3	Where relevant, comply with the <i>Public Interest Disclosure Act 2019</i>	✓	✓	✓	✓	✓	✓
4	Ensure appropriate internal controls are in place and operating effectively to minimise the risks of incidents	✓	✓	✓		✓	
5	Ensure effective screening (e.g. criminal history) of Employees and prospective Employees is undertaken, including by use of appropriate and effective contractual arrangements		✓	✓			
6	Ensure all powers and authorities are appropriately delegated in order to minimise the risk of Fraud, Corruption, Misconduct or Maladministration	✓	✓	✓			

Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
Detection and investigation							
1	Ensure that where appropriate, proper investigations are conducted into allegations of Fraud, Corruption, Misconduct or Maladministration.	✓	✓				
2	Facilitate cooperation with any investigations undertaken by an external authority	✓	✓				
3	Undertakes risk assessments on a regular basis	✓	✓			✓	
4	Provides mechanisms for receiving allegations of Fraud, Corruption, Misconduct and Maladministration	✓	✓	✓			
5	Investigates matters of Fraud, Corruption, Misconduct and Maladministration	✓	✓	✓			
6	Cooperate as required with any investigations undertaken whether internally or by an external authority	✓	✓	✓	✓		✓
Monitoring and reporting							

Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
1	Report all instances of conduct known or reasonably suspected to be Fraud, Corruption, Maladministration or Misconduct in accordance with Council's policies	✓	✓	✓	✓	✓	✓ (report to Responsible Officer)
2	Develop mechanisms for receiving allegations of Fraud, Corruption, Misconduct or Maladministration including appointing a Responsible Officer	✓	✓				
3	Work jointly with other areas of Council to co-ordinate activities relating to the control, prevention, detection and management of Fraud, Corruption, Misconduct or Maladministration	✓	✓	✓		✓	
4	Review the effectiveness of the implemented policies that ensure risks are identified and that controls implemented by management are adequate	✓	✓			✓	

13 SUBSIDIARY MEETINGS

13.1 LEGATUS ORDINARY MEETING AND ANNUAL GENERAL MEETING - 25 AUGUST 2023

Record Number: D23/41520

Author: Executive Assistant to the Chief Executive Officer and Mayor

Authoriser: Chief Executive Officer

Attachments:

1. Legatus Group - Draft Minutes Ordinary Meeting held 25 August 2023 [↓](#)
2. Legatus Group - Draft Minutes - Annual General Meeting held 25 August 2023 [↓](#)

OVERVIEW

The purpose of this report is for Council to receive and note the draft Minutes to the Legatus Group Ordinary Meeting and Annual General Meeting held on 25 August 2023.

RECOMMENDATION

“that Council adopts the draft Minutes of the Legatus Ordinary Meeting and Annual General Meeting - 25 August 2023.”

**Draft Minutes****ORDINARY MEETING****Friday 25 August 2023****Peterborough Golf Club Park St Peterborough**

The meeting commenced at: 10:40am

I. ADMINISTRATIVE MATTERS**Attendance:**

Members: Mayor Leonie Kerley, Mayor Roslyn Talbot, Mayor Allan Aughey OAM, Mayor Ken Anderson, Mayor Bill O'Brien, Mayor Mark Wasley, Mayor Stephen McCarthy, Mayor Sue Scarman, Mayor Grant Chapman, Mayor Ruth Whittle OAM and Mayor Rodney Reid.

Others: Council CEOs Maree Wauchope, Russell Peate, Helen Macdonald, Eric Brown, Richard Dodson, James Miller, Sam Johnson OAM, Kelly Westell, Paul Simpson, Mark McShane. CEO Simon Millcock and Tracey Rains (Legatus Group) Tony Fox (GM Landscape Board), Clinton Jury (CEO LGA) and Daniel Willson (CEO RDA Yorke Mid North).

I.1 Apologies

Apologies: Mayors Bim Lange, Bill Gebhardt, Leon Stephens and Darren Braund. MP's Hon Geoff Brock, Penny Pratt and Fraser Ellis. CEO's Peter Ackland, Stephen Rufus, Andrew Cameron, Martin McCarthy and David Stevenson.

I.2 Leave of Absence Nil**I.3 Conflict of Interest Nil****I.4 Previous meeting minutes****I.4.1 Legatus Group Ordinary meeting held 19 May 2023.**

The Legatus Group CEO provided a report with the agenda and the minutes had been distributed.

Motion: That the minutes of the Legatus Group Ordinary Meeting held on 19 May 2023 be confirmed as a true and correct record.

Moved: Mayor Scarman Seconded: Mayor McCarthy CARRIED

Mayor McCarthy left the meeting at 10.44am

I.4.2 Legatus Group Special Meeting held 2 June 2023.

The Legatus Group CEO provided a report with the agenda and the minutes had been distributed.

Motion: That the minutes of the Legatus Group Special Meeting held on 2 June 2023 be confirmed as a true and correct record.

Moved: Mayor Anderson

Seconded: Mayor Wasleys

CARRIED

Mayor McCarthy returned to the meeting at 10.46am

Welcome to Peterborough.

District Council of Peterborough Mayor Ruth Whittle OAM welcomed everyone to the Council and provided an outline of the local industries including tourism, abattoir and pastoralist with mention of the new community bakehouse. Noted was the busy community and the schools and aged care services and over 500 caravan movements in the past week. Mayor Whittle provided an update on the Nova Systems Space Precinct, Magnetite Mines MoU with the District Council of Peterborough and the Peterborough Compost Site Development.

1.5 Legatus Group Action List

The Legatus Group CEO provided a report with the agenda.

Motion: That the Legatus Group receives and notes the report.

Moved: Mayor Talbot

Seconded: Mayor McCarthy

CARRIED

1.6 Deferred / Adjourned Items Nil

2 PRESENTATIONS / PETITIONS / DEPUTATIONS

2.1 Tony Fox General Manager Northern and Yorke Landscape Board

Presentation focused on weed control projects and power point will be distributed with minutes.

2.2 Clinton Jury CEO Local Government Association of SA

Presentation focused on consultation process underway regarding (1) Landscape Act (2) Dog and Cat Management (3) Nuisance and Litter Control reform. Clinton outlined the LGAs approach to the ESCOSA Fee Structure and their current support for a council that is not paying it. Noted that there is no further reductions in public library funding and a review underway on community libraries. Answered questions on:

- (1) Rating Equity and he advised that the LGA is continuing discussions on a new Bill being introduced and that the LGA will approach the Legatus Group on ways to progress.
- (2) Regional LGAs and SAROC and ability to get reports / recommendations forward and he advised what the LGA Secretariat position was and that there is a constitutional review underway.

3 REPORTS FOR INFORMATION

The Legatus Group CEO provided a report with attachments of committee minutes with the agenda.

Motion: That the Legatus Group receives and notes the Legatus Group Audit and Risk Management Committee, Regional Management Group Committee, Road Transport and Infrastructure Advisory Committee, Waste Management Advisory Committee and the Community Wastewater Management Schemes Advisory Committee minutes.

Moved: Mayor Kerley

Seconded: Mayor Wasleys

CARRIED

4 REPORTS FOR DECISIONS

4.1 Business Plan

The Legatus Group CEO provided a report of the Business Plan Update with the agenda.

Motion: That the Legatus Group notes the report and approves the release of the Climate Change Sector Agreement Report on the Legatus Group Website.

Moved: Mayor Anderson

Seconded: Mayor McCarthy

CARRIED

4.2 Financial Report 2023/2024

The Legatus Group CEO provided a financial report for 2023/2024 with the agenda.

Motion:

That the Legatus Group:

- 1. Receives the report and that pursuant to Section 123(13) of the Local Government Act 1999 and Section 7 of the Local Government (Financial Management) Regulations 2011 the Legatus Group notes the contents of the Statutory Finance Reports for the period ending 31 July 2023.**
- 2. Receives and adopts the revised 2023/2024 Budget Review 1.**
- 3. Notes the CEOs credit card expenditure report.**

Moved: Mayor Whittle

Seconded: Mayor O'Brien

CARRIED

4.3 Legatus Group Strategic Plan and Charter Review

The Legatus Group CEO provided a report and attachments with the agenda.

Motion:

That the Legatus Group:

- 1. Pursuant to section 90(2) of the Local Government Act 1999, orders that all members of the public, except the Legatus Group CEO and minute taker be excluded from the meeting to enable discussion on item 4.3 - Legatus Group Strategic Plan and Charter Review.**
- 2. Is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of 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 would, on balance, be contrary to the public interest.**
- 3. Is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be disclosed and discussed has the potential to impact adversely and contains commercial information which will be disclosed.**

Moved: Mayor Scarman

Seconded: Mayor Chapman

CARRIED

Everyone excluded from the meeting left the room at 11.56am

Motion:

- 1. That the Legatus Group appoints BRM to undertake the review of the Legatus Group Strategic Plan and Charter Review.**
- 2. That, having considered Agenda Item 4.3 – Legatus Group Strategic Plan and Charter Review in confidence under Sections 90(2) and 90(3)(d) of the Local Government Act 1999, the Legatus Group, pursuant to Section 91(7) (b) of the Act orders that all the discussion, documents and reports relating to this agenda item be retained in confidence for a period of 12 months.**

Moved: Mayor Kerley Seconded: Mayor Scarman CARRIED

The meeting moved out of confidence at 12:00pm and all those who had left returned.

4.4 SA Regional Road Priority Working Group

The Legatus Group CEO provided a report and attachments with the agenda.

Motion: That the Legatus Group notes the report and supports the Legatus Group CEO to continue to facilitate the SA Regional Road Priority Working Group.

Moved: Mayor Anderson Seconded: Mayor McCarthy CARRIED

4.5 ESCOSA Fee Structure

The Legatus Group CEO provided a report and attachments with the agenda.

Motion: That the Legatus Group notes the report.

Moved: Mayor O'Brien Seconded: Mayor Chapman CARRIED

4.6 Special Local Roads Program (SLRP) Funding

The Legatus Group CEO provided a report with the agenda.

Motion: That the Legatus Group notes the report and recommends that the Legatus Group Chair writes to the LGA Board to seek their support to gain increased funding for Special Local Roads Program Funding.

Moved: Mayor Kerley Seconded: Mayor Aughey CARRIED

4.7 Community Wastewater Management Schemes Alliance

The Legatus Group CEO provided a report with the agenda.

Motion: That the Legatus Group defers this agenda item until after the strategic plan review.

Moved: Mayor Scarman Seconded: Mayor McCarthy CARRIED

4.8 SA Coastal Council Alliance

Adam Gary, Coordinator for the SA Coastal Council Alliance provided a report and attachments with the agenda.

Motion: That the Legatus Group notes the report.

Moved: Mayor Anderson Seconded: Mayor McCarthy CARRIED

4.9 Legatus Group CEO leave and involvement with outside organisations.

The Legatus Group CEO provided a report with the agenda.

Motion: That the Legatus Group notes the report.

Moved: Mayor O'Brien Seconded: Mayor Wasleys CARRIED

5 MOTIONS AND QUESTIONS

5.1 Motions of which Notice has been given.

5.1.1 Cessation of the management of unwanted stray, lost and surrendered pets by the Animal Welfare League.

Roslyn Talbot Mayor Copper Coast Council provide a report with attachments with the agenda.

Motion: That the Legatus Group supports the approach by the Copper Coast Council that:

- 1. The Local Government Association liaise with the Dog and Cat Management Board and the Animal Welfare League regarding the cessation of the Management of unwanted stray, lost and surrendered pets by the Animal Welfare League.**
- 2. That any costs requested from Regional and Rural Councils to develop animal holding facilities, particularly for Metropolitan Councils be identified and information provided to Councils.**

Moved: Mayor Talbot

Seconded: Mayor Reid

CARRIED

5.2 Motions without Notice Nil

5.3 Questions with Notice Nil

5.4 Questions without Notice Nil

6 MEMBERS COMMUNICATION

6.1 Chairperson's Report February 2023

Mayor Rodney Reid Chairperson of the Legatus Group provided a report the agenda.

Motion: That the chairperson's report for August 2023 be received and noted.

Moved: Mayor Talbot

Seconded: Mayor McCarthy

CARRIED

7 BEST PRACTICE PRESENTATION

Copper Coast Council 24/7 Library

Mayor Roslyn Talbot provided a report on the Kadina Community Library is the first in South Australia to be trialling out of hours access. Clinton Jury suggested maybe opportunity for LGA to showcase some of the Legatus Group best practice presentations.

8 CLOSE and DATE FOR NEXT MEETING

Meeting Closed at: 12:40pm

Next Meeting: 24 November 2023 venue TBC

**Draft Minutes****ANNUAL GENERAL MEETING**

Friday 25 August 2023 Peterborough Golf Club Park St Peterborough

The meeting opened at 10am

I. MEETING PRELIMINARIES

Chairman Mayor Rodney Reid opened the meeting and provided an Acknowledgement of Country.

I.1 Attendance and Apologies**Meeting Attendance**

Members: Mayor Leonie Kerley, Mayor Roslyn Talbot, Mayor Allan Aughey OAM, Mayor Ken Anderson, Mayor Bill O'Brien, Mayor Mark Wasley, Mayor Stephen McCarthy, Mayor Sue Scarman, Mayor Grant Chapman, Mayor Ruth Whittle OAM and Mayor Rodney Reid.

Others: Council CEOs Maree Wauchope, Russell Peate, Helen Macdonald, Eric Brown, Richard Dodson, James Miller, Sam Johnson OAM, Kelly Westell, Paul Simpson, Mark McShane. CEO Simon Millcock and Tracey Rains (Legatus Group) Tony Fox (GM Landscape Board), Clinton Jury (CEO LGA) and Daniel Willson (CEO RDA Yorke Mid North).

Apologies: Mayors Bim Lange, Bill Gebhardt, Leon Stephens and Darren Braund. MP's Hon Geoff Brock, Penny Pratt and Fraser Ellis. CEO's Peter Ackland, Stephen Rufus, Andrew Cameron, Martin McCarthy and David Stevenson.

I.2 Welcome

Mayor Rodney Reid Chairman welcomed everyone and acknowledged newly appointed Mayor Grant Chapman District Council of Orroroo Carrieton.

I.3 Authorisation of Voting Delegates

The meeting noted the requirements for voting at meetings.

I.4 Confirmation of previous minutes

The Legatus Group CEO provided a copy of the minutes with the agenda.

