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NOTICE OF COUNCIL MEETING

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

The Ordinary Meeting of the

Adelaide Plains Council

will be held in

Council Chambers
Redbanks Road
Mallala

on

Monday, 17 July 2017, 6.30 pm

.....

James Miller
CHIEF EXECUTIVE OFFICER

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Adelaide Plains Council	**2 MINUTES**
Monday 17 July 2017	

Items:

2.1 Confirmation of Council Minutes – Ordinary meeting held 19 June 2017

RECOMMENDATION

"that the minutes of the Ordinary Council meeting held on Monday 19 June 2017 (MB Folios 13544 to 13562, inclusive), be accepted as read and confirmed."

2.2 Confirmation of Council Minutes – Special meeting held 10 July 2017

RECOMMENDATION

"that the minutes of the Special Council meeting held on Monday 10 July 2017 (MB Folios 13563 to 13575, inclusive), be accepted as read and confirmed."

MINUTES

of

Ordinary Council Meeting

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

HELD IN

Council Chambers
Redbanks Road,
Mallala

on

Monday, 19 June 2017

Subject to confirmation

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

1. ATTENDANCE RECORD

1.1 Present:

Cr Melville Lawrence (Deputy Mayor)

Cr S M (Marcus) Strudwicke

Cr Terry-Anne Keen

Cr Eddie Stubing

Cr Stephen Jones

Cr P D (Joe) Daniele

Cr Carmine Di Troia

Cr Karen McColl

Also in Attendance:

General Manager, Development and Community	Mr Robert Veitch
General Manager, Infrastructure	Mr Martin Waddington
General Manager, Finance and Economic Development	Mr Rajith Udugampola
Governance Support Officer	Mr Rob Adam
Minute Secretary	Ms Andrea Post
Administration Officer – Governance and Communications	Ms Vicki Weaver

1.2 Apologies:

Mayor A J (Tony) Flaherty OAM JP

Cr Anne Picard

James Miller, Chief Executive Officer – Attending Australian Local Government Association National Congress - Canberra

1.3 Not Present / Leave of Absence:

Nil

Subject to Confirmation

2. CONFIRMATION OF MINUTES

2.1 Moved Cr Jones Seconded Cr Keen **2017/ 149**

"that the minutes of the Ordinary Council meeting held on Monday 15 May 2017 (MB Folios 13526 to 13539, inclusive), be accepted as read and confirmed."

CARRIED

2.2 Moved Cr McColl Seconded Cr Stubing **2017/ 150**

"that the minutes of the Special Council meeting held on Monday 22 May 2017 (MB Folios 13540 to 13543, inclusive), be accepted as read and confirmed."

CARRIED

3. BUSINESS ARISING

Nil

4. ADJOURNED BUSINESS

4.1 Australian Local Government Association National General Assembly

Moved Cr Strudwicke Seconded Cr Jones **2017/ 151**

"that Council, having considered Item 4.1 – *Australian Local Government Association National General Assembly*, dated 19 June 2017, receives and notes the report and in doing so:-

1. **acknowledges that Mayor Flaherty's was not able to attend the ALGA National General Assembly to be held in Canberra on 18 – 21 June 2017; and**
2. **acknowledges that Mayor Flaherty can not be the Council Delegate with voting rights at the ALGA National General Assembly."**

CARRIED

4.2 Audit Committee meeting 5 June 2017 Recommendation – Gawler River Floodplain Management Authority

Moved Cr Strudwicke Seconded Cr McColl **2017/ 152**

"that Council having considered Item 4.2 – *Audit Committee meeting 5 June 2017 Recommendation – Gawler River Floodplain Management Authority*, dated 19 June 2017, endorses the Audit Committee resolution number 2017/021 and in doing so, resolves that in order to progress the actions associated with Council Resolution

Subject to Confirmation

2017/121:-

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

CARRIED

4.3 Gawler River Floodplain Management Authority – Draft 2017-2020 GRFMA Business Plan and the 2017/18 Draft GRFMA Budget

Moved Cr Keen Seconded Cr Strudwicke **2017/ 153**

"that Council, having considered Item 4.3 – *Gawler River Floodplain Management Authority - Draft 2017- 2020 GRFMA Business plan and the 2017/18 draft GRFMA budget*, dated 19 June 2017, receives the report and in doing so:-

1. **notes the Draft 2017- 2020 GRFMA Business Plan and GRFMA Budget 2017 – 2018;**
2. **notes that the GRFMA Executive Officer's 2017/18 draft budget report to the GRFMA proposes that;**
   - **The preferred 2017/18 draft GRFMA Budget provision is Scenario 1 which provides a revenue increase of 4% with further consideration of 2016/17 extraordinary road access cost of $60,000 to be met from reserves; and**
   - **Councils be advised to note the impending $27 Million Northern Floodway project proposal in 2017/18 in their budget discussion and that a separate consultation process at the relevant time, will be undertaken by the GRFMA on the solution designs, costings and funding mechanisms required by Local, State and Federal Governments and other funding partners. Councils and the GRFMA should then subsequently agree the most appropriate process to recognise and achieve required council contributions; and**
3. **acknowledges that Adelaide Plains Council has missed the opportunity to provide feedback on the relevant considerations regarding the proposed draft Business Plan and Draft Budget, as proposals and advice were to be presented to the 15 June 2017 GRFMA meeting."**

CARRIED

Subject to Confirmation

4.4 Gawler River Floodplain Management Authority – Audit Committee

Moved Cr Strudwicke Seconded Cr McColl **2017/ 154**

"that Council, having considered Item 4.4 - *Gawler River Flood Management Authority – Audit Committee* dated 19 June 2017, receives and notes the report and in doing so:-

1. **approves the proposed membership of the GRFMA Audit Committee; and**
2. **authorises administration to provide the resolution of Council to GRFMA."**

CARRIED

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

Nil

6. OPEN FORUM

The Presiding Member sought leave of the meeting to suspend Part 2 of the *Local Government Act (Procedures at Meetings) Regulations 2013*, for a period of 20 minutes to facilitate *'Open Forum'.* The meeting was suspended at 6.47 pm.

The following speakers addressed Council in relation to Open Forum:

6.1 **Chris Starrs** *Middle Beach*

John Lush *Mallala*

Mick Tennant *Two Wells*

The meeting resumed at 7.07 pm.

7. MAYOR'S REPORT

7.1 Meetings and Discussions

15 May 2017

Pre Council meeting with Chief Executive Officer and General Managers

Ordinary Council Meeting

16 May 2017

Debrief meeting with Chief Executive Officer

18 May 2017

Meeting with Chief Executive Officer re Mallala CWMS

Subject to Confirmation

19 May 2017

Meeting with ratepayer in Two Wells re development matter

22 May 2017

Strategic Plan Workshop

Special meeting of Council

Budget Workshop

25 May 2017

Meeting with Chief Executive Officer and McArthur (via phone hook up)

26 May 2017

Meeting with Chief Executive Officer re GRFMA

28 May 2017

Meeting with Chief Executive Officer re various matters – North Adelaide

29 May 2017

CEO Performance Review Committee meeting

30 May 2017

Meeting with staff re various matters

2 June 2017

Meeting with Chief Executive Officer and Jon Gee MP

4 June 2017

Meeting with Chief Executive Officer re various matters – North Park

5 June 2017

Audit Committee Meeting

Strategic Planning Workshop

CDAP Independent Member Panel Interviews

Meeting Procedures Workshop

7 June 2017

CDAP Independent Member Panel Interviews

Subject to Confirmation

8 June 2017

Governance Advisory Panel Meeting

Special Council Meeting

13 June 2017

Mayor and Chief Executive Officer agenda settlement meeting

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

9.1 Mr Brenton Bell (OAM) President, Mallala Lions and Districts Club Inc gave a 10 minute deputation to the Elected Members seeking support of a joint venture for the Short Stay Accommodation grounds adjacent to Mallala Oval.

10. PRESENTATIONS / BRIEFINGS

10.1 Steven Griffiths MP Member for Goyder

10.2 Arcadis / Alinta Energy - Open Cycle Gas Turbine Power Project

- Greg Harrison – Infrastructure Director, Arcadis
- Gary Bryant – General Manager Power Development, Alinta Energy
- Huw Adler – Business Development Manager, Alinta Energy
- Belinda Woite – Stakeholder Engagement Manager, Gould Thorpe Planning

Cr Strudwicke called for a Point of Order as it is not permitted or appropriate that questions are asked from the Public Gallery.

The Presiding Member accepted the Point of Order.

11. PETITIONS

11.1 A petition comprising 153 signatures was received requesting Council to review the conditions of the camp ground in consultation with the residents and ratepayers of the community.

Moved Strudwicke Seconded Cr Keen **2017/ 155**

"that the petition be noted and received."

CARRIED

Subject to Confirmation

12. COMMITTEE RECOMMENDATIONS

12.1 Audit Committee – minutes of meeting held 5 June 2017

Moved Cr McColl Seconded Cr Daniele **2017/ 156**

"that Council receives and notes the minutes of the Audit Committee meeting held 5 June 2017."

CARRIED

12.1 Moved Cr Keen Seconded Cr Jones **2017/ 157**

"that Council endorses the recommendation of the Audit Committee, and instructs its Chief Executive Officer to undertake further financial analysis in relation to the application of a separate rate for the Liberty and Eden residential developments. Upon conclusion of the said body of work, a further report is presented to the Audit Committee for consideration."

CARRIED

12.1 Moved Cr Strudwicke Seconded Cr Stubing **2017/ 158**

"that Council endorses the recommendation of the Audit Committee, and receives and notes the 2017/2018 Annual Budget and 2018/2027 Long Term Financial Plan and commends the document to Council for adoption at its June 2017 Ordinary Meeting."

CARRIED

12.1 Moved Cr Strudwicke Seconded Cr Daniele **2017/ 159**

"that Council endorses the recommendation of the Audit Committee, that the Draft Debt Management Policy as presented in Attachment 1, with the inclusion of minor amendments adopted at the meeting, to this report for adoption at its June 2017 ordinary meeting".