Motion: That the minutes of the Annual General Meeting held on 9 September 2022 at the Paxton Function Centre 1 Kingston St Burra be taken as read and confirmed.

Moved: Mayor Kerley

Seconded: Mayor Whittle

CARRIED

1.5 Conflict of Interest

Mayor Reid outlined a conflict of interest with regards item 2.7 of the agenda.

2. ANNUAL GENERAL MEETING REQUIREMENTS

2.1 Annual Report

The Legatus Group CEO provided the Annual Reports with the agenda.

Motion: That the Chairman, CEO and Chairman of Audit and Risk Management Committee Annual reports be accepted.

Moved: Mayor Talbot Seconded: Mayor O'Brien

CARRIED

2.2 Annual Financial Report

The Legatus Group CEO provided a report on the Annual Financial Statement with the agenda.

Motion:

- 1. That the Legatus Group annual financial statement for the year ending 30 June 2023 presents a fair view of the state of the financial affairs of the Legatus Group and that the board certifies the annual financial report.**
- 2. That the Legatus Group writes to the Auditors Dean Newbery advising that the board discussed the requirements of the Related Party Disclosures and confirms that there are no transactions that are required to be disclosed.**
- 3. That the Legatus Group Chair and Audit Committee Chair certify via their signature acceptance of the 2022/2023 Legatus Group independence of the audited annual financial statement.**
- 4. That the Legatus Group appoints Dean Newbery as the auditors for the coming year.**

Moved: Mayor Anderson Seconded: Mayor Wasleys

CARRIED

2.3 Legatus Group Charter

The Legatus Group CEO provided a report with the agenda.

Motion: That the Legatus Group notes that there is a planned review of the Charter during the current financial year.

Moved: Mayor Kerley Seconded: Mayor O'Brien

CARRIED

2.4 Election of Office Bearers

The Legatus Group CEO provided a report with the agenda.

Motion: That the Legatus Group notes the report.

Moved: Mayor Talbot Seconded: Mayor Wasleys

CARRIED

2.5 Appoint representatives to other organisations

The Legatus Group CEO provided a report with the agenda.

Motion:

1. That the Legatus Group appoints the Legatus Group Chairperson and Legatus Group CEO as the Legatus Group members of the Northern and Yorke Alliance.
2. That Mayor Bill O'Brien continues as the Legatus Group representative on the Northern and Yorke Landscape Board Aboriginal Engagement Committee.

Moved: Mayor Whittle

Seconded: Mayor McCarthy

CARRIED

2.6 Delegations

The Legatus Group CEO provided a report with the agenda.

Motion: That the following delegations be approved for 2023/2024:

Delegation	To
Bank account signatories	Legatus Group CEO Simon Millcock Finance Officer Colin Davies Stephen Rufus Chairman Legatus Group Audit and Risk Management Committee
Approving expenditure of budgeted items	Legatus Group CEO
Approving project briefs	Legatus Group CEO and Chair
Approving contracts within budget up to \$10,000	Legatus Group CEO
Approving contracts within budget over \$10,000	Chair and Deputy Chairs
Calling for tenders, contracts and consultancies	Legatus Group CEO after consultation with Chair and Deputy Chairs
Appointing tenders, contracts and consultancies	Legatus Group CEO after assessment panel / reference group and with approval from Chair and Deputy Chairs
Recruitment of staff other than Chief Executive Officer	Legatus Group CEO
Performance management of Chief Executive Officer	Chair and Deputy Chairs and a Representative of the Regional Management Group
Performance management of staff and contractors	Legatus Group CEO

Moved: Mayor Anderson

Seconded: Mayor Scarman

CARRIED

2.7 Delegate Allowances

Mayor Rodney Reid declared a conflict of interest and stepped down as Chairman and left the room at 10.24am.

Deputy Chairman Bill O'Brien chaired the meeting.

Reports for Discussion

The Legatus Group CEO provided a report with the agenda.

Motion: That the 2023/2024 allowance for the Chairpersons position is set at \$5,000.

Moved: Mayor Aughey

Seconded: Mayor Kerley

CARRIED

Mayor Rodney Reid returned to the meeting at 10.28 and continued chairing the meeting.

3 OTHER BUSINESS

3.1 Legatus Committees

Reports for Discussion

The Legatus Group CEO provided a report with the agenda.

Motion:

- 1. That the Legatus Group appoints Mayor Stephen McCarthy, Mayor Rodney Reid and CEO Peter Ackland to the Audit and Risk Management Committee.**

Moved: Mayor Wasleys

Seconded: Mayor Kerley

CARRIED

- 2. That the Legatus Group appoints Mayor Ken Anderson to the Community Wastewater Management Advisory Committee.**

Moved: Mayor Scarman

Seconded: Mayor Kerley

CARRIED

- 3. The meeting notes the continuation of the Legatus Group Committees and calls for expressions of interest for any current vacancies.**

Moved : Mayor Kerley

Seconded: Mayor Chapman

CARRIED

3.2 2023/2024 Legatus Group Meetings

Reports for Discussion

The Legatus Group CEO provided a report with the agenda.

Motion: That the 2023/2024 Legatus Group meetings are held as follows:

- 1. Friday 24 November 2023 hosted by the Wakefield Regional Council**
- 2. Friday 23 February 2024 hosted by the Yorke Peninsula Council**
- 3. Friday 31 May 2024 hosted by The Flinders Ranges Council**

4. Friday 30 August 2024 including AGM hosted by Clare and Gilbert Valley Council

Moved: Mayor Whittle

Seconded: Mayor McCarthy

CARRIED

4 CLOSE

Meeting Closed at: 10:40am

Next Meeting: 30 August 2024 10am venue TBC

DRAFT

14 REPORTS FOR DECISION

14.1 APPOINTMENT OF DEPUTY MAYOR

Record Number: D23/39995

Author: Director Corporate Services

Authoriser: Chief Executive Officer

Attachments: 1. Local Government Association (LGA) Guidelines for Choosing a Chairperson (or Deputy Mayor/Deputy Chairperson) [↓](#)

EXECUTIVE SUMMARY

- The purpose of this report is for Council to determine whether it wishes to continue to appoint a Deputy Mayor, and if so, to make that appointment.
- The *Local Government Act 1999* (the Act), provides that Council may resolve to appoint a Deputy Mayor from amongst its members and that, in the absence of a Mayor, a Deputy Mayor may act in the office of the Mayor. If a Deputy Mayor is appointed, Council must determine the term of office of its Deputy Mayor, and the term must not exceed the term of the Council.
- In November 2022, Council appointed Cr Marcus Strudwicke as its Deputy Mayor for a 12-month period.
- The further appointment of a Deputy Mayor will ensure consistency, stability and contingency in the event the Mayor is absent and, in particular, ensures that the specific roles of the Mayor, set out within Section 58(1) of the Act, continue to be delivered.
- Council may choose to appoint a Deputy Mayor by either a resolution, indicative vote and subsequent resolution or by an election process determined by the Council. The process associated with each option is outlined in detail within the body of this report.
- With the current term for Deputy Mayor (Cr Strudwicke) due to expire on 28 November 2023 and with the Mayor's upcoming leave of absence (commencing early October), it is recommended that Council consider the appointment of a Deputy Mayor from 29 November 2023. It is for Council to determine the term of appointment, the method of appointment and, of course, who the Deputy Mayor will be.

RECOMMENDATION 1 – TERM OF OFFICE AND METHOD OF APPOINTMENT

“that Council, having considered Item 14.1 – *Appointment of Deputy Mayor*, dated 25 September 2023, receives and notes the report and in doing so resolves that:

1. The term of office for the position of Deputy Mayor for the Adelaide Plains Council be from 29 November 2023 until [insert term/date – e.g. 12 months, two (2) years, or for the remainder of the current term of Council]

2. The method of choosing a Deputy Mayor be by **direct resolution OR an indicative vote and resolution OR an election (process required, e.g. show of hands or secret ballot)** to determine the preferred person; and
3. **[Only required if indicative vote or election]** Upon completion of the vote Council will, by subsequent resolution, appoint the successful Council Member as its Deputy Mayor.”

RECOMMENDATION 2 – APPOINTMENT OF DEPUTY MAYOR

“that Council, having considered Item 14.1 – *Appointment of Deputy Mayor*, dated 25 September 2023, appoints **Councillor** _____ as Deputy Mayor for the Adelaide Plains Council from 29 November 2023 until **[insert term as resolved at Rec 1 above]**.”

BUDGET IMPACT

Estimated Cost: Nil

Future ongoing operating costs: A deputy mayor is entitled to one and a quarter (1.25) times the allowance for councillors in a council. In this instance, the deputy mayor will be entitled to an annual allowance of \$13,693.75 (compared to the annual allowance of \$10,955 paid to a councillor who is not the mayor or deputy mayor).

A deputy mayor who undertakes the duties of a mayor (i.e., in an ‘acting mayor’ capacity) for a period of one month or longer is entitled to receive the mayor allowance for the entirety of the time they undertake those duties. For completeness, the annual allowance for a mayor is \$43,820.

Is this Budgeted? Yes

RISK ASSESSMENT

The Act, provides that Council may resolve to appoint a deputy mayor from amongst its members and that, in the absence of a mayor, a deputy mayor may act in the office of the mayor. The Act also provides that, if the mayor is absent from official duties and there is no deputy mayor, or the deputy mayor is not available to act in the office of mayor, a member chosen by the council may act in the office of mayor during the relevant period.

Appointment of a deputy mayor, as opposed to determining a member, ad hoc, to act in the office of the Mayor for a specific period, will ensure consistency, stability and contingency in the event the Mayor is absent and, in particular, ensures that the specific roles of the Mayor, set out within Section 58(1) of the Act, continue to be delivered.

DETAILED REPORT

Purpose

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

Background

Section 58 of the *Local Government Act 1999* (the Act) outlines the specific role of the principal member, being the Mayor, as follows:

58—Specific roles of principal member

(1) Subject to this Act, the role of the principal member of a council as leader of the council is—

- (a) to provide leadership and guidance to the council; and*
- (b) to lead the promotion of positive and constructive working relationships among members of the council; and*
- (c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and*
- (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and*
- (e) to preside at meetings of the council; and*
- (f) to liaise with the chief executive officer between council meetings on the implementation of a decision of the council; and*
- (g) to act as the principal spokesperson of the council; and*
- (h) to exercise other functions of the council as the council determines; and*
- (i) to carry out the civic and ceremonial duties of the office of principal member*

Section 51 of the Act provides that if Council may resolve to have a Deputy Mayor and that Council may determine the term of office of same:

51—Principal member of council

...

- (3) If the council so resolves, there may also be a deputy mayor.*
- (4) If there is to be a deputy mayor, he or she will be chosen by the members of the council from amongst their own number and will hold office for a term determined by the council. The term must not exceed 4 years.*
- (5) On the expiration of a term of office, a deputy mayor is eligible to be chosen for a further term.*
- (6) In the absence of the mayor, a deputy mayor may act in the office of mayor.*

(7) If the mayor is absent from official duties and there is no deputy mayor, or the deputy mayor is not available to act in the office of mayor, a member chosen by the council may act in the office of mayor during the relevant period.

Council, at its meeting held in November 2022, resolved as follows in relation to the appointment of a deputy mayor:

RESOLUTION 2022/350

Moved: Councillor Keen

Seconded: Councillor Lush

“that Council, having considered Item 14.2 – Appointment of Deputy Mayor, dated 28 November 2022, receives and notes the report and in doing so resolves that:

- 1. The term of office for the position of Deputy Mayor for the Adelaide Plains Council be from 28 November 2022 until 28 November 2023 (a period of 12 months);***
- 2. The method of choosing a Deputy Mayor be indicative vote to determine the preferred person; and***
- 3. Upon completion of the vote Council will, by subsequent resolution, appoint the successful Council Member as its Deputy Mayor.”***

CARRIED UNANIMOUSLY

RESOLUTION 2022/351

Moved: Councillor Keen

Seconded: Councillor Boon

“that Council, having considered Item 14.2 – Appointment of Deputy Mayor, dated 28 November 2022, appoints Councillor Marcus Strudwicke as Deputy Mayor for the Adelaide Plains Council from 28 November 2022 until 28 November 2023.”

CARRIED UNANIMOUSLY

Discussion

Appointing a Deputy Mayor

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

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

Appointment of a Deputy Mayor will ensure consistency, stability and contingency in the event the Mayor is absent and, in particular, ensures that the specific roles of the Mayor, set out within Section 58(1) of the Act (set out in full above), continue to be delivered, including but not limited to the provision of leadership and guidance to Council (section 58(1)(a)), to preside at Council meetings (section 58(1)(e)), to liaise with the Chief Executive Officer between Council meetings on the

implementation of a decision of the Council (section 58(1)(f)), to act as the principal spokesperson of the Council (section 58(1)(g)) and to carry out the civic and ceremonial duties (section 58(1)(i)).

A Deputy Mayor who has a broad understanding of the role local government plays in its community and possesses a sound knowledge of the Act, particularly insofar as meeting procedures are concerned, is advantageous. Further 'qualities to consider when choosing a Chairperson' are outlined within the Local Government Association (LGA) Guidelines for Choosing a Chairperson (or Deputy Mayor/Deputy Chairperson) **Attachment 1**.

Term of Office

It is for Council to decide the term of office that the Deputy Mayor will be in the role noting that section 51(4) specifies a maximum term of four (4) years and that the term must not exceed the term of office. Various options are provided within recommendation one (1) above and this must be determined before the process of appointment.

Allowance

A member of council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office, and indexed in accordance with Section 76(9) of the Act.

On 5 July 2022, the Remuneration Tribunal determined the allowance payable to elected members of Local Government Councils constituted under the Act. A Deputy Mayor is entitled to an allowance which is 1.25 times that of the annual allowance for Councillors who are not the Mayor or Deputy Mayor. In accordance with Section 76(9) of the Act, allowances are adjusted on the first, second and third anniversaries for the periodic election in accordance with a calculation method described in Regulation 4(2) of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

Accordingly, the current annual allowance payable to a deputy mayor is \$13,693.75.

A deputy mayor who undertakes the duties of a mayor for a period of *one month or longer* is entitled to receive the mayor allowance for the entirety of the time they undertake those duties. For completeness, the annual allowance for a mayor is \$43,820.

Method of Appointment

The Act does not stipulate the method for appointing a Deputy Mayor.