CARRIED

Subject to Confirmation

13. ASSOCIATED ORGANISATIONS

13.1 Legatus Group – minutes of meeting held 19 May 2017

Moved Cr Keen Seconded Cr Strudwicke **2017/ 160**

"that Council receives and notes the minutes of the Legatus Group meeting held 19 May 2017."

CARRIED

14. REPORTS FOR DECISION

The Presiding Member sought and was granted leave of the meeting to move Item 14.6 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*. Leave was granted.

14.6 Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018

Moved Cr Stubing Seconded Cr Strudwicke **2017/ 161**

"that Council, having considered Item 14.6 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 19 June 2017, receives and notes the report and in accordance with the powers contained in Chapters 8, 9 and 10 of the *Local Government Act 1999* and in respect to the Financial Year ending 30 June 2018 Council resolves the below-mentioned resolutions."

Cr Strudwicke called for a Point of Order as members were speaking more than once to the motion.

The Presiding Member did not make a ruling.

Cr Strudwicke called for a Point of Order as the debate is now closed.

The Presiding Member did not make a ruling.

Cr Strudwicke called for a Point of Order as all councillors are required to vote, to not vote is in breach of the Code of Practice – Meeting Procedures.

The Presiding Member did not make a ruling.

LOST

Subject to Confirmation

14.6 Moved Cr Keen Seconded Cr Jones **2017/ 162**

"that Item 14.6 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 19 June 2017, be adjourned and that a Special Meeting to consider the suite of recommendations and include a workshop by suspending the standing orders for a period to be determined by the Mayor, be called and held on or before Friday 23 June 2017 to reconsider the item."

CARRIED

14.1 Gawler River Floodplain Management Authority – Board Proxy Membership Appointment

Moved Cr McColl Seconded Cr Strudwicke **2017/ 163**

"that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority – Board Membership Appointment*, dated 19 June 2017, receives and notes the report, and in doing so instructs its Chief Executive Officer to advise the GRFMA that it wishes to nominate Mr Martin Waddington, General Manager – Infrastructure, in the position of Proxy Member for the Administration Membership position on the Authority."

CARRIED

14.2 Policy Review – Public Consultation Policy

Moved Cr Strudwicke Seconded Cr Keen **2017/ 164**

"that Council, having considered Item 14.2 – *Policy Review – Public Consultation Policy*, dated 19 June 2017, receives and notes the report and in doing so authorises Council's administration to undertake public consultation and invite submissions on the revised Public Consultation Policy document with 7.2 dot point 3 include The Bunyip for consideration and adoption at a subsequent Council meeting."

CARRIED

Subject to Confirmation

14.3 Event Management Policy Introduction

Moved Cr Strudwicke Seconded Cr Keen **2017/ 165**

"that Council, having considered Item 14.3 – *Event Management Policy Introduction*, dated 19 June 2017, receives and notes the report and in doing so endorses the Event Management Policy as presented in Attachment 1 to this Report."

CARRIED

14.4 Pinery Fire – Development Application Fees

Moved Cr Strudwicke Seconded Cr Keen **2017/ 166**

"that Council, having considered Item 14.4 – *Pinery Fire – Development Application Fees*, dated 19 June 2017, receives and notes the report and in doing so revokes the Development Application and Waste Control Application fee waivers in place for applications lodged by landowners whose property is situated within the defined fire ground foot print area of the Pinery Fire, as of 31 December 2017."

CARRIED

14.5 Draft Strategic Plan 2017-2020 for Public Consultation

Moved Cr Strudwicke Seconded Cr Stubing **2017/ 167**

"that Council, having considered Item 14.5 – *Draft Strategic Plan 2017-2020 for Public Consultation,* dated 19 June 2017:-

1. **Receives and notes the report;**
2. **Endorses the draft Strategic Plan 2017-2020; and**
3. **Authorises the Chief Executive Officer to proceed with public consultation on the draft Strategic Plan 2017-2020 in accordance with Council's Public Consultation Policy."**

CARRIED

15. REPORTS FOR INFORMATION

15.1 Council Resolutions/Actions Report

Moved Cr Strudwicke Seconded Cr McColl **2017/ 168**

"that Council, having considered Item 15.1 – *Council Resolutions/Action Report*, dated 19 June 2017, receives and notes the report."

CARRIED

Subject to Confirmation

15.2 Mallala Heritage War memorial Upgrade – Grant Application

Moved Cr Strudwicke Seconded Cr Keen **2017/ 169**

"that Council, having considered Item 15.2 – *Mallala Heritage War Memorial Upgrade – Grant Application*, 19 June 2017, receives and notes the report."

CARRIED

15.3 Mallala CWMS update

Moved Cr Jones Seconded Cr Strudwicke **2017/ 170**

At this juncture, 8.37 pm, Cr Di Troia left the chamber.

Cr Strudwicke called a Point of Order as the debate is closed.

The Presiding Member did not make a ruling.

"that Council, having considered Item 15.3 – *Mallala CWMS update*, dated 19 June 2017, receives and notes the report and in so doing recognises the diligence of staff in bringing about a very satisfactory solution to difficult issues encountered during the construction and commissioning of the Mallala CWMS project."

CARRIED

At this juncture, 8.40 pm, Cr Di Troia returned to the chamber.

15.3 Moved Cr Jones Seconded Cr Di Troia **2017/ 171**

"that a report be brought back to Council outlining the legislative requirements for connecting to the Community Wastewater Management System."

CARRIED

15.4 Short Stay Accommodation Policy update

Moved Cr McColl Seconded Cr Keen **2017/ 172**

"that Council, having considered Item 15.4 – *Short Stay Accommodation Policy update*, dated 19 June 2017, receives and notes the report."

CARRIED

Subject to Confirmation

15.5 2017-2020 Regional Strategic Tourism Plan for the Yorke Peninsula

Moved Cr McColl Seconded Cr Stubing **2017/ 173**

"that Council, having considered Item 15.5 – *2017-2020 Regional Strategic Tourism Plan for the Yorke Peninsula*, dated 19 June 2017, receives and notes the report."

CARRIED

15.6 Northern Food Bowl Protection Areas Development Plan Amendment – Status Update

Moved Cr Jones Seconded Cr Keen **2017/ 174**

"that Council, having considered Item 15.6 – *Northern Food Bowl Protection Areas Development Plan Amendment – Status Update,* dated 19 June 2017, receives and notes the report."

CARRIED

15.7 CDAP Annual Report to Council - 2016

Moved Cr Jones Seconded Cr Strudwicke **2017/ 175**

"that Council, having considered Item 15.7 – *CDAP Annual Report to Council - 2016*, dated 19 June 2017, 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 Rescind Motion 2015/281 – Proposed Relocation of Council's Principal Office to Two Wells

Moved Cr Daniele Seconded Cr Stubing **2017/ 176**

"that the below resolution (2015/281) be rescinded:-

"that Council, having considered Item 2.1 – Proposed Relocation of Council's Principal Office to Two Wells, dated 9 November 2015, resolves not to proceed

Subject to Confirmation

***with the proposed relocation of Council's Principal Office or administration staff to Two Wells during the current term of Council*."**

LOST

Division

Councillor Jones called for a division.

The Presiding Member declared the vote set aside.

Members voting in the affirmative: Councillors Daniele and Stubing

Members voting in the negative: Councillors Strudwicke, Di Troia, Keen, Jones and McColl

The Presiding Member declared the motion LOST

18.2 Sealing of Coats Road, Two Wells

Moved Cr Daniele Seconded Cr Stubing **2017/ 177**

Cr Strudwicke called for a Point of Order on the basis that the comments made within the chamber were a misrepresentation of the facts, and that decisions made at the time were based on the Road Matrix system that was used as the information assessment tool.

The Presiding Member accepted the Point of Order.

"that Coats Road, Two Wells be sealed in the 2017/2018 budget."

LOST

Division

Councillor Daniele called for a division.

The Presiding Member declared the vote set aside.

Members voting in the affirmative: Councillors Daniele and Stubing

Members voting in the negative: Councillors Strudwicke, Di Troia, Keen, Jones and McColl

The Presiding Member declared the motion LOST

Subject to Confirmation

19. MOTIONS WITHOUT NOTICE

19.1 **Correction to Council Minutes dated 22 October 2012**

Moved Cr Strudwicke Seconded Cr Keen **2017/ 178**

"that the minutes of the Ordinary Council meeting 22 October 2012 be amended to accept and confirm the minutes for the Ordinary Council meeting held on Monday 24 September 2012 (MB Folios 12520 to 12528, inclusive) having no mover and seconder recorded, and Special Council meeting held on Wednesday 3 October 2012 (MB Folios 12529 to 12530, inclusive) having been omitted from the minutes."

CARRIED

20. URGENT BUSINESS

Nil

21. CONFIDENTIAL ITEMS

21.1 Development – Assessment Panels Memberships and Delegations

Moved Cr Keen Seconded Cr McColl **2017/ 179**

At this juncture, 9.09 pm, Cr McColl left the chamber.

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

21.1 – *Development – Assessment Panels Memberships and Delegations*:

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

- **on the grounds provided by Section 90(3)(a), information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and**
- **on the basis that information within the report and attachments:**
  - **contains information about the personal affairs of person, constituting information relevant to their potential appointment and suitability for appointment to a Council Development Assessment Panel and/or Council**

Subject to Confirmation

Assessment Panel; and

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

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

CARRIED

At this juncture, 9.10 pm, Cr McColl returned to the chamber.

At this juncture, 9.15 pm, the Presiding Member, with approval of the members present, suspended the meeting procedures pursuant to Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013, for a period sufficient to facilitate informal discussions in relation to item 21.1 - Development – Assessment Panels Memberships and Delegations and will resume at the discretion of the Presiding Member.

The meeting resumed at 9.22 pm.