Based on the abovementioned Guidelines prepared by the LGA (**Attachment 1**), it is recommended that Council appoint a Deputy Mayor using one (1) of the following methods:

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

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

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

candidates, and an election process and subsequent resolution (option 3) if there are more than two candidates.

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

1. By direct resolution (1 candidate)

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

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

2. By indicative vote followed by a resolution (1-2 candidates)

A variation of the option of resolution only, is that of the Mayor taking an informal vote (indicative ballot) of members present at the meeting, while meeting procedures are suspended, to determine the preferred person. The ballot is then confirmed by a formal resolution appointing that person as the Deputy Mayor.

Council would need to agree on this method by resolution as it is not within the ambit of the Mayor alone to decide the process.

3. By an election process (and resolution) determined by Council (more than 2 candidates)

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

Nominations will be invited by the Mayor from amongst the members. They do not have to be in writing nor do they have to be seconded. Nominations will be achieved simply by indicating "I nominate Councillor _____".

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

If only one (1) person is nominated, that person will be declared elected. If more than one (1) person is nominated, the matter will proceed to a vote. All Members present are required to vote in the election. In this case, it is not a conflict of interest to vote for yourself if you have been nominated.

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

Should only two (2) nominations be received, the successful candidate will be the one with the greater number of votes.

If more than two (2) nominations are received, Council must determine the method of voting, e.g. first past the post or preferential system (eliminating candidate with lowest vote and distribute

remaining votes by preference). Note that using a show of hands effectively rules out the option of preferential voting.

The following examples outline the potential difference in outcome of a council of 11 members. Different methods can produce different results.

- Example 1 – First past the post

Candidate 1	5 votes
Candidate 2	4
Candidate 3	2
Total	11

Candidate 1 has the most votes and would be elected, but with a minority of the votes cast.

- Example 2 – Preferential system with the elimination of the candidate with the lowest vote

Candidate 1	5
Candidate 2	4
Candidate 3	2

Candidate 3 is eliminated and those votes are distributed to 3's second preference. Assume 3's supporters prefer 2 over 1, then the result will be:

Candidate 1	5
Candidate 2	6

Candidate 2 would be elected with a majority of the total votes cast.

Mayor's Vote

In accordance with section 86(6) of the Act, the Mayor does not have a deliberative vote in a question for decision before Council, but only a casting vote. **This restriction does not apply to the Mayor's participation in an indicative preferential vote conducted while meeting procedures are suspended under Regulation 20 of the Act, or a secret ballot.** These are not questions for decision (i.e. a formal resolution) before Council for the purposes of the Act.

Conflict of Interest Considerations

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

However, an appointment by motion and resolution or the confirmation of the outcome of an indicative ballot by motion and resolution (recommendation 2 above) **will result in the nominated person receiving payment** of an allowance greater than that set for Council Members. This means that the Council Member whom it is proposed to appoint will receive a direct financial benefit by way of an increased allowance payment. This constitutes a 'material conflict of interest' under Section 75 of the Act.

In these circumstances, the Council Member who is nominated by the motion must, in accordance with Section 75C(1) of the Act:

(a) inform the meeting of the member's material conflict of interest in the matter; and

(b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.

Conclusion

The Act provides that Council may resolve to appoint a Deputy Mayor from amongst its members and that, in the absence of a Mayor, a Deputy Mayor may act in the office of the Mayor.

Appointment of a Deputy Mayor, as opposed to determining a member, ad hoc, to act in the office of the Mayor for a specific period, will ensure consistency, stability and contingency in the event the Mayor is absent and, in particular, ensures that the specific roles of the Mayor, set out within Section 58(1) of the Act, continue to be delivered without having to revisit the appointment of a replacement each time that the Mayor is absent. It is therefore recommended that Council appoint a Deputy Mayor.

References

Legislation

Local Government Act 1999

Local Government (Members Allowances and Benefits) Regulations 2010

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Code of Practice – Meeting Procedures

LGA Guidelines for Choosing a Chairperson (or Deputy Mayor, Deputy Chairperson)

Guidelines for Choosing a Chairperson (or Deputy Mayor, Deputy Chairperson)

Process, Options and Implications

The *Guidelines for Choosing a Chairperson – Process, Options and Implications* document has been prepared by the Local Government Association of SA (LGA) for the guidance of and use by member councils. The LGA is the statutory peak body for Local Government in South Australia.

Last revised or updated:

- December 2011
- January 2013 – minor re-formatting
- July 2016 – substantial revision
- December 2016 – minor improvements and addition of appendix 4
- November 2020 – new processes for appointments to Council Assessment Panels

Enquiries regarding this publication should be directed to the LGA on 08 8224 2000

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1. Introduction

These guidelines address the process, options and implications of choosing a Chairperson of the council. It is intended to be a document that can be adapted and adopted by those councils whose principal member is chosen from amongst the council membership as “Chairperson”.

A model agenda (see Appendix 1) has been prepared setting out the steps to be taken at a meeting to choose a Chairperson.

The processes described here for the election of the Chairperson can equally be applied by councils for choosing a Deputy Mayor or Deputy Chairperson.

These guidelines also address the processes and options for choosing a presiding member of a council committee or a chairperson of the board of management of a subsidiary. The guidelines also include some of the qualities that are important to performing the role of chairperson of a council or presiding member of a council committee, for consideration by councillors prior to choosing a person for the role (see Appendix 4).

Please note that a council may have as its principal member a person elected by the people as a representative of the area as a whole in which case the principal member will be called a Mayor. These Guidelines do not apply to the election of a Mayor.

2. Methods of Choosing a Chairperson (or Deputy Chairperson or Deputy Mayor)

The methods for choosing a Chairperson apply equally to choosing a Deputy Chairperson or Deputy Mayor and are either by:

- Resolution of the council; or
- An election process determined by the council.

Whichever method council chooses, it must first decide the term of office for the position of Chairperson.

Irrespective of the method for choosing a Chairperson and the term of office determined by the council, all members need to clearly understand the process that is to be used before selection proceedings commence.

For further information regarding the details, key elements and supporting resolutions required for each method, see Appendix 2 and Appendix 3 to these guidelines.

By resolution of the council

This method enables an appointment of a Chairperson by direct resolution of the council. A council should first determine the length of the term of appointment for the Chairperson, which must not exceed their term of office.

If there is more than one nomination for appointment, each nomination would need to be considered by way of a motion and addressed independently as a resolution of the council, seeking those 'for' and those 'against'. After the first nomination is dealt with by the council further nominations may only be considered if the first motion is lost.

An alternative process which may be considered under this option is that of taking an indicative ballot amongst the members (in an agreed manner) to determine the preferred member for appointment. The ballot is then confirmed by resolution. While this process is based on the principles of election, it stops short of an actual election.

By an election process (and resolution) determined by the council

A council may choose a Chairperson by an election process confirmed by resolution.

Where an election is held, the resolution should be made to hold an election at the *beginning of the process and include all the steps of the process* (see Appendix 3 for a model resolution). This means that the initial resolution would resolve:

- to hold an election
- the process that the election will follow
- the appointment of a returning officer and
- that the returning officer is authorised to declare the successful candidate elected at the outcome of the election.

From this point of the meeting the CEO hands the conduct of the balance of the meeting and all future meetings to the new Chairperson.

This process eliminates the need for a second resolution to confirm the outcome of the election.

The reason for making a resolution at the beginning of the process, incorporating all the steps, is to avoid a situation in which a tight election outcome may be affected by the loss the Mayor's vote in the final resolution, or by an amendment moved after the outcome of the election is known. However, it is open to a council to carry out a two-step process, by a resolution to hold an election and then a resolution to confirm the outcome of the election.

Both the resolution method and the election process are outlined in the model report of the Chief Executive Officer which is to be submitted to the first meeting of the new council (see Appendix 2 and Appendix 3).

3. Conflict of Interest Issues

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

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

For appointment to a position on a committee that is not a prescribed committee, a nominee has the option of declaring an 'actual or perceived conflict of interest' and deal with the matter in accordance with section 75A of the Act.

* A '**prescribed committee**' is defined in the determination of the Remuneration Tribunal as:

A committee that endures, irrespective of whether the council has assigned any particular work to the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer performance review
- Corporate Services
- Finance
- Governance
- Infrastructure and works
- Risk management
- Strategic planning and development

4. Chairperson of Council Committees

Section 41 of the Act enables a council to establish committees. The council will determine the membership of a committee including the term of office of committee members, which may include or consist of, persons who are not members of the council.

The principal member of a council may be appointed by the council as an ex officio member of a committee.

Section 41(4) of the Act requires a council to appoint a person as the presiding member of the committee or make provision for the appointment of a presiding member. Where a council does not itself appoint a person as the presiding member, the committee itself must appoint a person from amongst its members as the presiding member. The term of office of a presiding member of a committee is at the discretion of the council or, if the council determines, at the discretion of the committee.

Where the council leaves the appointment of a presiding member of a committee up to the committee itself, the committee should determine the presiding member at the first meeting of the committee. However, the council may still provide for conditions of appointment and the committee must comply with those conditions, such as:

- the manner in which the appointment is to be made ie. the appointment process;
- term of office of the presiding member;

- the members eligible to be the presiding member (eg. holding certain qualifications, a member not being an council member); or
- such other matters as the council determines.

The appointment can be revoked by subsequent resolution in compliance with the rules relating to revoking resolutions.

5. Presiding Member of Board of Management of Council Subsidiaries

All subsidiaries, whether single council subsidiaries or regional subsidiaries, are administered by a board of management whose membership is determined by the councils and may consist of, or include, persons who are not members of the councils.

Clause 4(4) of Schedule 2 to the Act provides that a board member must be appointed to chair meetings of the board of management and that board members will preside at meetings of the board of management at which she/he is present.

The council may, when establishing a subsidiary and determining the membership of the board of management of the subsidiary, appoint a member as the presiding member. This may be specifically set out in the subsidiary's Charter. Alternatively, the council may leave the appointment of the presiding member to the board of management and similarly make provision for this in the subsidiary's Charter. In such circumstances the members of the board of management should appoint one of its members to preside at the first meeting until a presiding member has been appointed, subject to any provisions in the subsidiary's Charter.

6. Presiding Member of Council Assessment Panel

Section 83(1) of the *Planning, Development and Infrastructure Act 2016* enables a council to establish a Council Assessment Panel (CAP), while S84 (1) enables the Minister to establish a Regional Assessment Panel at the request of two or more councils.

In relation to a Regional Assessment Panel, the Minister in constituting the RAP, will make provision with respect to the appointment of the presiding member & the process for appointing an acting presiding member.

In relation to a CAP, the Council when establishing the assessment panel must determine who will act as the presiding member of the CAP & the process for appointing an acting presiding member. The LGA Model Terms of Reference for Council Assessment Panels, which a Council may wish to adopt, contain provisions relating to the appointment of a presiding member & the process for appointing an acting presiding member when the presiding member is absent. Those provisions are set out below.

Presiding Member and Acting Presiding Member

The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.

1. The Presiding Member will preside at any CAP meeting at which he or she is present.
2. In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.
3. A Presiding Members is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
4. In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Members for such term and on such conditions as determined by the Council.

Appendix 1

Model Agenda - First Council Meeting Following an Election

Notice of Meeting

A meeting of the _____ Council, formed following the general election which took place on _____, will be held on _____ commencing at _____ in the Council Chamber, _____

.....
Chief Executive Officer

.....
Date

Agenda

(The Chief Executive Officer chairs the meeting at this stage)

- **Welcome**
- **Apologies**
- **Announcement of candidates elected**
(This may include documentation tabled advising of the voting, which most probably will be incorporated within the Returning Officer's report, see below.)
- **Taking of oath/declaration of office** (refer s.60, LG Act 1999)
- **Chief Executive Officer's Report**
(See **Appendix 2**)
- **Selection of Chairperson** (See **Appendix 3**)
- **Handover to Chairperson to conduct the balance of the meeting**
(This could include the re-affirmation of the title of Chairperson or the decision of an alternative title, selection of deputy Chairperson from amongst the Members for a term decided by Council, and various other Council business issues which are the subject of other reports. See CEO Checklist - http://www.lga.sa.gov.au/webdata/resources/files/CEO_Checklist_2010.doc)
- **Report of Returning Officer**
(This report will probably include several aspects associated with the election and it will confirm within the minutes of the first meeting those Council Members elected in the recent elections.)

Appendix 2

Model - Chief Executive Officer's Report

As the _____ Council is currently constituted, it is required to choose a Chairperson as its principal member. This person must be chosen from amongst the members of council.

The Chief Executive Officer (CEO) must preside over the meeting until the matter of the selection of the Chairperson is decided. There are a number of procedural and incidental matters that need to be considered prior to that selection taking place.

Listed below are those matters which the meeting is asked to consider, and where listed, decide the matter. While some aspects will only apply infrequently, nevertheless this report seeks to establish the rules to apply if those circumstances prevail, rather than debating such an issue during the process.

1. Term of Office of Chairperson

The council can make an appointment for a 4 year period or such lesser period as it chooses, say 1 or 2 years. A shorter period requires the council to make a further appointment or re-appointment when the term expires. The normal practice has been *<insert council's normal practice>*.

2. Choosing a Chairperson

The *Local Government Act 1999* does not stipulate a method to use in choosing a Chairperson.

If council chooses to appoint:

- (a) by resolution, or
- (b) an election process, with the appointment made or confirmed by resolution.

Irrespective of which format council chooses, it must first decide the term of office for the position of Chairperson.

Choosing a Chairperson by resolution

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

If the first candidate is successful then no further nominations can be considered (except through the process of revoking, in which case the meeting procedure rules relating to revoking a resolution would need to be complied with). This also means that no other candidate could be considered if the first nomination is successful.

Choosing a Chairperson by an indicative vote followed by a resolution

A variation to the option of resolution only, is that of the CEO taking a vote of Members present at the meeting to determine the preferred person and then the council - by resolution

– appointing that person as the Chairperson. Council would need to agree on this method by resolution as it is not within the ambit of the CEO to decide the process. As above, the term of office must be determined first.

Choosing a Chairperson by election – either by a show of hands or a secret ballot

This method enables one or more nominations to be considered at the same time.

Nominations will be invited by the CEO from amongst the members. They do not have to be in writing nor do they have to be seconded. Nomination will be achieved simply by indicating “I nominate council member _____”.

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

If only one person is nominated then that person will be declared elected and the meeting will proceed with the Chairperson presiding.

If more than one person is nominated then the matter will proceed to a vote. All Members present are required to vote in the election. It is not a conflict of interest to vote for yourself if you have been nominated.

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

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

Method of voting in the event of an election

Council must determine the method of voting to be used in the event that more than two nominations are received. Note that using a show of hands effectively rules out the option of preferential voting.

The following examples outline the potential difference in outcome in a council of 11 members. Different methods can produce different results.

Example 1 - First past the post

Candidate 1	5 votes
Candidate 2	4
Candidate 3	<u>2</u>
	<u>11</u>

Candidate 1 has the most votes and would be elected, but with a minority of the votes cast.

Example 2 - A preferential system with the elimination of the candidate with the lowest vote.

Candidate 1 5

Candidate 2 4

Candidate 3 2

Candidate 3 is eliminated and those votes are distributed to 3's second preference. Assume 3's supporters prefer 2 over 1, then the result will be:

Candidate 1 5

Candidate 2 6

Candidate 2 would be elected with a majority of the total votes cast.

Note:

1. If four candidates contested the election then the votes of the one with the lowest number of votes would be allocated to their second preference first, with this process continuing, to the next preferred candidate until only two remained and a majority of votes were allocated to one member.
2. *If at any stage during the process* there is an equal number of votes the CEO will decide the issue by the drawing of lots – eg placing the names of the candidates on an identical slip of paper and drawing the required number, in the case of two equal parties one slip, from a receptacle so that no party present, including the person withdrawing the name, has a view of the name on the slip until it is opened in the presence of the meeting. The name of the candidate/s withdrawn will be the one/s excluded from the ballot.

Given the potential variations if more than two nominations are received, council should determine the method to be used in those circumstances.

Appendix 3

Appendix 3 outlines the key elements of the supporting resolutions in the appointment of a Chairperson. Note the need to appoint the Chief Executive Officer as the Returning Officer for the election; the authorisation for the Returning Officer to declare the successful candidate elected to the position of Chairperson; and the appointment of the Chairperson for the term of office determined by the resolution.

A. Choosing a Chairperson by motion and resolution

Key elements of a resolution

- The term of office for the Chairperson
- Method of choosing a Chairperson is by motion and resolution
- Appointment of Chairperson is confirmed by resolution

Model Resolution

That:

1. *the term of office for the position of Chairperson for the _____ Council be _____ (months/years).*
2. *Council determine that the method of choosing a Chairperson be by motion and resolution.*

Subsequent resolution:

That Council Member _____ be appointed Chairperson of the _____ Council.

B. Choosing a Chairperson by indicative vote and resolution

Key elements of a resolution

- The term of office for the Chairperson
- Method of choosing a Chairperson is by taking an indicative vote to determine the preferred person
- Motion and resolution to appoint that person to the position of Chairperson.

Model Resolution

That:

1. *the term of office for the position of Chairperson for the _____ Council be _____ (months/years).*
2. *Council determine that the method of choosing a Chairperson be by an indicative vote to determine the preferred person.*
3. *Upon completion of the vote Council will, by resolution, appoint the successful Council member as its Chairperson.*

Subsequent resolution:

That Council Member _____ be appointed Chairperson of the _____ Council.

C. Choosing a Chairperson by election – either by a show of hands or secret ballot

Key elements of a resolution

- Term of office for the Chairperson (months/years)
- Method of choosing a Chairperson is an election process
- Method of election (show of hands/secret ballot)
- Method of voting (in the case of a secret ballot, a choice can be made between first past the post/preferential/or other method. Note that using a show of hands effectively rules out the option of preferential voting). In the case of a secret ballot the CEO will invite staff members present to assist in the process by distributing voting slips, collecting slips and scrutinising the votes.
- Appointment of the Chief Executive Officer as the Returning Officer for the election
- Procedure to be followed when there is an equal number of votes (the Returning Officer will decide the issue by the drawing of lots. The name of the candidate/s drawn will be the one/s **excluded** from the ballot)
- The authorisation for the Returning Officer to declare the successful candidate elected to the position of Chairperson
- The appointment of the Chairperson for the term of office determined by the resolution, subject to any further resolution of the Council.

Model Resolution

That:

- 1. the term of office for the position of Chairperson for the _____ council be _____ (months/years).*
- 2. council determines that the method of choosing a Chairperson be by an election process.*
- 3. the method of election be by (show of hands/secret ballot).*
- 4. council adopt a (first past the post/preferential/other) method of voting.*
- 5. the Chief Executive Officer be appointed Returning Officer for the election.*
- 6. if at any stage during the process there is an equal number of votes the Returning Officer will decide the issue by the drawing of lots. The name of the candidate drawn will be the one excluded from the ballot.*
- 7. on completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the position of Chairperson.*
- 8. on the declaration of the Returning Officer the candidate is appointed to the position of Chairperson for the term of office determined by this resolution.*

Appendix 4

Qualities to consider when choosing a Chairperson

The Chairperson is in a position to facilitate good decision making through skilful chairing of the Council meeting and through facilitating and encouraging all points of view to be expressed and respected. The role of Chairperson should go to a Council Member with the necessary skills to facilitate participation and inclusion of all Members.

The Chairperson should be provided with the opportunity and encouraged to undertake training to equip them with the skills, or update their existing skills, to properly chair Council meetings. In addition, the meeting procedures rules and requirements under the Act and the *Local Government (Procedures at Meetings) Regulations 2000* specific to the role of the Chairperson need to be understood and followed. Accordingly, training and re-training in this area should be an integral part of every Chairperson's 'induction' and the Council's training and development plan.

While the decision to publicly identify or agree a list of desirable qualities of a Chairperson rests with the Council, Members may nevertheless wish to consider various factors prior to the selection taking place.

Factors could include a person's:

- Expertise in chairing meetings of Council (if past experience exists), committee, and other organisations, public and private;
- Understanding of the prescribed meeting procedures as they relate to Councils;
- Ability to preside efficiently, firmly and fairly over Council meetings;
- Ability to manage conflict and differing opinions;
- General understanding or an ability to quickly gain an understanding of relevant legislation, strategic and operational plans and business that Council deals with;
- Ability and availability to represent and have an affinity with the community as a whole;
- Ability and availability to represent the Council in the presence of members of Parliament, dignitaries and peers;
- Interest and availability in attending functions, activities and seminars to assist in the social and economic promotion and growth of the community;
- Leadership, social and communication skills;
- Ability to be impartial and fair to all speakers when chairing meetings; and
- Relationship with the CEO, directors/departmental managers and staff of the Council. While the roles of each are quite separate, good communication between the parties assists in the smooth running of the Council.

This list is not exhaustive and there may be others that individual Councils may wish to add.



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14.2 SOCIAL MEDIA PROGRESS UPDATE

Record Number: D23/40657

Author: Marketing and Communications Officer

Authoriser: Director Corporate Services

Attachments: Nil

EXECUTIVE SUMMARY

- The purpose of this report is to provide a background/update in relation to the administration's progress in implementing social media, and is presented in response to Council resolution 2023/258.
- The *Marketing and Communications Strategy 2023 – 2024* presented to Council on 26 June 2023 contained a key action to implement a strategy facilitating the launch of social media.
- Administration is progressing the necessary strategy and supporting documents to facilitate the launch of a Council Facebook (and Instagram) page, including a *Digital Media Strategy*, and the subsequent review of Council's current *Social Media Policy* and *Media Policy*.
- Prior to launching, direction is required regarding Council's preferred communication style to implement on Facebook (and Instagram).
- Council may opt to allow for a one-way or two-way communication style. The type of communication style chosen will impact the guidelines and frameworks necessary for administration to effectively manage social media, and the general approach Council takes towards the use of social and digital media.
- Subject to the above decision, a *Digital Media Strategy* will be presented to Council outlining the general approach towards the use of social and digital media, and the administrative guidelines and frameworks. It will also be necessary for Council to review its current related policies to ensure consistency.

RECOMMENDATION 1 – COMMUNICATION STYLE

"that Council, having considered Item 14.2 – *Social Media Progress Update*, dated 25 September 2023, receives and notes the report and in doing so instructs the Chief Executive Officer to progress with the development of a *Digital Media Strategy* taking a [one-way/two-way] approach to social media communication."

RECOMMENDATION 2 – POLICY REVIEW

“that Council, having considered Item 14.2 – *Social Media Progress Update*, dated 25 September 2023, acknowledges that in advancing a *Digital Media Strategy*, that Council must review and endorse the following policies:-

- Social Media Policy;
- Media Policy; and
- Any other allied policies that relate to the introduction of a Digital Media Strategy”

RECOMMENDATION 3 – SOCIAL MEDIA LAUNCH

“that Council, having considered Item 14.2 – *Social Media Progress Update*, dated 25 September 2023, instructs the Chief Executive Officer to launch Adelaide Plains Council social media profiles (Facebook and Instagram) on 24 October 2023 following Council’s consideration and endorsement at its October 2023 Ordinary Meeting of a revised Social Media Policy and Media Policy, together with the draft *Digital Media Strategy*.”

RECOMMENDATION 4 – ELECTED MEMBER INFORMATION BRIEFING SESSION

“that Council, having considered Item 14.2 – *Social Media Progress Update*, dated 25 September 2023, instructs the Chief Executive Officer to facilitate a pre-launch information briefing session with the elected body prior to going live on 24 October 2023, which will include presenting the draft *Digital Media Strategy*.”

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	Unknown at this stage
Is this Budgeted?	No

RISK ASSESSMENT

There is potential for negative perceptions that could compromise the reputation and community satisfaction of Adelaide Plains Council should:

- Council not proceed with social media due to misinformation being spread on platforms that Council does not engage with
- negative comments be received on a social media page that are not adequately responded to or dealt with, or staff are not provided with appropriate direction or frameworks or
- a social media page be established without allowing for the community to engage with their Council.

There will be an impact on administrative resourcing and capacity, however this should be manageable with appropriate direction and frameworks in place, and an understanding of Council’s resource limitations. It is also difficult to gauge the exact impact without having an existing Council-wide social media presence to analyse.

DETAILED REPORT

Purpose

The purpose of this report is to provide a background/update in relation to the administration's progress in implementing social media, and is presented in response to Council resolution 2023/258.

Background

The *Marketing and Communications Strategy 2023 – 2024* presented to Council on 26 June 2023 contained the following key action:

2.4: Implement Digital Marketing and Social Media Strategy aligned to community expectations to facilitate the launch of social media. This will include:

- Content strategy (addressing priority areas identified in the *2022 Community Survey*), governance framework and procedures
- Digital customer service and community management framework
- Recordkeeping software to efficiently capture digital records
- Risk management
- Updated *Media Policy* and *Social Media Policy*.

This action supports the communications goal of achieving 'an enviable lifestyle where our community is satisfied with the way their council communicates'.

Council's *2022 Community Survey* showed that 15% of the community want to receive information via social media and 25% currently find their information about Council on social media.

At the 28 August 2023 ordinary meeting of Council resolved as follows:

RESOLUTION 2023/258

Moved: Councillor Strudwicke

Seconded: Councillor Keen

"that the Chief Executive Officer provide a report to the next ordinary meeting of Council, updating the chamber on the work currently being undertaken, and next steps required, to fast track the implementation of a social media presence for Adelaide Plains Council."

CARRIED

This report provides Council with an update on administration's progress, and is seeking Council's direction as to the communication style to be implemented. Background information is provided to support an informed decision. This direction is required for administration to develop an effective strategy to manage social media profiles, and to also inform any subsequent policy reviews.

Discussion

Social media usage in local government is widespread. It is used as a communications tool to effectively and quickly share information, to monitor community sentiment, or as another channel to openly and responsively communicate with an audience.

Strategies and approaches adopted by different organisations can differ depending on the purpose and goals for implementing a social media presence. Many local government organisations utilise a two-way communication approach (distributing information and interacting with users), whilst others take a one-way approach of publishing information and restricting interactions.

Council administration is developing a draft *Digital Media Strategy* which will provide an overall direction and framework for Council's use of digital media, including social media such as Facebook and Instagram. The direction of this Strategy depends on Council's preference of communication style.

- Option 1: one-way communication

Some organisations take a one-way, or a one-to-many, approach to social media – using it to simply publish content that it perceives as important without providing the audience with the option to interact, or simply not engaging in conversations online.

This communication method may be used for many reasons – from lack of resourcing or internal support frameworks, to a method to manage the risk of receiving negative comments.

Some research has shown that this method can improve the distribution of accurate information, but may not be an effective method to improving the perception of an organisation's transparency or responsiveness¹.

On Facebook and Instagram, a one-way communication style may involve:

- Restricting comments on posts, so the page's audience cannot add a comment, question or feedback, or tag a friend's profile.
- Direct (private) message features are turned off or restricted, so the page's audience has to use other tools to contact the page owner such as phone calls or emails.

- Option 2: two-way communication

A two-way approach to social media not only allows for the distribution of accurate information, but provides an opportunity for the audience to interact with an organisation. This can either be supported in one-to-one interactions (direct responses to questions or requests), or many-to-many interactions (proactively listening to and engaging in conversations openly).

This communication method is more resource intensive due to the 'always on' nature of social media, however some research has shown that this method can help to improve (or at least, not hinder) the perceived transparency or responsiveness of an organisation.

On Facebook and Instagram, a two-way communication style may involve:

- Allowing comments on posts so the audience is able to interact with the page (noting that comments can still be moderated and profanity filters used).
- Direct (private) message features are turned on, so the page's audience can message the page directly within the app, without having to use other tools such as phone calls or emails.

¹ [Social media communication modes in government](#), I Mergel 2017

Considerations

The following information is provided to members to provide background and assistance in making a decision, and will be covered in the draft *Digital Media Strategy*.

- Local government

Social media has the potential to support councils with several legislative requirements, including specific key principles under the *Local Government Act 1999*:

- (a) provide open, responsive and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (j) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs.

Social media can be a valuable community listening and learning tool when utilised in a two-way, or many-to-many, approach. The community's ideas and feedback (or sentiment) on projects or policies can be gathered informally to provide background to formal public consultation, issues can be proactively addressed, and organisational assumptions can be supported or challenged to support informed decision-making².

Resources

Social media is always on and needs to work in conjunction with all Council functions with clear procedures and customer service frameworks. Appropriate resourcing is important for more than simply posting content – strategic management of social (and digital) media includes content management and ongoing evaluation, which are vital to ensure that social (and digital) media, and the resources dedicated to it, are used effectively and efficiently.