21.1 Moved Cr Jones Seconded Cr Keen **2017/ 180**

"that Council, having considered Confidential Item 21.1 – *Development - Assessment Panels Memberships and Delegations*, dated 19 June 2017, receives and notes the report and in doing so:-

1. **Appoints Nathan Cunningham, Cherry Getsom, Ian O'Loan and Chris Carey as Independent Members of the Council Development Assessment Panel pursuant to Section 56A(3)(c)(ii) of the *Development Act 1993* for the term commencing 1 July 2017 and ending 30 September 2017;**
2. **Appoints Cr Jones, Cr Daniele and Cr Lawrence as Council Members of the Council Development Assessment Panel pursuant to Section 56A(3)(c)(i) of the *Development Act 1993* for the term commencing 1 July 2017 and ending 30 September 2017;**
3. **Establishes a Council Assessment Panel pursuant to Section 83(1) of the *Planning, Development and Infrastructure Act 2016* and Section 14C(1) of the *Acts Interpretation Act 1915*;**
4. **Appoints Nathan Cunningham, Cherry Getsom, Ian O'Loan and Chris Carey as Independent Members of the Council Assessment Panel**

Subject to Confirmation

pursuant to Section 83(1)(b) of the *Planning, Development and Infrastructure Act 2016* and Section 14C(1) of the *Acts Interpretation Act 1915* for the term commencing 1 October 2017 and ending 30 June 2018;

5. **Appoints Cr Lawrence as a Council Member of the Council Assessment Panel pursuant to Section 83(1)(b) of the *Planning, Development and Infrastructure Act 2016* and Section 14C(1) of the *Acts Interpretation Act 1915* for the term commencing 1 October 2017 and ending 30 June 2018;**
6. **Appoints Nathan Cunningham as the Presiding Member of the Council Development Assessment Panel pursuant to Section 56A(3)(b) of the *Development Act 1993* for the term commencing 1 July 2017 and ending 30 September 2017, and Presiding Member of the Council Assessment Panel pursuant to Section 83(1)(b)(vi) of the *Planning, Development and Infrastructure Act 2016* and Section 14C(1) of the *Acts Interpretation Act 1915* for the term commencing 1 October 2017 and ending 30 June 2018;**
7. **Appoints Joel Taggart and Darby Schultz as Deputy Members of the Council Assessment Panel pursuant to Section 83(1)(b)(v) of the *Planning, Development and Infrastructure Act 2016* and Section 14C(1) of the *Acts Interpretation Act 1915* for the term commencing 1 October 2017 and ending 30 June 2018;**
8. **Determines in accordance with Section 83(1)(b) of the *Planning, Development and Infrastructure Act 2016* and Section 14C(1) of the *Acts Interpretation Act 1915* that the appointment of Independent, Council and Deputy Members to the Council Assessment Panel is subject to their compliance with and acceptance of the Terms of Reference for the Council Assessment Panel (which will include, but not be limited to, terms pertaining to Members' conditions of appointment, remuneration and grounds and procedures for removal from office) to be adopted by Council prior to 1 October 2017;**
9. **In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained in the proposed Instrument of Delegation (attached to the Report dated 19 June 2017 and entitled '*Development - Assessment Panels Memberships & Delegations*' and marked Attachment 3) are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the**

Subject to Confirmation

proposed Instrument of Delegation under the *Development Act 1993*.

10. **In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993* and Section 14C(1) of the *Acts Interpretation Act 1915* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained in the proposed Instrument of Delegation (attached to the Report dated 19 June 2017 and entitled '*Development - Assessment Panels Memberships & Delegations*' and marked Attachment 3) are hereby delegated to the Council Assessment Panel established under Section 83(1) of the *Planning, Development and Infrastructure Act 2016*, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*."**

CARRIED

21.1 Moved Cr Keen Seconded Cr Stubing **2017/ 181**

"that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item No. 21.1 – *Development – Assessment Panels Memberships and Delegations* for the meeting of the Council held on 19 June 2017, was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the *Local Government Act 1999*, this meeting of the Council, does order that:

(a) the agenda item, report and attachment 2 in relation to the matter remain confidential and not available for public inspection until further order of the Council;

(b) the minutes in relation to the matter remain confidential and not available for public inspection until the applicants for positions on the Council Development Assessment Panel and Council Assessment Panel have been advised of the success or otherwise of their applications; and

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

(d) the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and be directed to present a report to the Council containing the item for which the confidentiality order has been revoked."

CARRIED

Subject to Confirmation

22. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 9.24 pm.

Confirmed as a true record.

Mayor: .....

Date: ____/____/___

Subject to Confirmation

MINUTES

of

Special Council Meeting

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

HELD IN

Council Chambers
Redbanks Road,
Mallala

on

Monday, 10 July 2017

Subject to

The Mayor formally declared the meeting open at 5.00 pm.

1. ATTENDANCE

1.1 **Present:**

Mayor A J (Tony) Flaherty OAM JP
Cr Melville Lawrence
Cr S M (Marcus) Strudwicke
Cr Stephen Jones
Cr Carmine Di Troia (from 5.02pm)
Cr P D (Joe) Daniele
Cr Terry-Anne Keen
Cr Eddie Stubing

Also in Attendance:

Chief Executive Officer	Mr James Miller
General Manager, Governance and Communications	Ms Sheree Schenk
General Manager, Infrastructure	Mr Martin Waddington
General Manager, Finance and Economic Development	Mr Rajith Udugampola
General Manager, Development and Community	Mr Robert Veitch
Strategic Infrastructure Coordinator	Mr Paul Cleghorn
Asset Management Officer	Mr Thomas Jones
Governance Support Officer	Mr Rob Adam
Minute Taker	Ms Andrea Post

1.2 **Apologies**

Cr Karen McColl

1.3 **Not Present / Leave of Absence**

Nil

Councillor Strudwicke sought and was granted leave of the meeting to remain seated through all formal proceedings of the meeting.

At 5.06 pm the Mayor with approval of the members present suspended the meeting procedures pursuant to *Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013*, for a period sufficient to facilitate informal discussions and workshop presentation, and will resume at the discretion of the Mayor.

Meeting resumed at 6.12 pm

2. ITEMS FOR DECISION

2.1 **Adjourned Item - Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018**

Council Resolution **2017/ 182**

Moved Cr Strudwicke Seconded Cr Jones

Subject to Confirmation

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017 receives and notes the report."

CARRIED

2.1 **Council Resolution** **2017/ 183**

Moved Cr Keen Seconded Cr Strudwicke

Public Submissions received on draft Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

receives the submissions made from members of the public in regard to Council's draft Annual Business Plan, Budget for the 2017/2018 Financial Year and 2018-2027 Long Term Financial Plan, acknowledging their contribution made toward the annual business plan process of Council."

CARRIED

At 6.19 pm the Mayor with approval of the members present suspended the meeting procedures pursuant to *Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013*, for a period sufficient to facilitate informal discussions, and will resume at the discretion of the Mayor.

Meeting resumed at 7.15 pm

2.1 **Council Resolution** **2017/ 184**

Moved Cr Strudwicke Seconded Cr Jones

Adoption of Annual Business Plan

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

for the financial year ending 30 June 2018, pursuant to Section 123 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011*, having considered all submissions in accordance with Section 123(6) of the *Local Government Act 1999*, adopts the Annual Business Plan as presented in Attachment 1 (subject to editorial and other changes), subject to the following amendments: LIST HERE

Subject to Confirmation

- **REMOVE 'Install new CCTV to Lewiston Playground'**
- **REMOVE '5 Ton Truck (Mitsubishi Water cart including tank unit'**
- **REMOVE 'Designated mowing trailer'**
- **REMOVE 'Slasher'**
- **REMOVE 'Garbage Compactor'**
- **REMOVE '4x4 Diesel Dual Cab Ute'**
- **REMOVE 'Surface – Thompson Road (005) from Port Wakefield Road to Shingleback Road'**
- **REMOVE 'Surface – Light Beach Road (005) from Port Wakefield Road to Wylie Road'**
- **REMOVE 'Surface – Wylie Road(005) from Port Wakefield Road to Light Beach Road'**
- **REMOVE 'Kerbing Renewal Program'**
- **AMEND 'General Inspector 0.6 FTE' to 'General Inspector 0.4FTE'**
- **AMEND 'Engineer 1.0FTE' to 'Engineer 0.6FTE'**

and further that the Chief Executive Officer be delegated authority to prepare an abridged or summary version of the Annual Business Plan for distribution to the ratepayers with the first quarterly rate notice."

CARRIED

Division

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Strudwicke, Di Troia, Keen, Stubing, Lawrence and Jones

Members voting in the negative: Councillor Daniele

The Mayor declared the motion CARRIED

2.1 **Council Resolution** **2017/ 185**

Moved Cr Strudwicke Seconded Cr Lawrence

Adoption of Budget

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

Subject to Confirmation

- **in accordance with Section 123 of the *Local Government Act 1999* and Regulation 7 of the *Local Government (Financial Management) Regulations 2011* having considered the budget in conjunction with, and determined it to be consistent with Council's adopted Annual Business Plan, adopts budget as presented in Attachment 1 as amended, for the financial year ending 30 June 2018 comprising:-**

  (a) Statement of Comprehensive Income;

  (b) Statement of Financial Position;

  (c) Statement of Changes in Equity;

  (d) Statement of Cash Flows;

  (e) Uniform Presentation of Finances; and

  (f) Financial Indicators.

involving –

(1) an estimated operating expenditure of $12,412,265 inclusive of an estimated depreciation expense of $2,806,820;

(2) an estimated operating income from sources other than rates of $2,336,508; and;

(3) a total amount required to be raised from rates of $9,073,257 comprising –

General rate:	**$8,066,995**
Services charges:	
(Refuse Collection & Disposal):	**$617,826**
(Community Wastewater Management Systems Disposal):	**$218,542**
Natural Resource Management Levy:	**$169,894."**

CARRIED

2.1 **Council Resolution** **2017/ 186**

Moved Cr Keen Seconded Cr Lawrence

Adoption of Valuation

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

- **for the financial year ending 30 June 2018, pursuant to Section 167 (2)(a) of the *Local Government Act 1999*, adopt the most recent valuations of the Valuer-General of South Australia and available to the Council of the capital value of land in the Council area for rating purposes (subject to alteration),**

Subject to Confirmation

such valuations to govern the assessment of rates in the Council area for the financial year commencing 1 July 2017, and totalling $1,711,044,900, of which $1,690,873,139 is rateable."

CARRIED

2.1 **Council Resolution** **2017/ 187**

Moved Cr Lawrence Seconded Cr Stubing

Declaration of General Rate

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

- **for the financial year ending 30 June 2018, having taken into account the general principle of rating outlined in section 150 of the *Local Government Act 1999* and the requirements of section 153(2) of the *Local Government Act 1999*, and pursuant to sections 153(1)(b) and 156(1)(a) of the Act, declares the following differential general rates based on the capital value of rateable land varying according to the land use category:**

  (a) on all rateable land attributed Land Use Category (a) – Residential, a rate of 0.462942 cents in the dollar of the capital value of the land;

  (b) on all rateable land attributed Land Use Category (b) – Commercial Shop, Land Use Category (c) – Commercial Office, Land Use Category (d) – Commercial Other, Land Use Category (e) – Industrial Light, and Land Use Category (f) – Industrial Other a rate of 0.601783 cents in the dollar of the capital value of the land;

  (c) on all rateable land attributed Land Use Category (g) – Primary Production, a rate of 0.420867 cents in the dollar of the capital value of the land;

  (d) on all rateable land attributed Land Use Category (h) – Vacant Land and Land Use Category (i) - Other, a rate of 0.462942 cents in the dollar of the capital value of the land."

CARRIED

Subject to Confirmation

2.1 **Council Resolution** **2017/ 188**

Moved Cr Strudwicke Seconded Cr Lawrence

Application of Rate Capping

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

- **determines not to fix a maximum increase in the general rate to be charged on rateable land in accordance with Section 153(3) of the *Local Government Act 1999*, for the financial year ending 30 June 2018."**

CARRIED

2.1 **Council Resolution** **2017/ 189**

Moved Cr Lawrence Seconded Cr Strudwicke

Adoption of Fixed Charge

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

- **pursuant to Section 151 and 152 of the Local Government Act 1999, for the financial year ending 30 June 2018, to impose a fixed charge of $102.50 on all rateable land within its area for the financial year ending 30 June 2018."**

CARRIED

2.1 **Council Resolution** **2017/ 190**

Moved Cr Lawrence Seconded Cr Daniele

Community Wastewater Management System (CWMS) Annual Service Charge

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

- **for the financial year ending 30 June 2018, pursuant to Section 155 of the *Local Government Act 1999*, impose the following annual service charges based on the nature of the service on each assessment, whether vacant or occupied, to which the Council provides or makes available the prescribed service of the collection, treatment or disposal of waste as part of a**

Subject to Confirmation

Community Wastewater Management System (CWMS) service:

CWMS System	Annual Service Charge ($)
Middle Beach – Large Tank	**405**
Middle Beach – Small Tank	**405**
Mallala	**586**

."

CARRIED

2.1 **Council Resolution** **2017/ 191**

Moved Cr Lawrence Seconded Cr Strudwicke

Kerbside Waste Collection Annual Service Charge

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

1. **for the financial year ending 30 June 2018, pursuant to Section 155 of the *Local Government Act 1999*, impose an annual service charge of $180.00 per assessment in respect of all land, except for vacant land, to which Council provides or makes available the prescribed service of kerbside waste collection 3-bin service, within the townships of Mallala, Two Wells and Dublin.**

2. **Commercial/Industrial properties within the townships can apply to have the mandatory waste levy removed provided they supply written documentation to the council detailing how they will dispose of their waste in an environmentally sustainable manner.**

3. **that Council, for the financial year ending 30 June 2018, pursuant to Section 155 of the Local Government Act 1999, impose an annual service charge of $180.00 per assessment in respect of all land, except for vacant land, to which Council provides the prescribed service of kerbside waste collection 2-bin service, outside the townships of Mallala, Two Wells and Dublin upon the (existing or future) application to participate in such service by the ratepayer. Regulation 13 of the Local Government (General) Regulations 2013 provides a sliding scale to reduce the service charge payable, as prescribed."**

CARRIED

Subject to Confirmation

2.1 **Council Resolution** **2017/ 192**

Moved Cr Lawrence Seconded Cr Strudwicke

Natural Resource Management Board Levy

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

for the financial year ending 30 June 2018 in exercise of the powers contained in *Natural Resources Management Act 2004*, and Section 154 of the *Local Government Act 1999*, and in order to reimburse the Council for the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, being $ 169, 894 declare a separate rate of 0.010132 cents in the dollar of the Capital Value of land, in respect of all rateable land in the Council's area and in the area of that Board the Capital Value of such land totalling $1,676,834,289."

CARRIED

2.1 **Council Resolution** **2017/ 193**

Moved Cr Lawrence Seconded Cr Stubing

Rebate of Rates

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

1. **Pursuant to and in accordance with Sections 161 (community services), 162 (religious purposes), 163 (public cemeteries) and Section 165 (educational purposes) of the *Local Government Act 1999*, the Council grants mandatory rebates of 100% of the rates imposed for the year ending 30 June 2018 on the following assessments:**

Assessment No	Organisation	Section of the LGA Act 1999
12948	Uniting Church Cemetery	163
13037	Mallala Primary School	165
13144	Junction and Wemen's Housing Ltd	161
20099	Anglican Church	162
20123	Catholic Church Mallala	162

Subject to Confirmation

20149	Uniting Church Mallala	162
20164	Catholic Cemetery	163
20180	Grace Plains Cemetery	163
20230	Barabba Cemetery	163
20495	Mallala Cemetery	163
30387	Dublin Cemetery	163
30536	Uniting Church Windsor	162
36947	Catholic Church Two Wells	162
40295	Two Wells Cemetery	163
40303	Uniting Church Sunday School	162
40378	Anglican Church Two Wells	162
40410	Two Wells Primary School	165
40675	University of Adelaide Storage Shed	165
41798	Two Wells Primary School	165
41855	Shannon Cemetery (Calomba)	163
43125	Catholic Church Endowment Society	162
43133	Catholic Church Endowment Society	162
43158	Catholic Church Endowment Society	162
44057	Two Wells Childcare Centre	165
48181	Junction and Wemen's Housing Ltd	161
48199	Junction and Wemen's Housing Ltd	161

2. that Council, for the financial year ending 30 June 2018, in accordance with the discretionary powers given to Council under Section 166(1)(c) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the general rates imposed on the following rateable assessments (represented by their assessment number) to enable the preservation of buildings or places of historic significance:

Assessment No	Organisation
20206	Moquet Le
30395	Windsor Institute
30486	Long Plains Memorial Hall

3. that Council, for the financial year ending 30 June 2018, in accordance with

Subject to Confirmation

the discretionary powers given to Council under Section 166(1)(h) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a rebate of 100% of the general rates imposed on the following rateable assessments (represented by their assessment number) on the basis that the land is being used to provide accommodation for aged and disabled persons:

Assessment No	Organisation
20081	Junction and Women's Housing Ltd - Unit 1
47662	Junction and Women's Housing Ltd
47944	Junction and Women's Housing Ltd- Unit 2
47951	Junction and Women's Housing Ltd- Unit 3
47969	Junction and Women's Housing Ltd- Unit 4
47977	Junction and Women's Housing Ltd- Unit 5
47985	Junction and Women's Housing Ltd- Unit 6
47993	Junction and Women's Housing Ltd- Unit 7

4. **that Council, for the financial year ending 30 June 2018, in accordance with the discretionary powers given to Council under Section 166(1)(j) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the general rates imposed on the following rateable assessments (represented by their assessment number) on the basis that the land is being used by an organisation which, in the opinion of the Council, provides a benefit or service to the local community:**

Assessment No	Organisation
1784	Two Wells Golf Club
12971	Two Wells Pony Club
13722	Mallala Bowling Club
20263	Redbank Community Hall
20271	Mallala Netball Club
20289	Mallala Netball Club
20362	St John Ambulance Service Inc
21576	Adelaide Pistol Club
22350	SA Sport Parachute Club

Subject to Confirmation

23689	**SA Rifle Association Incorporated**
29207	**Port Parham Social Club**
30510	**Long Plains Recreation Oval**
30833	**Dublin Cricket Club**
38935	**United Pistol & Shooting Club**
40337	**Two Wells Football Club**
40386	**Two Wells Bowling Club**
40451	**Two Wells Golf Club**
40543	**Two Wells Trotting Trainers and**
40550	**Adelaide Plains Dog and Obedience**
43059	**Mallala Football Club**
46268	**SA Rifle Association Incorporated**
40345	**Two Wells Community Centre**
43067	**Mallala RSL Club**
43190	**Mallala CWA**
43117	**Mallala Tennis Club**

."