Case studies have shown that small organisations can effectively manage social media utilising a two-way communication approach, when resource limitations are recognised and managed with appropriate procedures, whilst managing the expectations of the audience openly and honestly – for example, by being clear about realistic response timeframes³.

- Negative comments or complaints

Social media provides the opportunity for people to comment and provide direct feedback – whether positive or negative. Because social media profiles are used as official communication channels, they can be a valid avenue for the community to provide feedback or criticism and, when taking a two-way communication approach, this should not be discouraged⁴.

Administration will develop clear guidelines and procedures to manage negative comments or complaints made on social media if a two-way communication style is taken. This includes social media guiding principles, social media community guidelines (sometimes referred to as “house rules” or “terms of use”), and a social media response workflow that aligns with Council's *Customer Service Charter*, *Complaints Handling Policy*, *Requests for Services Policy*, *Social Media Policy*, and *Media Policy*.

² [Social media engagement forms in government: A structure-content framework](#), C Wukich 2022

³ [Learning from public entities' use of social media](#), Office of the Auditor-General New Zealand, 2013

⁴ [Avoiding pitfalls when agencies and public servants use social media](#), New South Wales Ombudsman, 2023

- Roles and responsibilities

Roles and responsibilities are outlined in Council's *Social Media Policy*. In summary, they are:

- *Council Members*: understand and comply with the provisions of the *Social Media Policy*, and seek training and development for using social media effectively. Members are also reminded of the *Media Policy*, *Council Members Information Management Policy* and *Behavioural Standards for Council Members*.
- *Chief Executive Officer*: provide strategic direction for social media and provide guidance on responses to sensitive topics or significant issues where required, unless delegated otherwise.
- *Council Employees*: develop a social media and content plan where possible, and facilitate the demands of moderating and responding to communications received via social media.
- *Corporate Services Department**: monitor social media accounts and provide advice and assistance.

Since the development of the current *Social Media Policy*, Council has appointed a dedicated marketing and communications resource. In relation to a Council-wide Facebook profile, this role in general will be to oversee and manage the overall social media strategy, content, and frameworks.

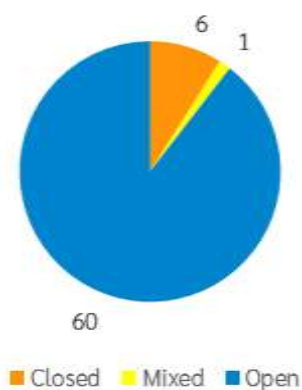
**referred to as Governance & Communications Department in current Policy.*

- Other councils in South Australia

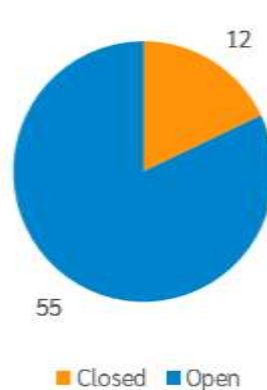
A desktop review of all 67 councils in South Australia (excluding Adelaide Plains Council) shows a mix of communications styles used on Facebook, as at September 2023.

Open comments are generally allowed for at 60 councils, and 55 Councils use Facebook Messenger (direct private messages to the page). Of the councils that provide open comments and direct messages, there are a variety of public strategies, policies or guidelines in place providing administration with a framework to responses.

Facebook comments



Facebook Messenger



Conclusion

Council administration is developing a draft *Digital Media Strategy* which will provide an overall direction and framework for Council's use of digital media, including social media such as Facebook.

Prior to launching, direction is needed regarding Council's preference for communication style when implementing a Facebook page.

ReferencesLegislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021 – 2024

Proactive leadership 2: actively engage with and inform our communities

Enviably lifestyle 1: provide, support and acquire facilities, assets, services and programs that build community capacity, health and connection.

Emerging economy 3: reinforce Adelaide Plains Council as a place of choice for business, residents and visitors

Marketing and Communications Strategy 2023 – 2024

Complaints Handling Policy

Council Members Information Management Policy

Customer Service Charter

Media Policy

Requests for Services Policy

Social Media Policy

14.3 LIQUOR LICENCE APPLICATIONS - PUBLIC CONSULTATION**Record Number:** D23/40841**Author:** Manager Regulatory**Authoriser:** Group Manager - Development and Community**Attachments:** 1. Public Consultation Policy [↓](#)**EXECUTIVE SUMMARY**

- At the Ordinary meeting on 28 August 2023, Council resolved to undertake public consultation in relation to Liquor Licence application proposals by the Thompson Beach Progress Association, Mallala and Districts Lions Club and Mallala Football Club.
- The report presented to Council proposed consultation be undertaken in accordance with Council's *Public Consultation Policy* ('the Policy') using the following methods:
 - Local newspaper and Council website public notices advising of the consultation, the application documents and inviting submissions within a period (to be determined but at least 21 days).
 - Written correspondence to adjacent residents and/or other stakeholders
 - Fixed notice within Council's Principal Office, and Two Wells Service Centre.
- The Policy outlines mandatory consultation steps prescribed by the *Local Government Act 1999* ('the Act') (Class 1 decisions) and the standard consultation steps that Council will follow in cases where the Act requires Council to comply with its Policy (Class 2 decisions).
- The Policy also outlines that Council may determine to undertake optional consultation for matters or classes of decisions where the Act is silent in relation to consultation (Class 3 decisions).
- Decisions regarding Liquor Licence applications are categorised as Class 3 decisions, therefore in accordance with the Policy, public consultation is at the Council's, or the CEO's absolute discretion.
- Consultation undertaken by Consumer and Business Services only involves placing a Notice of Application on the front door of the premises, and on their website. No letters are provided to adjoining owners or notices placed in newspapers.
- Acknowledging that the undertaking of consultation is optional, it is recommended that Council confirm its decision to undertake public consultation on the Liquor Licence application proposals, using the methods proposed in the 28 August 2023 report to Council.
- It is also recommended that Council acknowledge that its current Public Consultation Policy is due for review, and that any review undertaken should consider the ability to recover costs for discretionary consultation in certain circumstances.

RECOMMENDATION 1

“that Council, having considered Item 14.3 – *Liquor Licence Applications - Public Consultation*, dated 25 September 2023, receives and notes the report and in doing so confirms its decision to undertake public consultation (at Council’s cost) in relation to Liquor Licence application proposals by the Thompson Beach Progress Association, Mallala and Districts Lions Club and Mallala Football Club, using the following consultation measures:

- Local newspapers and Council website public notices
- Written correspondence to adjacent residents and/or other stakeholders
- Fixed notice within Council’s Principal Office, and Two Wells Service Centre.”

RECOMMENDATION 2

“that Council, having considered Item 14.3 – *Liquor Licence Applications - Public Consultation*, dated 25 September 2023, acknowledges that its current Public Consultation Policy is due for review, and that any review undertaken should consider cost recovery options for discretionary public consultation in certain circumstances.”

BUDGET IMPACT

Estimated Cost:	\$ 700 (newspaper combined notification advertising)
Future ongoing operating costs:	\$ Nil
Is this Budgeted?	No

RISK ASSESSMENT

By adopting the recommendation Council will not be exposed to any significant risk.

DETAILED REPORT

Purpose

To clarify the process regarding the resolution of Council to undertake public consultation in relation requests from the Thompson Beach Progress Association, Mallala and Districts Lions Club and Mallala Football Club, to support Liquor Licence applications to Consumer and Business Services.

Background

At the Ordinary meeting of 28 August 2023 Council resolved the following:

RESOLUTION 2023/247

Moved: Councillor Lush

Seconded: Councillor Stubing

“that Council, having considered Item 14.4 – Liquor Licence Applications, dated 28 August 2023, receives and notes the report and in doing so endorses undertaking of public consultation in relation to Liquor Licence application proposals by the Thompson Beach Progress Association, Mallala and Districts Lions Club and Mallala Football Club, as outlined in Attachments 2, 3 and 4 to this report”

CARRIED

The associated report to Council outlined that public consultation was proposed to be undertaken in accordance with Council’s *Public Consultation Policy* (‘the Policy’) (**Attachment 1**).

In particular the report recommended that public consultation use the following methods:

- Local newspaper and Council website public notices advising of the consultation, the application documents and inviting submissions within a period (to be determined but at least 21 days).
- Written correspondence to adjacent residents and/or other stakeholders
- Fixed notice within Council’s Principal Office, and Two Wells Service Centre.

Discussion

Section 50 of the *Local Government Act 1999* (‘the Act’) provides that Council must prepare and adopt a Public Consultation 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, and all are described in the Policy.

Class 1 Decisions

Classes of decisions for which the Act prescribes mandatory consultation steps. Examples of Class 1 Decisions include changing the name of Council, making of by-laws, commercial activities, etc.

Class 2 Decisions

Classes of decisions for which the Act requires a Council to follow the standard consultation steps set out in its Public Consultation Policy, either on their own or in addition to minimum statutory requirements. Class 2 decisions include matters relating to office operating hours, Annual Business Plan and Budgets, Community Land, rating, etc.

Matters identified as Class 1 and 2 decisions are included in tables in **Attachment 1**.

Class 3 Decisions

Council may also determine to undertake optional consultation at its absolute discretion regarding classes of decisions where the Act is silent in relation to consultation. This may include specific matters of interest to the community or specific stakeholder groups, e.g., targeted policies, strategies and initiatives, operational matters, etc.

Decisions regarding Liquor Licence applications are Class 3 decisions, therefore in accordance with the Policy, the undertaking of public consultation is at the Council's, or the CEO's absolute discretion.

Further, and in relation to matters involving Class 3 decisions, the Policy directs that *"Council staff will approach and undertake consultation in a manner that is consistent with the scope and principles of the PC Policy"*

It is recommended that discretionary public consultation use the following standard consultation steps:

- Local newspapers and Council website public notices
- Written correspondence to adjacent residents and/or other stakeholders
- Fixed notice within Council's Principal Office, and Two Wells Service Centre.

The above consultation is considered appropriate, particularly given that Consumer and Business Services will only place a Notice of Application on the front door of the premises, and on their website. No letters are provided to adjoining owners or notices placed in newspapers.

The Policy, which is due for review, is currently silent on the costs of undertaking Public Consultation, in particular on cost recovery options for optional consultation. Therefore, public consultation costs such as newspaper advertising and mailouts, are currently met by Council.

Any review of the Policy could consider cost recovery options for discretionary public consultation in certain circumstances.

Conclusion

Decisions regarding Liquor Licence applications are a Class 3 decision under the *Local Government Act 1999*, therefore in accordance with Council's Public Consultation Policy, consultation is at the Council's, or the CEO's absolute discretion. It is recommended that discretionary public consultation on the Liquor Licence applications is appropriate, and should consist of the following methods:

- Local newspaper and Council website public notices

- Written correspondence to adjacent residents and/or other stakeholders
- Fixed notice within Council's Principal Office, and Two Wells Service Centre.

The Policy is due for review, and cost recovery options for discretionary public consultation in certain circumstances could be considered as part of any review undertaken.


References

Legislation

Local Government Act 1999

Council Policies/Plans

Public Consultation Policy

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

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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)

Topic	Act Reference	Minimum statutory requirements to be included in policy
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.

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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 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.

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14.4 DRAFT MOBILE FOOD VENDOR POLICY

Record Number: D23/41209

Author: Group Manager - Development and Community

Authoriser: Chief Executive Officer

Attachments: 1. Draft Mobile Food Vendor Policy [↓](#)

EXECUTIVE SUMMARY

- Council does not have a Mobile Food Vendor Policy in place to guide staff in the assessment of applications for mobile food vans under section 222 of the *Local Government Act (1999)*. A draft Policy is presented to Council (**Attachment 1**) and is based on similar policies that have been adopted by other Councils in our region.
- The Policy outlines the requirements for Mobile Food Vendors seeking a permit to operate within the Adelaide Plains Council area, and to manage the interests of Council, street traders, local businesses and the community by ensuring a well-managed approach to mobile food vendors.
- Staff intend to undertake public consultation in accordance with Council's *Public Consultation Policy* to seek feedback on the draft Policy. Feedback received will be summarised and provided as part of a report back to the Chamber to endorse the Policy.
- It is recommended that the Council considers the draft Mobile Food Vendor Policy and endorses the document for the purposes of public consultation.

RECOMMENDATION

“that Council, having considered Item 14.4 – *Draft Mobile Food Vendor Policy*, dated 25 September 2023, receives and notes the report and in doing so instructs the CEO to undertake public consultation on the proposed draft *Mobile Food Vendor Policy* as presented at Attachment 1 to this Report.”

BUDGET IMPACT

Estimated Cost: \$ 600 (newspaper notification)

Future ongoing operating costs: Nil

Is this Budgeted? No

RISK ASSESSMENT

Adelaide Plains Council does not currently have a Mobile Food Vendor Policy in place to support Mobile Food Vendors seeking to operate on Council road reserves within the district.

In the absence of a Policy it is difficult to restrict the impact on local business when an application for a Section 222 Permit under the *Local Government Act 1999* is received.

DETAILED REPORT**Purpose**

The purpose of this report is for Council to consider and endorse a draft Mobile Food Vendor Policy ('the draft Policy') which is presented as Attachment 1 to this Report, to proceed to public consultation.

Adelaide Plains Council does not have a Mobile Food Vendor Policy in place to guide staff in the assessment of applications for mobile food vans under section 222 of the *Local Government Act 1999*. Discussion

The draft Policy presented to Council is based on similar policies that have been adopted by other Councils in our region. The Policy seeks to ensure there is a framework around Council staff assessing and approving permits for mobile food vans, that balances the needs of the community and mobile food vendors with the potential concerns of existing food businesses.

In particular the Policy describes location requirements, including special circumstances for events, whilst ensuring consideration of other legislative requirements.

Staff intend to undertake public consultation in accordance with Council's *Public Consultation Policy* to seek feedback on the draft Policy.

Feedback received as part of the consultation will be summarised and provided as part of a report back to the Chamber to endorse the policy.

Conclusion


It is recommended that the Council considers the attached draft Mobile Food Vendor Policy and endorses the document for the purposes of public consultation.