CARRIED

2.1 **Council Resolution** **2017/ 194**

Moved Cr Stubing Seconded Cr Keen

Due Dates for Payment of Rates

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017, resolves that:-

1. **pursuant to section 181 of the *Local Government Act 1999*, rates and charges imposed in respect of the financial year ending 30 June 2018, shall be payable in four equal or approximately equal instalments, such instalments being due and payable by:**

   a) **Friday, 1 September 2017 (first instalment)**

   b) **Friday, 1 December, 2017 (second instalment)**

   c) **Friday, 2 March, 2018 (third instalment)**

   d) **Friday, 1 June, 2018 (final instalment)**

Subject to Confirmation

provided that in cases where the initial account requiring payment of rates is not sent at least 30 days prior to this date, or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected is delegated to the Chief Executive Officer: and

2. **in exercise of the powers contained in section 44 of the *Local Government Act 1999*, the Council delegates this 10th day of July 2017 to the person occupying the office of Chief Executive Officer of the Council the power pursuant to Section 181(4)(b) of the *Local Government Act 1999*, in any case where he considers it necessary or desirable to do so, to agree with the Principal Ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event that ratepayers rates will thereby be payable accordingly."**

2.1 **Council Resolution** **2017/ 195**

Moved Cr Keen Seconded Cr Lawrence

Adoption of Long-term Financial Plan 2018-2027

"that Council, having considered Item 2.1 – *Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018*, dated 10 July 2017:-

- **pursuant to Section 122(1a)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Financial Management) Regulations 2011*, having considered all submissions received in accordance with Section 123(6) of the *Local Government Act 1999*, adopts the Long-term Financial Plan 2018-2027 contained in Attachment 1, as amended."**

CARRIED

3. CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.40 pm.

Confirmed as a true record.

Mayor: .....

Date: ____/____/___

Subject to Confirmation

Adelaide Plains Council	**12.1**	**Governance Advisory Panel – meeting held 8 June 2017**
	Department:	**Governance and Communications**
	Report Author:	**Administration Support Officer**
Date: 17 July 2017	**Container No:**	**CON16/8**
	Document No:	**D17/15200**

OVERVIEW

The purpose of this report is to facilitate the receiving and noting of the minutes from the 8 June 2017 Governance Advisory Panel Meeting, and endorse the recommendations of the committee to Council.

The Panel recommended to Council:

> **Panel Resolution** **2017/ 020**
>
> Moved Mrs Judith Jones Seconded Hon Graham Gunn
>
> "that the Panel, having considered Item 6.1 – *'Code of Conduct – Independent Investigation'* dated 8 June 2017, receive and note the report and in doing so makes the following recommendation to Council:-
>
> 1. That Council request Councillor Lawrence to provide a written apology to both the Council and the staff concerned."
>
> **CARRIED**

The above recommendation will be considered further through report 14.2 - *Code of Conduct Investigation and Recommendation of Council's Governance Advisory Panel* dated 17 July 2017.

RECOMMENDATION

"that Council receives and notes the minutes of the Governance Advisory Panel meeting held 8 June 2017."

Attachments

1. **Minutes of Governance Advisory Panel meeting held 8 June 2017**

References

Legislation

Not Applicable

Council Policies

Not Applicable

MINUTES

of

The Governance Advisory Panel Meeting of the

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

HELD IN

Council Chambers
Redbanks Road
Mallala

on

Thursday, 8 June 2017

Subject to Confirmation

The meeting commenced at 11.10 AM.

1. ATTENDANCE

1.1 **Present**

Hon Graham Gunn, AM (Chairperson)
Mrs Judith Jones
Mayor A J (Tony) Flaherty, OAM

Also in Attendance for the Meeting:

Chief Executive Officer	Mr James Miller
General Manager, Governance and Communications	Ms Sheree Schenk
Partner – Norman Waterhouse Lawyers	Ms Felice D'Agostino
Director – Byrt Corporate Advisory	Mr Ted Byrt

1.2 **Apologies**

Mr Ted Byrt
Cr Melville Lawrence

1.3 **Absent**

2. CONFIRMATION OF MINUTES

Nil

3. BUSINESS ARISING

Nil

4. DECLARATION OF MEMBERS' INTEREST

Nil

5. REPORTS FOR DECISION

Nil

Subject to Confirmation

6. CONFIDENTIAL ITEMS

6.1 Code of Conduct – Independent Investigation

Panel Resolution **2017/ 019**

Moved Mrs Judith Jones Seconded Mayor Flaherty

"that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999* the Panel orders that all members of the public, except the Chief Executive Officer, General Manager Governance and Communications, Mr Ted Byrt – Director of Byrt Corporate Advisory, Felice D'Agostino of Norman Waterhouse Lawyers, be excluded from attendance at the meeting for Agenda Item 6.1 – *'Code of Conduct – Independent Investigation'*.
2. The Panel is satisfied that, pursuant to Section 90(3)(a) of the *Local Government Act 1999*, information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and on the basis that information within the report and annexures contains information about the personal affairs of a person, constituting untested allegations about their conduct; and it would be unreasonable to disclose this information prior to the allegations being tested by an investigative process.
3. The Panel is satisfied that the principle that meetings of the Panel 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

Mr Ted Byrt was invited to present his investigation report to the Panel.

6.1

Panel Resolution **2017/ 020**

Moved Mrs Judith Jones Seconded Hon Graham Gunn

"that the Panel, having considered Item 6.1 – *'Code of Conduct – Independent Investigation'* dated 8 June 2017, receive and note the report and in doing so makes the following recommendation to Council:-

1. That Council request Councillor Lawrence to provide a written apology to both the Council and the staff concerned."

CARRIED

Subje

Mr Ted Byrt left the Chamber at 11.34 AM.

6.1

Panel Resolution **2017/ 021**

Moved Mrs Judith Jones Seconded Hon Graham Gunn

"that the Panel, having considered Item 6.1 – *'Code of Conduct – Independent Investigation'* dated 8 June 2017, suggests that the Chief Executive Officer invite the Immediate Past President of the Local Government Association, Mr David Burgess, to address Council at a closed informal gathering in relation to the importance of fostering positive relations between the elected body and the administration as a means of advancing Council's objectives."

CARRIED

6.1

Panel Resolution **2017/ 022**

Moved Mayor Flaherty Seconded Hon Graham Gunn

"that:

1. Having considered the matter of Agenda Item 6.1 – *'Code of Conduct – Independent Investigation'* ('the matter') in confidence under Sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, Council orders under the provisions of Sections 91(7) and (9) of the *Local Government Act 1999* that the report, annexures, associated information and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection.
2. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, this confidentiality order be reviewed every 12 months.
3. Pursuant to Section 91(9)(c) of the *Local Government Act 1999,* the Panel delegates the power to revoke this confidentiality order to the Chief Executive Officer."

CARRIED

The Chairperson re-opened the meeting to the public at 11:51 AM.

7. CLOSURE

The Chairperson declared the meeting closed at 11.51 AM.

Confirmed as a true record.

Chairperson: .....

Date: ____/____/___

Subject to Confirmation

Adelaide Plains Council	**13.1**	**Gawler River Floodplain Management Authority – minutes of meeting held 15 June 2017**
	Department:	**Executive Office**
	Report Author:	**Executive Assistant**
Date: 17 July 2017	**Container No:**	**CON12/314**
	Document No:	**D17/15215**

OVERVIEW

The purpose of this report is to facilitate the receiving and noting of the minutes from the 15 June 2017 Gawler River Floodplain Management Authority meeting.

RECOMMENDATION

"that Council receives and notes the minutes of the Gawler River Floodplain Management Authority meeting held 15 June 2017."

Attachments

1. **Minutes of meeting held 15 June 2017**

References

Legislation

Not Applicable

Council Policies

Not Applicable

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

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

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

M I N U T E S

Committee	**Gawler River Floodplain Management Authority**
Held On	**Thursday 15 June 2017 at 9.45 am**
Location	**Nuriootpa**

DRAFT

WELCOME

Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members, Observers and the Executive Officer and opened the ninety sixth meeting of the Board.

PRESENT

Mr Ian Baldwin, Independent Board Member, Chair
Mr Marc Salver, Adelaide Hills Council, Deputy Board Member
Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
Mayor Bob Sloane, The Barossa Council, Board Member
Mr Gary Mavrinac, The Barossa Council, Board Member
Mr Sam Dilena, Gawler Council, Board Member
Cr Adrian Shackley, Gawler Council, Board Member
Cr Denis Davey, City of Playford, Board Member
Mr Greg Pattinson, City of Playford Deputy Board Member
Mr James Miller, Adelaide Plains Council, Board Member
Mr Andrew Philpott, Light Regional Council, Deputy Board Member
Cr William Close, Light Regional Council, Board Member
Cr Carol Muzyk, Playford, Observer,
Ms Stephanie Schulz
Mr David Hitchcock, Executive Officer

APOLOGIES

Mr Mal Hemmerling, City of Playford, Member
Cr Anne Picard, Adelaide Plains Council, Board Member
Cr Melville Lawrence, Board Member, Adelaide Plains Council

GRB 17/028 Appointment of Observers

The Independent Chair invited Cr Steve Jones, Adelaide Plains Council to join the meeting as an observer, Cr Jones declined with preference for Mr Miller to respond in regard to any Adelaide Plains Council matters.

Moved: Mayor Bob Sloane **Seconded: Mr J Miller**

That Cr C Muzyk and Ms Stephanie Schulz be appointed as Observers

CARRIED

GRB 17/029 Minutes of the previous meeting 28/4/17

Moved: Cr Davey **Seconded: Mr M Salver**

That the Minutes of the previous Gawler River Floodplain Management Authority Board meeting held on Thursday, 28 April 2017 as per copies supplied to members and subject to alterations noted and amended, be adopted as a true and correct record of that meeting.

CARRIED

Minute amendments

- Corrections of spelling of Mr M Salver's name.
- Motions to be un-bolded where lost.

Discussion on level of information to be recorded in the minutes: not otherwise formal motions, in particular the matter regarding AECOM under urgent business.

For clarity, the following note is now recorded

GRFMA Board discussion.

With regard to the request by AECOM for additional payment …was the additional hours envisaged in the original quotation or was the original pricing in the" order of a cost/ s"

If it's a quote then the agreed quotation should not be altered if it was an order of costs it would have been reasonable to expect advice that the project would go over before the costs were incurred and to get approval

The AECOM proposal was found to be consistent with GRFMA understanding it was a quote for Stages 1 and 3 only and provisional for 2 if required. Stage 2 was not initiated.

On this basis, the GRFMA Executive Officer position was not to authorise the additional costs claimed by AECOM.