ReferencesLegislation

Local Government Act 1999

Council Policies/Plans

Public Consultation Policy

 Adelaide Plains Council	Mobile Food Vendor Policy	
	Administered by:	Group Manager Development and Community
	Date Adopted:	
	Current Version:	1.0
	Doc Reference	D23/ 41211
Strategic Outcome: promote tourism and economic growth opportunities, and balancing the desire to attract new businesses to the region, with the need to support existing traders.		

1. Objective

To outline the requirements for Mobile Food Vendors seeking a permit to operate within the Adelaide Plains Council area, and to manage the interests of Council, street traders, local businesses and the community by ensuring a well-managed approach to mobile food vendors.

2. Scope

A mobile food vending business requires a permit under section 222 of the *Local Government Act 1999* to operate a business on a public road in the Council area and is subject to any conditions on its permit.

The Council has adopted location requirements for mobile food vending as set out in this Policy.

3. Definitions

Terms	Definitions
Event Area	is a section of public road set aside by Council from time to time for an event, which may or may not be specifically closed for a duration for that purpose and may or may not include the full extent of the road carriageway.
Food Business	means a business the primary purpose of which is the retail sale of food or beverages.
Mobile food vending business	means a business involving the sale of food or beverages from a vehicle.
Site	means the area of land (in this instance a part of a public road) on which a mobile food vending business is proposed to be located.

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Vehicle	includes a motor vehicle and trailer as well as a tram, bicycle, animal being ridden or drawing a vehicle and motorized wheelchair that can travel at over 10 km/h, or as defined in the Road Traffic Act 1961.
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4. Location

A mobile food vending business:

1. Must be located on a public road with a speed limit of 50 km/h or less;
2. Must be located a minimum of 100 metres from any food business during the operating hours of the food business, unless written permission is obtained from the food business;
3. Must select a site for operation that does not unduly interfere with:
 - a. Vehicles driven on roads;
 - b. Vehicles parking or standing on roads;
 - c. The requirements relating to, and availability of, parking spaces;
 - d. Parking areas for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
 - e. Public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
 - f. Other road related infrastructure;
 - g. Infrastructure designed to give access to roads (driveways), footpaths and buildings;
 - h. pedestrian traffic and use of footpaths; and
 - i. residents and businesses.
4. Must keep its site clean, safe and well maintained; and
5. May display one (1) 'A' frame sign to advertise their business within 5 metres of the vehicle.

5. Compliance with legislative requirements

A mobile food vending business must select a site for operation which does not breach any relevant requirements under:

- a) the Food Act 2001;
- b) the South Australian Public Health Act 2011;
- c) the Environment Protection Act 1993;
- d) the Local Nuisance and Litter Control Act 2016;
- e) the Motor Vehicle Act 1959 and the Road Traffic Act 1961;

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- f) legislation relating to electrical or gas installations or appliances; and
- g) relevant legislation relating to health, safety or the environment.

6. Special Circumstances for Events

Where there is an event affecting a public road, a mobile food vending business wishing to locate within the designated Event Area must:

- a) Have a valid permit from Council; and
- b) Have separate approval from the recognised event organiser for the duration of the event.

At its discretion, Council may allow a permit for a mobile food vending business within 100 metres of a Food Business for the duration of the associated event.

7. Records Management

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

8. Document Review

This Policy will be regularly reviewed to ensure legislative compliance, consistency with Government Directives and that it continues to meet the requirements of Council and its activities and programs. Amendments may be made to this Policy, without further consultation, in order to maintain consistency with legislative and Government requirements (including SA Health advice). Any changes proposed by Council that go above and beyond legislative or Government requirements will be the subject of further consultation, prior to being endorsed.

9. References

Local Government Act 1999 – Section 222
Local Government (General) Regulations 2013

10. Further Information

This Policy is available on Council's Intranet and EDRMS.
Any queries in relation to this Policy must be directed to the Manager Regulatory.

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15 REPORTS FOR INFORMATION

15.1 COUNCIL RESOLUTIONS - STATUS REPORT

Record Number: D23/40017

Author: Director Corporate Services

Authoriser: Chief Executive Officer

Attachments: 1. Resolution Register - September 2023 [↓](#)

RECOMMENDATION

“that Council, having considered Item 15.1– *Council Resolutions - Status Report*, dated 25 September 2023, 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 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 Report are also included, and marked as 'Completed'.

Conclusion

The Council Resolutions Status 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

Resolution Register - March 2019 - July 2023 - Ongoing						
Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Forward Agenda, Agenda, Completed')	Responsible Department
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	I&E Committee Forward Agenda	Infrastructure and Environment
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. Update requested from club regarding status update, awaiting response.	Corporate Services
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	I&E Committee Forward Agenda	Infrastructure and Environment
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	Surveyor General to give final approval for vesting of allotment 101 (Closed Road) to the Council	Development and Community
27-Sep-21	18.1	Motion on Notice – Mallala Cricket Club – Water Costs for the Cricket Pitch on the Mallala Oval	"that Council instructs the Chief Executive Officer to bring back a report setting out the necessary considerations in order for Council to determine whether to fund the water costs for the cricket pitch on the Mallala Oval that are currently funded by the Mallala Cricket Club."	2021/359	Building consent is approved	Infrastructure and Environment

8-Nov-21	4.1	Outcome of Public Consultation - Wasleys Bridge Closure or Load Limit Reduction	<p>"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:</p> <ol style="list-style-type: none"> 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. Load limit applied, funding application ongoing	Infrastructure and Environment
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"> 1. Notes the Heritage Review Report in Attachment 1 to this Report includes: <ol style="list-style-type: none"> a. The Local Heritage Assessment Sheets identifying 34 properties as being of local heritage value; b. The Buckland Park State Heritage Assessment identifying the property as being of State heritage value; 2. Endorses in principle commencing an Amendment to the Planning and Design Code: <ol style="list-style-type: none"> a. To formally designate as local heritage places the 34 properties identified in Attachment 1 to this report; b. With early commencement of the Amendment to enable the buildings being listed on an interim basis to prevent risk of demolition during consultation. 3. Endorses in principle nominating the Buckland Park Station complex of buildings to the SA Heritage Council for consideration as a potential State heritage place; 4. Authorises the Chief Executive Officer to commence the statutory processes: <ol style="list-style-type: none"> a. To initiate an amendment to the Planning and Design Code including engagement with property owners under the Planning, Development and Infrastructure Act 2016; b. 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; 5. 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." 	2022/151	Ongoing. 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.	Growth and Investment
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"> 1. 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 2. Acknowledges that an allocation of \$15,000 will be incorporated into the appropriate quarterly budget revision in the 2022/2023 Financial Year." 	2022/175	Ongoing. Work is underway to engage a consultant to undertake community waste education program.	Infrastructure and Environment
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. Crown land assessing the request.	Infrastructure and Environment
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"> 1. Acknowledges the Public Mapping System data anomaly and that the resultant issues are through no fault of Adelaide Plains Council; 2. 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; 3. 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." 	2022/406	Ongoing. Lease document to be executed by parties	Corporate Services

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"> 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 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.” 	2022/407	Ongoing. Road Closure plan in process of amendment. Finalised plan to return to Council for approval in due course.	Corporate Services
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"> 1. Approves the skate park design elements presented as Attachment 2 to this report into the adopted Hart Reserve Option 1 Master Plan. 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 3. At the conclusion of the public consultation process that a report be presented to Council.” 	2023/013	Ongoing.	Infrastructure and Environment
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"> 1. Endorses the design direction of the 50% Hart Reserve detailed design plans presented as Attachment 1 to this report. 2. Instructs the Chief Executive Officer to progress detailed design documentation to 90% and undertake an itemised schedule of costs. 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.” 	2023/052	Ongoing – Detail design is progressing to 90% hold point	Infrastructure and Environment
27-Feb-23	14.6	Wells Township – Community Waste Water Management System (CWMS) – Feasibility Study	<p>“that Council, having considered Item 14.6 – Two Wells Township – Community Waste Water Management System (CWMS) – Feasibility Study, dated 27 February 2023, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> 1. Receives and notes the Two Wells Feasibility Study as presented at Attachment 1. 2. Instructs the Chief Executive Officer to pursue the Local Government Association, CWMS Management Committee for funding to enable the next steps to implement a CWMS for Two Wells township, comprising the development of a concept design, design report, financial analysis and costs.” 	2023/053	Complete	Infrastructure and Environment
27-Feb-23	14.6	Wells Township – Community Waste Water Management System (CWMS) – Feasibility Study	<p>“that Council, having considered Item 14.6 – Two Wells Township – Community Waste Water Management System (CWMS) – Feasibility Study, dated 27 February 2023, instructs the Chief Executive Officer to bring back a report:-</p> <ol style="list-style-type: none"> 1. Outlining the outcome of the funding request, and 2. In the event that funding is successful map out a consultation strategy for Council approval.” 	2023/054	Complete	Infrastructure and Environment
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"> 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 2. Bring a report back to the Infrastructure and Environment Committee on the outcome of the public consultation process.” 	2023/073	I&E Committee Forward Agenda	Infrastructure and Environment
27-Mar-23	12.2	Minutes of the Infrastructure and Environment Meeting held 16 March 2023	<p>“that Council endorses resolution 2023/007 of the Infrastructure and Environment Committee and in doing so:</p> <ol style="list-style-type: none"> 1. Endorses the direction of the draft master plan documentation presented as Attachment 5 to this report. 2. Instructs the Chief Executive Officer to progress the draft master plan; and 3. Acknowledges that an allocation of \$15,000 will be incorporated as a part of the 2023/2024 draft budget.” 	2023/075	Ongoing	Infrastructure and Environment

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"> 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 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.” 	2023/083	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.	Growth and Investment
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> <ol style="list-style-type: none"> 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. 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.” 	2023/097	Ongoing. Liasing with DEW, DIT, Birdlife Australia and National Parks Ranger Service regarding beach closure, as these authorities will be undertaking the consultation process. Update to be provided late 2023.	Development and Community
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 and Environment
22-May-23	9.1	Deputations - Motion without Notice	<p>“that the Chief Executive Officer enter into discussion with the Mallala and Districts Lions Club to determine the possibility of leasing land for the development of a bush camp by the Lions Club in Dublin and bring back a report to Council with all relevant considerations and costings.”</p>	2023/123	Completed. The meeting between the CEO and the Lions Club took place on 10 July 2023. Report provided to OCM 28 August 2023. Mallala and Districts Lions Club no longer wish to pursue the lease.	Executive Office
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> <ol style="list-style-type: none"> 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. 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. 3. Authorises the Chief Executive Officer to undertake editorial changes to finalise the Background Paper for consultation.” 	2023/155	Ongoing. Public consultation to commence September 2023.	Development and Community

24-Jul-23	12.4	Committee Meetings	"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."	2023/189	Ongoing	Executive Office
24-Jul-23	14.3	Community and Civic Hub Investigation – Completion of Phase 1	"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."	2023/204	Ongoing. Holmes Dyer engaged – workshop held with Council on 5/9/23. Further updates to Council in due course.	Corporate Services
24-Jul-23	14.4	Employee Behavioural Standards (s.120A Local Government Act 1999)	"that Council, having considered Item 14.4 – Employee Behavioural Standards (s.120A Local Government Act 1999), dated 24 July 2023, and in consideration of resolution 2023/205 above, in accordance with section 120(1)(b) of the Local Government Act 1999 (the Act), authorises the Chief Executive Officer to act, at any time, in relation to all aspects of his delegation of authority under section 120A of the Act, including the preparation, adoption, substitution, review and consideration processes, and any necessary consultation in relation to employee behavioural standards."	2023/206	Ongoing - draft Human Resource Management Policy has been reviewed and updated to reflect behavioural standards for employees. Consultation to be undertaken in due course.	Corporate Services
24-Jul-23	14.6	Deed of Extension and Variation of Lease – Adelaide Kerbing Pty Ltd	"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: 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 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."	2023/208	Ongoing. Lease execution pending Greencap report.	Corporate Services
24-Jul-23	14.7	Renewal of Lease – Dublin History Group Incorporated	"that Council, having considered Item 14.7 – Renewal of Lease – Dublin History Group Incorporated, dated 24 July 2023, receives and notes the report and in doing so authorises the Chief Executive Officer to:- 1. Commence the public consultation process pursuant to Section 202 of the Local Government Act 1999, in regard to the leasing of the whole of the land comprised in Certificate of Title Volume 5801 Folio 136 and known as 9 Sixth Street, Dublin SA 5501, to the Dublin History Group Incorporated; and 2. In the event that objections are received to the leasing of the whole of the land comprised in Certificate of Title Volume 5801 Folio 136 and known as 9 Sixth Street, Dublin SA 5501, to the Dublin History Group Incorporated at the conclusion of the public consultation process, a report be presented to Council for consideration; and 3. In the event that no objections are received to the leasing of the whole of the land comprised in Certificate of Title Volume 5801 Folio 136 and known as 9 Sixth Street, Dublin SA 5501, to the Dublin History Group Incorporated, at the conclusion of the public consultation process: i. Negotiate and finalise the terms and conditions of the Draft Lease, and to seek the assistance of Norman Waterhouse Lawyers to prepare the Lease for execution; and 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 Dublin History Group Incorporated."	2023/209	Ongoing. Public consultation commenced 16 August 2023 and closes 7 September 2023. No submissions received. To commence execution of Lease.	Corporate Services

24-Jul-23	14.8	Renewal of Lease – Two Wells Equestrian and Pony Club Incorporated	<p>“that Council, having considered Item 14.8 – Renewal of Lease – Two Wells Equestrian and Pony Club Incorporated, dated 24 July 2023, receives and notes the report and in doing so authorises the Chief Executive Officer to:-</p> <ol style="list-style-type: none"> 1. Commence the public consultation process pursuant to Section 202 of the Local Government Act 1999, in regard to the leasing of the whole of the land in Certificate of Title Volume 5532 Folio 960 and portion of the land in Certificates of Title Volume 5071 Folio 338 and Volume 5532 Folio 959, to the Two Wells Equestrian and Pony Club Incorporated; and 2. In the event that objections are received to the leasing of the whole of land in Certificate of Title Volume 5532 Folio 960 and portion of the land in Certificates of Title Volume 5071 Folio 338 and Volume 5532 Folio 959, to the Two Wells Equestrian and Pony Club Incorporated at the conclusion of the public consultation process, a report be presented to Council for consideration; and 3. In the event that no objections are received to the leasing of the whole of the land comprised in Certificate of Title Volume 5532 Folio 960 and portion of the land in Certificates of Title Volume 5071 Folio 338 and Volume 5532 Folio 959, to the Two Wells Equestrian and Pony Club Incorporated, at the conclusion of the public consultation process: <ol style="list-style-type: none"> i. Negotiate and finalise the terms and conditions of the Draft Lease, and to seek the assistance of Norman Waterhouse Lawyers to prepare the Lease for execution; and 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 Two Wells Equestrian and Pony Club Incorporated.” 	2023/210	Ongoing. Public consultation commenced 16 August 2023 and closes 7 September 2023. No submissions received. To commence execution of Lease.	Corporate Services
24-Jul-23	14.9	Two Wells Walking Cycling Plan Consultation Outcomes	<p>“that Council, having considered Item 14.9 – Two Wells Walking Cycling Plan Consultation Outcomes, dated 24 July 2023, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> 1. Notes the input received in consultation, as presented in Attachment 1 to this Report; 2. Endorses the proposed refinements to the Draft Two Wells Walking Cycling Plan as contained in the Two Wells Walking Cycling Plan Consultation Report presented in Attachment 2 to this report; and 3. Notes the amended Two Wells Walking Cycling Plan will be brought forward for Council adoption.” 	2023/211	completed	Growth and Investment

Resolution Register - August 2023 - All						
Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
28-Aug-23	3.1	Minutes	"that the minutes of the Ordinary Council Meeting held on 24 July 2023 (MB Folios 17836 to 17862 inclusive) be accepted as read and confirmed."	2023/229	Completed	Corporate Services
28-Aug-23	3.2	Minutes	"that the minutes of the Special Council Meeting held on 25 July 2023 (MB Folios 17863 to 17866 inclusive) be accepted as read and confirmed."	2023/230	Completed	Corporate Services
28-Aug-23	7.1	Mayor's Report	"that the minutes of the Special Council Meeting held on 25 July 2023 (MB Folios 17863 to 17866 inclusive) be accepted as read and confirmed."	2023/231	Completed	Corporate Services
28-Aug-23	7.2	Mayor's Report	"that Council, having considered Item 7.2 – Acting Mayor's Report – August 2023, dated 28 August 2023, receives and notes the report."	2023/232	Completed	Corporate Services
28-Aug-23	12.1	Committee Meetings	"that Council receives and notes the minutes of the Minutes of the Adelaide Plains Council Historical Committee Meeting held 3 August 2023 as presented at Attachment 1 to this report."	2023/233	Completed	Development and Community
28-Aug-23	12.2	Committee Meetings	"that Council receives and notes the minutes of the Infrastructure and Environment Committee Meeting held 17 August 2023 as presented at Attachment 1 to the report."	2023/234	Completed	Infrastructure and Environment
28-Aug-23	12.2	Committee Meetings	"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."	2023/235	Ongoing	Infrastructure and Environment
28-Aug-23	12.2	Committee Meetings	"that Council endorses resolution 2023/017 of the Infrastructure and Environment Committee and in doing so adopts the revised Vehicle Crossover Policy as presented within Agenda for the Infrastructure and Environment Committee Meeting on 17 August 2023."	2023/236	Completed	Infrastructure and Environment
28-Aug-23	12.2	Committee Meetings	"that Council endorses resolution 2023/018 of the Infrastructure and Environment Committee and in doing so adopts the revised Resident Contribution to Road Sealing Policy as presented within Agenda for the Infrastructure and Environment Committee Meeting on 17 August 2023."	2023/237	Completed	Infrastructure and Environment
28-Aug-23	12.2	Committee Meetings	"that Council endorses resolution 2023/019 of the Infrastructure and Environment Committee and in doing so adopts the revised Verge Landscaping and Maintenance Guidelines Policy as presented within Agenda for the Infrastructure and Environment Committee Meeting on 17 August 2023."	2023/238	Completed	Infrastructure and Environment
28-Aug-23	12.2	Committee Meetings	"that Council endorses resolution 2023/020 of the Infrastructure and Environment Committee and in doing so adopts the revised Vegetation Management Policy as presented in Attachment 2 to this report subject to the inclusion of reference to the Bushfire Management Plan."	2023/239	Completed	Infrastructure and Environment
28-Aug-23	12.2	Committee Meetings	"that Council endorses resolution 2023/021 of the Infrastructure and Environment Committee and in doing so adopts the Road Side Vegetation Plan as presented within Agenda for the Infrastructure and Environment Committee Meeting on 17 August 2023."	2023/240	Completed	Infrastructure and Environment
28-Aug-23	12.2	Committee Meetings	"that Council endorses resolution 2023/022 of the Infrastructure and Environment Committee and in doing so accepts the LGA CWMS Program offer of \$155,000 to progress the Two Wells CWMS to concept design as presented at Attachment 3 to this Report."	2023/241	Completed	Infrastructure and Environment

28-Aug-23	13.1	Subsidiary Meetings	"that Council receives and notes the minutes of Gawler River Floodplain Management Authority Special Board Meeting held on 27 July 2023 as presented as Attachment 1 to this report."	2023/242	Completed	Executive Office
28-Aug-23	13.2	Subsidiary Meetings	"that Council receives and notes the minutes of Gawler River Floodplain Management Authority Board Meeting held on 17 August 2023, presented as Attachment 1 to this report."	2023/243	Completed	Executive Office
28-Aug-23	14.1	Request for Leave of Absence – Mayor Wasley	"that Council, having considered Item 14.1 – Request for Leave of Absence – Mayor Wasley, dated 28 August 2023, receives and notes the report and in doing so grants Mayor Wasley a leave of absence for the period 4 October 2023 to 23 December 2023 (inclusive)."	2023/244	Completed	Corporate Services
28-Aug-23	14.2	Adoption of Revised Long Term Financial Plan 2024-2033	"that the Council, having considered Item 14.2 – Adoption of Revised Long Term Financial Plan 2024-2033, dated 28 August 2023, pursuant to Section 122(1a)(a) of the Local Government Act 1999 and Regulation 5 of the Local Government (Financial Management) Regulations 2011, adopts the Long Term Financial Plan 2024-2033 contained in Attachment 1."	2023/245	Completed	Finance
28-Aug-23	14.3	Recruitment of an Independent Member – Audit Committee	"that Council, having considered Item 14.3 – Recruitment of an Independent Member – Audit Committee, dated 28 August 2023, receives and notes the report and in doing so:- 1. Instructs the Chief Executive Officer to call for Expressions of Interest in relation to one (1) independent membership position for a four (4) year term from 30 November 2023 on Council's Audit Committee; and 2. Notes clause 3.7 of the Audit Committee Terms of Reference wherein it states the evaluation panel will be comprised of the Mayor, Chief Executive Officer and the two (2) Council Members appointed to the Audit Committee."	2023/246	Ongoing	Finance
28-Aug-23	14.4	Liquor Licence Applications	"that Council, having considered Item 14.4 – Liquor Licence Applications, dated 28 August 2023, receives and notes the report and in doing so endorses undertaking of public consultation in relation to Liquor Licence application proposals by the Thompson Beach Progress Association, Mallala and Districts Lions Club and Mallala Football Club, as outlined in Attachments 2, 3 and 4 to this report."	2023/247	Agenda 25 September 2023	Development and Community
28-Aug-23	14.5	Updated Two Wells Walking Cycling Plan	"that Council, having considered Item 14.5 – Updated Two Wells Walking Cycling Plan, dated 28 August 2023, receives and notes the report and in doing so: 1. Adopts the updated Two Wells Walking Cycling Plan as presented in Attachment 1 to this report. 2. Instructs the Chief Executive Officer to undertake any editorial but not policy amendments to the documents, where required."	2023/248	Completed	Growth and Investment
28-Aug-23	15.1	Council Resolutions – Status Report	"that Council, having considered Item 15.1 – Council Resolutions – Status Report, dated 28 August 2023, receives and notes the report."	2023/249	Completed	Corporate Services
28-Aug-23	15.2	Regional Reform Roundtable	"that Council, having considered Item 15.2 – Regional Reform Roundtable, dated 28 August 2023, receives and notes the report and in doing so instructs the Mayor, Deputy Mayor and Chief Executive Officer to continue attending future meetings comprising The Barossa Council, Light Regional Council, Town of Gawler and Adelaide Plains Council, facilitated by the Member for Light, as a means of advancing and collaborating on issues of regional significance."	2023/250	Completed	Executive Office
28-Aug-23	15.3	Dublin Land Lease Proposal – Mallala and Districts Lions Club	"that Council, having considered Item 15.3 – Dublin Land Lease Proposal – Mallala and Districts Lions Club, dated 28 August 2023, receives and notes the report and in doing so notes the Mallala and Districts Lion's Club (the Lions Club) position that it no longer wishes to pursue the lease on the suggested land earmarked for development by the Lions Club in Dublin."	2023/251	Completed	Corporate Services
28-Aug-23	15.4	Public Forum 31 July 2023 – Summary	"that Council, having considered Item 15.4 – Public Forum 31 July 2023 – Summary, dated 28 August 2023, receives and notes the report."	2023/252	Completed	Corporate Services
28-Aug-23	15.5	Update on Sale of Land for Non-payment of Rates	"that Council, having considered Item 15.5 – Update on Sale of Land for Non-payment of Rates, dated 28 August 2023, receives and notes the report."	2023/253	Completed	Finance

28-Aug-23	15.6	Community and Civic Hub Investigation – Completion of Phase 1	“that Council, having considered Item 15.6 – Mallala Road Roundabout, dated 28 August 2023, receives and notes the report.”	2023/254	Completed	Infrastructure and Environment
28-Aug-23	15.7	Greater Adelaide Regional Plan Discussion Paper Consultation	“that Council, having considered Item 15.7 – Greater Adelaide Regional Plan Discussion Paper Consultation, dated 28 August 2023, receives and notes the report.”	2023/255	Completed	Growth and Investment
28-Aug-23	15.8	Library and Community Services Report – April to June 2023	“that Council, having considered Item 15.8 – Library and Community Services Report – April to June 2023, receives and notes the report.”	2023/256	Completed	Development and Community
28-Aug-23	18.1	Motions on Notice	“that the Chief Executive Officer bring back a report to Council encompassing all information regarding the Windsor Institute. The report to cover information such as status of the building (to keep, sell or find a new use for the building), determine any repairs required, cost of repairs, inventory list of all items in and out of the institute and to ensure that all items of historical and/or value to the community be removed and stored for safe keeping until a place can be found to incorporate the history of the Windsor Institute.”	2023/257	Forward Agenda October 2023 meeting	Development and Community
28-Aug-23	18.2	Motions on Notice	“that the Chief Executive Officer provide a report to the next ordinary meeting of Council, updating the chamber on the work currently being undertaken, and next steps required, to fast track the implementation of a social media presence for Adelaide Plains Council.”	2023/258	Agenda 25 September 2023	Corporate Services
28-Aug-23	21.1	Two Wells Town Centre Development	“that: 1. Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except the Chief Executive Officer, Director Finance, Director Growth and Investment, Director Infrastructure and Environment, Group Manager – Development and Community, Executive Assistant to the Chief Executive Officer and Mayor, Governance Administration Officer/Minute Taker and Information Technology Officer, be excluded from attendance at the meeting of Council for Agenda Item 21.1 – Two Wells Town Centre Development; 2. That Council is satisfied that pursuant to section 90(3)(b) of the Local Government Act 1999, Item 21.1 – Two Wells Town Centre Development concerns commercial information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business, or to prejudice the commercial position of Council, and would on balance be contrary to the public interest; 3. That Council is satisfied that in 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.”	2023/259	Completed	Corporate Services
28-Aug-23			“that it being 7.27pm, the meeting be extend by 30 minutes.”	2023/260	Completed	Corporate Services
28-Aug-23	21.1	Two Wells Town Centre Development	“that Council, having considered Item 21.1 – Two Wells Town Centre Development, dated 28 August 2023, receives and notes the report”	2023/261	Completed	Growth and Investment
28-Aug-23	21.1	Two Wells Town Centre Development	Confidential Resolution	2023/262		

28-Aug-23	21.1	Two Wells Town Centre Development	<p>"that Council, having considered the matter of Item 21.1 – Two Wells Town Centre Development in confidence under sections 90(2) and 90(3)(b) of the Local Government Act 1999, resolves that:</p> <p>1. The staff report and resolution 2023/262 pertaining to Item 21.1 – Two Wells Town Centre Development remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;</p> <p>2. Pursuant to section 91(9)(a) of the Local Government Act 1999, the confidentiality of the matter will be reviewed every 12 months; and</p> <p>3. Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke this confidentiality order to the Chief Executive Officer."</p>	2023/263	Completed	Corporate Services
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15.2 CAPITAL WORKS AND OPERATING PROGRAM MONTHLY UPDATE - SEPTEMBER 2023**Record Number:** D23/40807**Author:** Director Infrastructure and Environment**Authoriser:** Chief Executive Officer

Attachments:

1. Capital Projects 2023-2024 [↓](#)
2. Operating Projects 2023-2024 [↓](#)
3. Local Government Partnership Program Projects [↓](#)
4. Slashing Program 2023-2024 [↓](#)

RECOMMENDATION

“that Council, having considered Item 15.2 – *Capital Works and Operating Program Monthly Update - September 2023*, dated 25 September 2023, 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.

Additionally, **Attachment 3** provides a list of Local Government Partnership Program 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.

DiscussionRe-Sheeting Program

Council's re-sheeting program is progressing as scheduled. Bakers Road, Harris Road, North Parham Road and Schlodder Road are currently underway.

Civil

The civil team is currently carrying out maintenance activities such as patrol grading of sheeted roads, stormwater drain cleaning, sealed road maintenance, illegal dumping clean-up and actioning customer requests.

Open Space and Environment

The Open Space and Environment team is currently carrying out vegetation clearance along program re-sheeting roads, vegetation clearance along unsealed road network and also carrying out routine maintenance activities within parks, gardens and oval precincts.