DRAFT

GRB 17/030 Draft Minutes of the GRFMA Audit Committee meeting 5/6/17

Moved: Mr S Dilena **Seconded: Mr. M Herrmann**

That the GRFMA note the draft Minutes of the Audit Committee Meeting held on 5 June 2017.

CARRIED

GRB 17/031 Land Acquisition

Moved: Mr G Mavrinac **Seconded: Mr M Salver**

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

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

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

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

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

CARRIED

GRB 17/032 Land Acquisition - CONFIDENTIAL

CARRIED

Refer to separate Confidential Minute extract

GRB 17/033 Out of Confidential

Moved: Mr J Miller **Seconded: Mr G Mavrinac**

That the GRFMA having considered this matter in confidence under Section 90(2) and 90(3)(d) &(e) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the attachments and details of documents of the confidential Minutes of the meeting held on 15 June 2017, Item 8.1 Land Acquisition which was considered in confidence pursuant to Section 90(3)(d)&(e) remain confidential until the next annual review in June 2018.

DRAFT

CARRIED

GRB 17/034 Bruce Eastick North Para Flood Mitigation Dam raise feasibility report

Moved: Mr J Miller **Seconded: Mr M Salver**

That the GRFMA:

1. **receives the report: and**
2. **notes deferment of any further consideration of a raising the Dam proposal until outcomes of any proposed work on the lower Gawler River (AWE report December 2016) are completed and reviewed and the potential future funding availability to implement works is clearer.**

CARRIED

Cr A Shackley entered the meeting at 10.40 am
Ms S Schulz left the meeting at 10.45 am

GRB 17/035 Adelaide Plains Council withdrawal from GRFMA

Moved: Cr W Close **Seconded: Cr M Herrmann**

That the GRFMA receives the report and receives a verbal update.

CARRIED

Mr James Miller CEO of Adelaide Plains Council (APC) provided an update and background context on the resolution by the Adelaide Plains Council to initiate action to withdraw from the GRFMA and the subsequent APC Audit Committee request for a risks and cost benefit analysis of the decision to be undertaken as a first process. Mr Miller advised further updates would be provided to GRFMA members following further consideration of the Audit Committee view by the APC.

The meeting adjourned for a short morning tea break at 11.20 am and resumed at 11.30am

GRB 17/036 GRFMA Business Plan 2017- 2020

Moved: Mr S Dilena **Seconded: Mr G Pattinson**

That pursuant to Clause 12.1 of the Charter, the Business Plan 2017–2020 be adopted.

CARRIED

During discussion on the report it was agreed that the format and structure of future Business Plans (2018-2021) be amended to better reflect the current activities and aspirations of the Authority.

Mr Andrew Philpott left the meeting at 11.35am

DRAFT

GRB 17/037 GRFMA Budget 2017- 2018

Moved: Mr G Pattinson **Seconded: Mr M Salver**

That pursuant to Section 25 Schedule 2 Part 2 of the Local Government Act 1999, that the GRFMA Budget 2017- 2018 be adopted; and

That pursuant to Clause 10.2 of the Charter that the subscriptions scheduled below be subscriptions payable for the 2017- 2018 year:

The Schedule

Part A Flood Mitigation Works – No subscriptions.

Part B Scheme Maintenance – A total of $19,000 calculated by the percentage shares prescribed in Clause 10.1 of the Charter:

Adelaide Hills Council	**$329**
Adelaide Plains Council	**$5492**
The Barossa Council	**$1647**
Town of Gawler	**$3295**
Light Regional Council	**$1647**
City of Playford	**$6590**
Total	**$19000**

Part C Operation – A total of $60,600 calculated by even shares prescribed in Clause 10.1 of the Charter.

Adelaide Hills Council	**$10100**
Adelaide Plains Council	**$10100**
The Barossa Council	**$10100**
Town of Gawler	**$10100**
Light Regional Council	**$10100**
City of Playford	**$10100**
Total	**$60600**

CARRIED

GRB 17/038 Achievements against the Business Plan

Moved: Mr J Miller **Seconded: Mr G Mavrinac**

That the Achievements Against the Business Plan 2016 - 2019 for the year 2016-2017 be adopted, as amended, and be published in the GRFMA Annual Report 2016 - 2017.

CARRIED

DRAFT

GRB 17/039 Financial Report

Moved: Mr M Salver **Seconded: Mr S Dilena**

That the financial report as at 31 May 2017 showing a balance of total funds available of $140,783.52 be received.

CARRIED

GRB 17/040 GRFMA Audit Committee Appointments

Mr Greg Pattinson advised that as a nominated person for the position of the GRFMA Audit Committee he had an interest in any consideration to be made and left the meeting.

Moved: Mr M Salver **Seconded: Mr S Dilena**

That subject to receipt of formal approval from Constituent Councils the following persons be appointed to the GRFMA Audit Committee for a period of two years commencing 1/7/17;

- **Independent Chair, Mr Peter Brass;**
- **Member, Cr Des Ellis (Light Regional Council); and**
- **Member, Mr Greg Pattinson (City of Playford) .**

CARRIED

The Chair on behalf of the Board Members thanked Mr S Dilena, as retiring Audit Committee member, for his contribution to the committee.

Mr Pattinson returned to the meeting room and resumed his chair.

GRB 17/041 Northern Floodways strategic pathway

Moved: Mr M Salver **Seconded: Mr S Dilena**

That the GRFMA:

1. **receive the Northern Floodway's draft Strategic Pathway plan;**
2. **note that staff level technical feedback will be sought from Constituent Councils prior to finalisation of the plan;**
   and further that:
3. **following relevant council staff feedback the Focus Group be requested to amend the draft Strategic Pathway plan as appropriate and subsequently provide the amended draft to the GRFMA Technical Assessment Panel for consideration: and**
4. **following consideration by the GRFMA Technical Assessment Panel the final report be provided to the GRFMA Board for consideration.**

CARRIED

DRAFT

During discussion on the final format of the motion members reaffirmed GRFMA commitment to consult and seek approval from Constituent Councils prior to considering any final agreement proposals relating to funding and costs of the proposed project. It was also noted that the Executive Officer would consult with relevant State Government Agencies on the draft plan to facilitate communication of information.

GRB 17/042 Correspondence

Moved: Cr W Close **Seconded: Mr G Pattinson**

That the GRFMA:

1. **note correspondence has been received from Hon Ian Hunter Minister for Water and the River Murray advising that a Working Party is to be established to progress the relevant recommendations of the Burns Review (2016 SA Extreme Weather Events); and**
2. **requests the Executive Officer to liaise with the LGA SA to request periodic updates on progress being achieved by the Working Party.**

The Chair thanked the Barossa Council for hospitality as host and noted the next Ordinary Board Meeting will be held 9.45 am, Thursday 24 August 2017, Town of Gawler – 43 High street venue.

Meeting closed 12.04pm

Confirmed Chair……

DRAFT

Adelaide Plains Council	**14.1**	**2017/2018 Annual Business Plan and Budget Process – The Bunyip Newspaper, 5 July 2017 'Council Turmoil' – The Facts**
	Department:	**Executive Office**
	Report Author:	**Chief Executive Officer**
Date: 17 July 2017	**Container No:**	**CON12/197**
	Document No:	**D17/14690**

EXECUTIVE SUMMARY

On Wednesday, 5 July 2017, under a page 1 headline of 'Council turmoil', *The Bunyip* reported a series of incorrect and baseless claims around Council's failed attempts to adopt its 2017/18 budget (**Attachment 1**). *The Bunyip* did not seek any response to the incorrect and baseless claims.

2017/2018 Budget Timeline

It is in the public interest that the facts are presented. These are:

1. At Council's January 2017 ordinary meeting, Council adopted a budget timeline for the 2017/18 Annual Business Plan and Budget to be adopted on 19 June 2017. It made provision for a series of workshops with elected members as well as Audit Committee consultation.
2. During the period January-June 2017, there was extensive public consultation with the elected body. Three public workshops being held; one more than the two that were envisaged.
3. At the March 2017 Ordinary meeting, a Motion from Cr Jones sought to align rate rises with the current South Australian Consumer Price Index ['CPI resolution'] and to not exceed the CPI. The motion was adopted.
4. At the April 2017 Ordinary meeting, Mayor Flaherty moved to rescind the CPI resolution. The motion was adopted. These changes of policy at the mid-point of the budget process added significant complexities to both the process and the timeline.
5. Council formally resolved to begin public consultation at its April 2017 Ordinary meeting on the draft budget. Public notices were placed in local newspapers.

6. Among the submissions received was one from the DCM Ratepayers and Residents Association Inc. It was noted by staff and acknowledged in writing to the Association (**Attachment 2**).

7. The General Manager – Finance and Economic Development attended a meeting of the DCM Ratepayers and Residents Association Inc. on Monday, 24 April 2017, to engage the Association and answer any questions on the budget.

8. At the May 2017 Ordinary meeting, Council resolved to send the CEO to the Australian Local Government Association National Assembly in Canberra as its delegate to present a Notice of Motion on Council's behalf. The CEO advised members that this would prevent him from being at the June 2017 Ordinary meeting where the budget would be presented. The CEO also advised members of his previously scheduled annual leave upon his return from Canberra.

9. At the June 2017 Ordinary meeting, a detailed report was presented to Council in relation to the budget, together with a suite of recommendations. Mayor Flaherty was an apology for that meeting following advice from his consulting cardiologist in relation to a potentially serious heart condition. It was resolved that consideration of the budget be deferred and that a special meeting be held before 23 June to consider the budget and its recommendations.

10. Despite Council administration's efforts to schedule the special meeting, two attempts failed to achieve the required quorum and two other dates were unsuitable to elected members.

11. A revised date of Monday, 10 July 2017, was scheduled for budget consideration and indeed Council, at that Special Meeting, adopted the Annual Business Plan and Budget 2017/2018.