Additionally, the 2023-2024 slashing program has commenced and is presented as **Attached 4** to this report. Slashing service levels are;

- Lewiston - Slashing of all verges in front of homes
- Council Reserves - Slashing of fire breaks
- Seal/Unsealed Roads - Slashing of intersection

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 - SEPTEMBER 2023

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
72908	Sealed Road - Dublin Road - Hill Road to Earl Road - Pavement Rehabilitation	80,000	-	80,000	No	Jan-24	Jun-24		
72909	Sealed Road - Bailey Road East - Old Port Wakefield Road to End	91,000	-	91,000	No	Jan-24	Jun-24		
72910	Sealed Road - Baker Road – Gawler River Road to River	87,000	-	87,000	No	Jan-24	Jun-24		
72911	Sealed Road - Boundary Road - Hayman Road to Dawkins Road	65,000	-	65,000	No	Jan-24	Jun-24		
72912	Sealed Road - Garden Avenue - Artesian Road to Southern End	85,000	-	85,000	No	Jan-24	Jun-24		
72913	Sealed Road - Germantown Road – Gawler Road to Dawkins	142,000	-	142,000	No	Jan-24	Jun-24		
72914	Sealed Road - Jenkin Court - Butler Road to End	77,000	-	77,000	No	Jan-24	Jun-24		
72915	Sealed Road - Seventh Street – South Terrance to Fifth Street	69,000	-	69,000	No	Jan-24	Jun-24		
72916	Sealed Road - Third Street (Dublin) - Sixth Street to End of Seal	23,000	-	23,000	No	Jan-24	Jun-24		
72917	Sealed Road - Williams Road – Dawkins Road to Hayman Road	82,000	-	82,000	No	Jan-24	Jun-24		
72940	Sealed Road - Two Wells Mainstreet - Pedestrian Refuges/Crossing	195,000	-	195,000	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	-	10,000	No	Jan-24	Jun-24		
72906	Street Lighting - Two Wells Main Street	330,000	14,497	315,503	Yes	Jul-23	Jun-24		5%
72918	Streetscape - Irish Street - Butler Street to Redbanks Road	31,000	-	31,000	No	Nov-23	Apr-24		
72919	Streetscape - Rowe Crescent - Drew Street to Applebee Road	16,000	-	16,000	No	Nov-23	Apr-24		
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	3,632	100,368	Yes	Sep-23	Oct-23		40%
72923	Resheet - Gallipoli Road - Curnow Road to Jarmyn Road	78,000	154	77,846	No	Oct-23	Nov-23		
72924	Resheet - Germantown Road - Verner Road to Seal	134,000	-	134,000	No	Jan-24	Feb-24		
72925	Resheet - Harris Road - Schlodder Road to Bubner Road	19,000	548	18,452	Yes	Sep-23	Oct-23		50%
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	465	74,535	Yes	Oct-23	Nov-23		50%
72928	Resheet - Owen Road - March Road to Woods Road	121,000	-	121,000	No	Nov-23	Dec-23		
72929	Resheet - Paddys Bridge Road - Mallala - Two Wells Road to Germantown Road	287,000	-	287,000	No	Feb-24	Mar-24		
72930	Resheet - Schlodder Road - Clonan Road to Schutt Road	39,000	1,104	37,896	Yes	Oct-23	Oct-23		40%
72931	Resheet - Wasleys Road - Cheek Road to Woolsheds Road	263,000	-	263,000	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	-	20,000	No	Mar-24	May-24		
72935	Site Improvements - New/Upgrade Street & Reserves/Parks Furniture Program	20,000	-	20,000	No	Mar-24	May-24		
72933	Site Improvements - Site Improvements Renewal	200,000	-	200,000	No	Oct-23	Mar-24		
72934	Site Improvements - Fuel supply upgrade	45,000	-	45,000	Yes	Sep-23	Oct-23		40%
72936	Site Improvements - Streetscape and WSUD	50,000	-	50,000	No	Jan-24	Jun-24		
72937	Site Improvements - Lewiston Dog Park Shelters	20,000	-	20,000	No	Mar-24	May-24		
72942	Site Improvements - Dublin Oval - Toilet Block	70,000	4,890	65,110	Yes	Apr-24	Jun-24		10%
72852	Site Improvements - Various locations - Signage - wayfinding and information	35,000	-	35,000	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	80,571	(10,571)	Yes	Sep-23	Feb-24		50%
72900	Wasleys Bridge - Repairs	200,000	229	199,771	No	Jul-23	Jun-24		

72938	CWMS - Mallala - Replacement of Property Pumps	15,000	-	15,000	No	Apr-24	Apr-24		
72939	Stormwater - Mallala Oval stormwater and road upgrade	60,000	-	60,000	No	Nov-23	Apr-24		
72899	Stormwater - Middle Beach - Tidal Drainage System	15,000	27	14,973	No	Jul-23	Dec-23		
80072	Two Wells Township Levee	2,020,000	-	2,020,000	No	Oct-23	Jun-24		
75100	Plant and Equipment Program	1,078,000	911,755	166,245	Yes	Sep-23	Mar-24		20%
		6,983,000	1,017,873	5,965,127					

OPERATING PROJECT PROGRESS REPORT 2023-2024 - SEPTEMBER 2023

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
80020	Installation of single lane roundabout	500,000	-	500,000	Yes	Sep-23	Oct-23	Yes	100%
80084	Donaldson Road - Design (Reserve corridor)	10,000	-	10,000	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		
80103	Undergrounding of Power Lines in Two Wells	1,320,902	-	1,320,902	Yes	Sep-23	Jun-24		20%
80059	Establish Horse Floating Park Area	50,000	-	50,000	No	Oct-23	Dec-23		
80104	Street/Verge Tree Planting	30,000	-	30,000	No	Apr-24	Apr-24		
80107	Donaldson Road - WSUD and Open Space Elements	10,000	-	10,000	No	Nov-23	Jun-24		
		<u>2,010,902</u>	<u>-</u>	<u>2,010,902</u>					

LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM (DUE BY 31 DECEMBER 2023)

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
72809	Middle Beach Road (End of Seal to Start of Seal)	2,390,000	1,391,540	998,460	Yes	Mar-23	Dec-23	No	80%
		<u>2,390,000</u>	<u>1,391,540</u>	<u>998,460</u>					

FIRE PREVENTION SLASHING SCHEDULE 2023

PROGRAM	APC SLASHING SCHEDULE	Note: Seasonal conditions will affect the times set out in this schedule and are approximate only. Repeat slashing will be undertaken as required.
CONTACT	ADELAIDE PLAINS COUNCIL 8527 0200	

TOWNSHIP / AREA	STARTING	ENDING	TOWNSHIP / AREA	STARTING	ENDING
LEWISTON	11/09/2023	29/09/2023	RESERVES	25/10/2023	3/11/2023
LEWISTON REPEAT	6/11/2023	17/11/2023		21/11/2023	24/11/2023
TWO WELLS & PORT GAWLER	2/10/2023	4/10/2023	RURAL INTERSECTIONS	20/11/2023	4/12/2023
COASTAL TOWNS	5/10/2023	11/10/2023	REPEAT SLASHING	5/12/2023	20/12/2023
DUBLIN & WINDSOR	12/10/2023	16/10/2023			
WILD HORSE & LONG PLAINS	17/10/2023	18/10/2023			
BARABBA	19/10/2023	19/10/2023			
MALLALA, REDBANKS & FISCHER	20/10/2023	24/10/2023			

SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7				1	2	3	4						1	2
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	7	18	19	20	21	22	23
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
																					31						

15.3 LOCAL GOVERNMENT LEGISLATIVE AMENDMENTS UPDATE**Record Number:** D23/40295**Author:** Director Corporate Services**Authoriser:** Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

“that Council, having considered Item 15.3 – *Local Government Legislative Amendments Update*, dated 25 September 2023, receives and notes the report.”

Purpose

The purpose of this report is to provide Elected Members with an update on various local government-related legislative amendments that have recently been (or will soon be) introduced, and therefore have an impact on Council.

Background

Since its origin in 2019 ‘Reforming Local Government in South Australia Discussion Paper’, various changes to legislation have been enacted via the roll-out of the *Statutes Amendment (Local Government Review) Act 2021* (the Amendment Act). Updates have been provided to Council over the journey and with further amendments having commenced, or commencing operation in the near future, it is timely to provide a further update.

Discussion

Provided for below is an analysis of the new provisions of the *Local Government Act 1999* (the LG Act) concerning various (mainly finance-related) matters.

LTFP ‘Funding Plan’

On 30 June 2023, the Amendment Act inserted a requirement into the LG Act that each council’s Long-Term Financial Plan (LTFP) must include a ‘funding plan’ which:

- outlines the council's approach to funding services and infrastructure of the council; and
- sets out the council's projected total revenue for the period to which the long-term financial plan relates; and
- outlines the intended sources of that total revenue (such as revenue from rates, grants and other fees and charges).

Any council which has not already reviewed its LTFP since 30 June 2023 and incorporated a funding plan into its LTFP should ensure that it undertakes a review (or further review) in the near future. Note, the LTFP must be reviewed on an annual basis and there are mandatory consultation requirements with respect to any review of an LTFP.

There is particular urgency for any council in the next 'intake' of the Essential Service Commission of South Australia (ESCOSA) advice scheme. Ideally those councils should have a funding plan in their LTFP before 30 September 2023 in order to satisfy the requirement in section 122(1e)(b) of the LG Act. Unlike the first intake of councils, the next intake will not have the benefit of the now-expired regulation 13 of the *Local Government (Transitional Provisions) Regulations 2021*.

Site Valuation

All references to 'site value' (a type of land valuation which excludes buildings and certain other improvements) have been deleted. This change came into operation on *31 August 2023*. The effect is that, in future financial years, councils may no longer impose rates based on site value.

Given that most councils rely upon capital value rather than site value, this amendment will not affect many councils.

Audit and Risk Committee

A raft of amendments will come into effect on *30 November 2023*, all concerning the new concept of an 'audit and risk committee', which will replace a council's audit committee.

An audit and risk committee is more than just a re-named audit committee. The work of the audit and risk committee will include the provision of independent advice to councils on accounting, financial management, internal controls, risk management and governance matters. Audit and risk committees must consist of a majority of independent members and councils will have the ability to form regional audit and risk committees, if they wish.

These amendments also introduce a concept whereby councils may have an 'internal audit function'. It appears to be a matter of discretion as to whether a council will have such a function. Before assigning a person to be primarily responsible for a council's internal audit function, there will be a requirement for the chief executive officer to consult with the relevant audit and risk committee.

Audit and risk committees are to receive reports pertaining to the council's internal audit processes, prepared either by the person primarily responsible for a council's internal audit function (if there is one), or by the chief executive officer.

Conclusion

Further information/updates regarding Local Government Reform and the Amendment Act is available on both the Local Government Association ([LGA website](#)) and the Office of Local Government ([OLG website](#)). It will be necessary for all councils to undertake considerable work to prepare for the commencement of these provisions. This report is provided by way of information and update only – further reports will be provided to Council, as required, in order to implement any associated changes.

References

Legislation

Local Government Act 1999

Statutes Amendment (Local Government Review) Act 2021

Local Government (Transitional Provisions) Regulations 2021

Council Policies/Plans

Strategic Plan 2021-2024

Proactive Leadership

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 TWO WELLS TOWN CENTRE DEVELOPMENT

RECOMMENDATION

“that:

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, Director Corporate Services, Director Finance, Director Growth and Investment, Director Infrastructure and Environment, Group Manager - Development and Community, Manager Governance, Executive Assistant to the Chief Executive Officer and Mayor / Minute Taker, Information Technology Officer and Administration Support Officer Infrastructure and Environment be excluded from attendance at the meeting of Council for Agenda Item *21.1 Two Wells Town Centre Development*;**
- 2. Council is satisfied that pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item *21.1 Two Wells Town Centre Development* concerns information of a confidential nature, the disclosure of which would involve the unreasonable disclosure of information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

RECOMMENDATION

“that Council, having considered the matter of Agenda Item 21.1 – *Two Wells Town Centre Development* in confidence under Section 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that:-

- 1. The staff report pertaining to Agenda Item 21.1 – *Two Wells Town Centre Development*, remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;**
- 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.”**

21.2 ALEXANDRIA PARK DEVELOPMENT CONCEPT

RECOMMENDATION

“that:

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, Director Corporate Services, Director Finance, Director Growth and Investment, Director Infrastructure and Environment, Group Manager - Development and Community, Manager Governance, Executive Assistant to the Chief Executive Officer and Mayor / Minute Taker, Information Technology Officer and Administration Support Officer Infrastructure and Environment be excluded from attendance at the meeting of Council for Agenda Item *21.2 Alexandria Park Development Concept*;**
- 2. Council is satisfied that pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item *21.2 Alexandria Park Development Concept* concerns information of a confidential nature, the disclosure of which would involve the unreasonable disclosure of commercial information of a confidential nature (not being a trade secret) the disclosure of 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**
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

RECOMMENDATION

“that Council, having considered the matter of Agenda Item 21.2 *Alexandria Park Development Concept* in confidence under of the *Local Government Act 1999*, resolves that:-

- 1. The staff report, Attachment 1 and the minutes pertaining to Agenda Item 21.2 *Alexandria Park Development Concept*, remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;**
- 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.”**

21.3 SALE OF LAND FOR NON-PAYMENT OF RATES

RECOMMENDATION

“that:

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, Director Corporate Services, Director Finance, Director Growth and Investment, Director Infrastructure and Environment, Group Manager - Development and Community, Manager Governance, Executive Assistant to the Chief Executive Officer and Mayor / Minute Taker, Information Technology Officer and Administration Support Officer Infrastructure and Environment be excluded from attendance at the meeting of Council for Agenda Item *21.3 Sale of Land for Non-Payment of Rates*;**
- 2. Council is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item *21.3 Sale of Land for Non-Payment of Rates* concerns information of a confidential nature, the disclosure of which would involve the unreasonable disclosure of information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).; and**
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

RECOMMENDATION

“that Council, having considered the matter of Agenda Item 21.3 *Sale of Land for Non-Payment of Rates* in confidence under of the *Local Government Act 1999*, resolves that:-

- 1. Attachment 1 pertaining to Agenda Item 21.3 *Sale of Land for Non-Payment of Rates*, remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;**
- 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.”**

21.4 2023 / 2024 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS

RECOMMENDATION

“that:

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, Executive Assistant to the Chief Executive Officer and Mayor / Minute Taker and Administration Support Officer Infrastructure and Environment be excluded from attendance at the meeting of Council for Agenda Item 21.4 2023 / 2024 *Chief Executive Officer Key Performance Indicators*;**
- 2. Council is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item 21.4 2023 / 2024 *Chief Executive Officer Key Performance Indicators* concerns information of a confidential nature, the disclosure of which would involve the unreasonable disclosure of information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and**
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

22 CLOSURE