The Bunyip – 5 July 2017 – 'Council Turmoil'

The Bunyip's article contained comments and claims by Cr Steve Jones and Mr John Lush, President of the DCM Ratepayers and Residents Association Inc, central to which were:-

1. *"It's incredibly frustrating. This time of year is incredibly important and I think it says a lot about the leadership of the Council that the CEO and Mayor haven't been able to hear Council's concern about the upcoming budget. I've been in Council for 16 years and both the Mayor and CEO have always been present at Council to discuss the budget, until now."* Cr Steve Jones.
2. *"We put a budget proposal to the Council for consideration at the consultation meeting and didn't even receive a response on the matter, so we're very disappointed the budget hasn't been delivered on time."* Mr John Lush.

Summary Comments

In the context of the facts and the comments that underpinned article entitled 'Council turmoil,' it is in the public interest that this report to Council acknowledges that:-

1. A clear and concise budget timeline was adopted by Council in January 2017. It scheduled a budget adoption date of 19 June 2017.
2. There was extensive dialogue and engagement between Council's administration and the DCM Ratepayers and Residents Association Inc.
3. Council resolved to send its CEO to Canberra to act as its delegate at the ALGA National Assembly, knowing that he could not attend the Council meeting at which the budget would be considered. The Mayor's absence was on the advice of his cardiologist.
4. The only reason that the budget was not adopted before 30 June 2017 was the failure of Council to meet, achieve a quorum and resolve to adopt the budget.

RECOMMENDATION(S)

"that Council, having considered Item 14.1 – *2017/2018 Annual Business Plan and Budget Process – The Bunyip Newspaper, 5 July 2017 'Council Turmoil' – The Facts*, 17 July 2017, confirms that:-

1. **a clear and concise budget timeline was adopted by Council in January 2017 and scheduled a budget adoption date of 19 June 2017;**
2. **there was extensive dialogue and engagement between management and the DCM Ratepayers and Residents Association Inc. To claim otherwise is wrong;**
3. **Council resolved to send the CEO to Canberra as its delegate to the ALGA National Assembly knowing that he could not attend the meeting where the budget would be considered. The Mayor could not attend because of the advice of his cardiologist. Claims that the Mayor and CEO did not provide leadership and their absence prevented Council from adopting the budget ahead of 30 June are untrue and without foundation; and**
4. **four dates were put to the elected body post the 19 June Ordinary meeting for the budget to be considered; none of which were able to achieve quorum. It is for that reason and no other that the budget was not adopted by 30 June 2017."**

Attachments

1. ***Bunyip* newspaper article**
2. **Email – General Manager, Finance and Economic Development and DCM Residents and Ratepayers Association**

Council

The Bunyip

ESTABLISHED 1863

www.bunyippress.com.au | GAWLER, Wednesday, July 5, 2017 | 64 pages | No. 8617 | $1.50

Ain't no mountain high enough

Gawler's Mikayla Queissner is preparing to do what few other people have dared this September – scale Mount Everest. Page 7.

Picard resigns, Miller absent as Adelaide Plains budget flounders

COUNCIL TURMOIL

TOM STAGGARD

ADELAIDE Plains Council is in turmoil following the sensational resignation of one of its senior elected members, as it struggles to adopt its annual business plan and budget for the upcoming financial year.

Experienced councillor Anne Picard resigned from her position on council last week, effective immediately.

Cr Picard confirmed to *The Bunyip* that she had officially stood down, but declined to comment on the reasons behind her sudden exit.

Her abrupt resignation follows the council's failed bid to hold a meeting to formally discuss the terms of the 2017/18 Annual Business Plan and Budget.

Council deferred adopting the plan at a meeting on June 19, and called for a subsequent special meeting be held on, or before, June 23 to reconsider the item.

That deadline has since passed and, despite making several attempts to resolve the budget matter, council has adjourned business until a later date, in part due to council's chief executive James Miller's absence, on leave, between June 22 and July 4.

Continued page 4

SNAPSHOT: Census data reveals new local trends **P5**

Plains council in turmoil

Continued from page 1

The Bunyip also understands Adelaide Plains Mayor Tony Flaherty was absent at one of the planned meetings.

Councillor Steve Jones, who attended each of the budget meetings, said ratepayers deserve better from their representative body, and that things need to change.

"It's incredibly frustrating," he said.

"This time of year is incredibly important and I think it says a lot about the leadership of the council, that the CEO and Mayor haven't been available to hear council's concern about the upcoming budget.

"I've been in council for 16 years and both the Mayor and CEO have always been present at council to discuss the budget, until now."

Adelaide Plains Ratepayers & Residents Association chairman John Lush also directed criticism at council's management of the budget adoption.

"To say we are frustrated would be a huge understatement," he said.

"We put a budget proposal to the council for consideration at the consultation meeting and didn't even receive a response on the matter, so we're very disappointed the budget hasn't been delivered on time."

Mr Lush said the council has endured four years of budget deficit, but that staff have still ensured ratepayers that the council will be debt free by 2021, without providing any validation to the claims.

"If you were to tell me you'd have $750,000 in the bank this time next year, I wouldn't believe you until you showed me exactly how you were going to do it," Mr Lush said.

"It's the same story with this council; we as ratepayers believe the debt level has been too high for years, and it's irresponsible to say it will be alright in a few years time with no figures to back that up."

Council released a statement outlining its inability to achieve quorum at previous budget meetings, and its intention to adjourn business until next week.

"Several attempts to hold the meeting prior to the June 23 deadline, and again on Monday, June 26, would not have achieved quorum, based on elected member availability," the statement said.

"As quorum was not reached, the Special Council Meeting was adjourned until Monday, July 10."

All Wars design revealed

LAURA COLLINS

PIONEER Park will soon be home to a new 'landmark' war memorial after Gawler's elected members supported a final design concept at their recent monthly meeting.

The design, created by artist Robert Hannaford, features a five-metre-long resting hand, positioned on, a 12-metre (approx.) circle plinth.

The concept behind the design is to create a modern, and unique, piece of art that is inclusive of all service people, regardless of race, gender and religion.

Upon completion, the project could cost Gawler Council up to $100,000, with half already allocated in the 2017/18 budget.

Gawler Council business enterprises and communications manager, and Pioneer Park war memorial working group member, David Barrett was at the meeting to explain to elected members why the design was selected.

Gawler councillor David Hughes (left) and Mayor Karen Redman were excited to view the model design during council's most recent meeting. PHOTO: Supplied

"Imagine an army soldier dying on the field, their hands are raised; air force personnel falling out of the sky, their hands are raised; and also navy going down with their ship, their hand is involved in that," he said.

"We also wanted this war memorial to reflect peace-keeping missions, so extending the hand of help, as well as other service within military history.

"The concept that Mr Hannaford came up with is rather great...and we're looking forward to putting the concept out to the community."

Deputy Mayor Ian Tooley questioned Gawler RSL sub-branch's response to the design, "given they can be quite traditional".

"They loved it, and if there's a better word than unanimous, we'd use it, but that was the approach taken to this sculpture," Mr Barrett said.

The design was agreed on unanimously by council, and will now go out for community consultation this month.

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NAWMA's education and community awareness programs are a critical factor in maintaining world's best practice in waste management in our region.

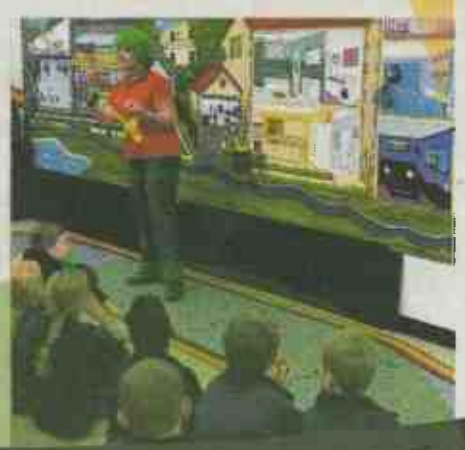
Growing numbers of schools and community groups are participating in our informative and interactive education programs promoting the social, economic and environmental benefits of waste minimisation and resources recovery.

NAWMA is about to commission a state-of-the-art Material Recovery Facility for sorting recyclables at its new complex on Woomera Avenue, Edinburgh Parks.

A key part of this new complex is NAWMA's Environment Education Centre, which is dedicated to expanding knowledge among adults and children about what happens to their waste and the positive outcomes of recycling and food and garden organics collections.

The Environment Education Centre is about enjoyment in learning with closed circuit TV cameras allowing visitors to zoom in on the sorting processes to *REDUCE, REUSE AND RECYCLE*. It features a story wall, talking bins, hands on activities, fun conversations with *Nawma*, our waste educator, and some great take home messages.

There is ample parking room at the Woomera Avenue site for buses and cars for visiting school and community groups.



Visiting NAWMA's Environment Education Centre is an opportunity too good to miss.
To find out more, call the toll free number
1800 111 004
or visit our website www.nawma.sa.gov.au

NAWMA

[redacted]

From: Rajith Udugampola
Sent: Sunday, 21 May 2017 11:28 PM
To: 'John Lush'
Subject: RE: Submissions to Councils Draft 2017/2018 Budget
Attachments: 14.6 - 2017-2018 Annual Business Plan Budget LTFP-Consideration of Public Submissions (2).docx; 14.6 - Att 1 - Letter - DCM Ratepayers and Residents Association Inc - Response to Budget and Long Term Financial Plan - April 2017.pdf

Hi John,

Submissions to the budget by DCM Ratepayers and Residents Association was formally presented to the Council at its May meeting along with the responses from the staff.

I have attached extracts from the meeting agenda for your information.

I really appreciate keen interest shown by your association with a very detailed submission to Council draft 17/18 budget and 10 year long-term financial plan.

Kind Regards

Rajith Udugampola | **General Manager**
Finance and Economic Development | **P:** (08) 8527 0200 | **E:** rudugampola@apc.sa.gov.au
PO Box 18, Mallala SA 5502 | www.apc.sa.gov.au

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From: John Lush [mailto:jwlush43@gmail.com]
Sent: Monday, 1 May 2017 2:44 PM
To: Rajith Udugampola
Subject: Re: Submissions to Councils Draft 2017/2018 Budget

Thankyou Raj Hope it was a responsible assessment.
Regards
John Lush

On 1 May 2017 1:47 PM, "Rajith Udugampola" <RUdugampola@apc.sa.gov.au> wrote:

Hi John,

The Council has received the letter sent by DCM Ratepayers and Residents Association Inc commenting on the proposed 2017/2018 Budget & Long Term Financial Plan.

I would like to take this opportunity to thank & appreciate you and your association for active interest in the financial affairs of the Council.

I have no doubt that this would help the Council to make sound budget decisions for the benefit of the Adelaide Plains community.

I will table your submission at the special Council meeting scheduled to take place 08 May from 5.30pm.

Kind Regards

Rajith Udugampola | **General Manager**

Finance and Economic Development | **P:** (08) 8527 0200 | **E:** rudugampola@apc.sa.gov.au

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Adelaide Plains Council	**14.2**	**Code of Conduct Investigation and Recommendation of Council's Governance Advisory Panel**
	Department:	**Governance and Communications**
	Report Author:	**General Manager – Governance and Communications**
Date: 17 July 2017	**Container No:**	**CON16/8**
	Document No:	**D17/14435**

EXECUTIVE SUMMARY

- The purpose of this report is to provide Council with the independent investigation report of Mr Ted Byrt **(Attachment 1)** together with the Governance Advisory Panel's recommendation in relation to the investigation, in accordance with Clause 3.2.9 of Council's 'Complaints Handling Procedure under Council Members' Code of Conduct' (the Procedure) **(Attachment 2).**
- Complaints were received by the Chairperson of Council's Governance Advisory Panel alleging that Cr Melville Lawrence had breached Part 2 – Behavioural Code of the Code of Conduct for Council Members ('Code of Conduct').
- The Chairperson of the Panel subsequently determined to refer the matter to Mr Ted Byrt for independent investigation in accordance with Clause 3.2.3 of the Procedure.
- Mr Byrt 's investigation report was considered in confidence by Council's Governance Advisory Panel at a meeting held on 8 June 2017.
- Following consideration, the Governance Advisory Panel made a recommendation to Council (Resolution 2017/020) as follows:-

  "that the Panel, having considered Item 6.1 – 'Code of Conduct – Independent Investigation' dated 8 June 2017, receive and note the report and in doing so makes the following recommendation to Council:-

  1. *That Council request Councillor Lawrence to provide a written apology to both the Council and the staff concerned."*
- As Mr Byrt found that Cr Lawrence breached Part 2 of the Code of Conduct, Council must now consider the investigator's report and the Panel's recommendation in accordance with Clause 3.2.10 of the Procedure.

RECOMMENDATION(S)

"that Council, having considered Item 14.2 – *Code of Conduct Investigation and Recommendation of Council's Governance Advisory Panel*, dated 17 July 2017, receives and notes the report and in doing so:-

1. **(Council's position in accordance with clause 3.2.10 of the Procedure)."**

BUDGET IMPACT

Estimated Cost:	$ 12,500 (approx.)
Future ongoing operating costs:	$ N/A
Is this Budgeted?	No

RISK ASSESSMENT

Nil

Attachments

1. **Independent Investigation Report of Mr Ted Byrt dated 6 June 2017**
2. **Complaints Handling Procedure under Council Members' Code of Conduct**

DETAILED REPORT

Purpose

For Council to consider the independent investigation report and subsequent recommendation of the Governance Advisory Panel in accordance with Clause 3.2.9 of the Procedure.

Background/History

On 5 May 2017, complaints were received in writing by the Chairperson of Council's Governance Advisory Panel alleging that Cr Melville Lawrence had breached Part 2 – Behavioural Code of the Code of Conduct.

Following consideration, the Chairperson of the Panel determined to refer the matter to Mr Ted Byrt for independent investigation in accordance with Clause 3.2.3 of the Procedure.

Mr Byrt's investigation report was considered in confidence by Council's Governance Advisory Panel at a meeting held on 8 June 2017. Following consideration, the Governance Advisory Panel made the following recommendation to Council (Resolution 2017/020):-

> ***"that the Panel, having considered Item 6.1 – 'Code of Conduct – Independent Investigation' dated 8 June 2017, receive and note the report and in doing so makes the following recommendation to Council:-***
>
> 1. ***That Council request Councillor Lawrence to provide a written apology to both the Council and the staff concerned."***

Discussion

The Procedure in its entirety is attached, however for Members' information and ease of reference, the relevant Clauses of the Procedure are outlined below:-

> *3.2.9 The investigator's report and the Panel's recommendation may, subject to this clause and to clause 3.2.11, be the subject of a report to the Council. If the investigator finds that a breach of Part 2 of the Code has occurred, the report and Panel recommendation must be included as part of a public meeting (clause 2.24 of the Code).*

3.2.10 The Council will consider the investigator's report and the Panel's recommendation and the Council may then resolve to take appropriate action in relation to the matter, including the imposition of any of the sanctions available to a Council under clause 2.25 of the Code of Conduct as follows:-

- *Take no action;*
- *Pass a censure motion in respect of the Council Member;*
- *Request the Council Member make a public apology, whether written or verbal;*
- *Request the Council Member attend training on the specific topic found to have been breached;*
- *Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)*
- *Request the Council Member repay monies to the Council.*

3.2.12 The complainant will be notified by letter of the outcome of the investigation. Where the full investigation report is to be tabled at a Council meeting, the complainant will be entitled to a copy of the report at, or following, the Council meeting which receives the report. If the full report is not presented at a Council meeting, the complainant will not be provided with a copy of the report as a matter of course.

Depending on the action Council wishes to take, it may wish to consider timeframes, for example, within which an apology is to be made. Council should also be aware that a failure to comply with a finding of inappropriate behaviour is also grounds for a complaint under Part 3 of the Code of Conduct (refer Clause 3.18 of Code of Conduct).

Conclusion

As it has been found that Cr Lawrence breached Part 2 of the Code of Conduct, Council must now consider the investigator's report and the Panel's recommendation in accordance with Clause 3.2.10 of the Procedure (outlined above).

References

Legislation

Local Government Act 1999

Council Policies

Code of Conduct for Council Members

Complaints Handling Procedure under Council Members' Code of Conduct

Governance Advisory Panel Terms of Reference

Report to Chairperson of the Governance Advisory Panel regarding an investigation of a Code of Conduct complaint – Adelaide Plains Council.

1. By letters of complaint all dated 5 May 2017, three Council employees have alleged that Cr. Melville Lawrence has breached the Behavioural Code of the **Code of Conduct for Council Members** as published by the Minister for the purposes of Section 63(1) of the Local Government Act 1999.
2. I have been asked by the Chairperson of the Governance Advisory Panel to undertake an independent investigation of the complaints in accord with the Complaints Handling Procedure.
3. The Council's Complaints Handling Procedure under the Council Members' Code of Conduct determines the process which has been followed by the CEO and the Chair of the Governance Advisory Panel.
4. The **Code of Conduct** which has been in operation since August 2013 commences by stating that:

   This Code of Conduct is to be observed by all Council members. Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

5. The Code of Conduct provides the following overarching **Higher Principles** stated to be:

   Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times. ***Council members will work together constructively*** *as a Council and will* ***uphold the values*** *of honesty,* ***integrity****, accountability and transparency, and in turn,* ***foster community confidence and trust in Local Government.***
   As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.
Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.
Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

6. There is a section of the Code of Conduct entitled **Behavioural Code** which provides:

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.
This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.
***Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part**.*
It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behavior

2.1 Show commitment and discharge duties conscientiously.
2.2 Act in a way that generates community trust and confidence in the Council.

2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.

2.4 Show respect for others if making comments publicly.

2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

***2.6 Comply with all Council** policies, **codes** and resolutions.*

2.7 Deal with information received in their capacity as Council members in a responsible manner.

2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.

2.10 Not bully or harass other Council members.

Relationship with Council staff

2.11 Not bully or harass Council staff.

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

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

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

Requirement to report breach of Part 3

2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal

Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.

2.16 A failure to report an alleged or suspected breach of Part3 of this Code is in itself a breach under this Part.

Complaints

2.17 Any person may make a complaint about a Council member under the Behavioural Code.

2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.

2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.

2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.

2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.

2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.

2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.

2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the

Council may, by resolution:

2.25.1 Take no action;

2.25.2 Pass a censure motion in respect of the Council member;

2.25.3 Request a public apology, whether written or verbal;

2.25.4 Request the Council member to attend training on the specific topic found to have been breached;

2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);

2.25.6 Request the member to repay monies to the Council.

7. I have detailed the above relevant provisions of the Code of Conduct because of their importance and the necessity to show the Regulated context for the complaints.
8. I have also **highlighted** those provisions of the Code of Conduct which have particular relevance to the complaints.
9. The allegations arise out of an alleged incident at a public CDAP Meeting held at the Council's Mallala Chamber on 2 May 2017.
10. I commenced my investigation on Monday 29 May by meeting and discussing the complaints with the three complainants and also with Cr. Lawrence Melville who was accompanied by Cr. Steve Jones as his "support person" which I accepted.
11. As I said there are three complaints from the three Council employees who were present at the CDAP meeting and the essence of the complaints and their wording is almost identical.
12. At the outset of my investigation a threshold question was raised by Cr. Melville Lawrence as to the veracity of the complaints given their similarity in wording. I have ascertained that on a day following the CDAP meeting, the three employees who were all concerned about the incident, consulted with each other and the Council's Governance Officer about the incident and all agreed that it was appropriate to each lodge a complaint.
13. In the cicumstances of this matter I find nothing untoward in the fact that all three employees consulted with each other and also with the Governance Officer before submitting the written complaints. And given the simple nature of the incident

I also find nothing untoward in the similarity in wording in the complaints.

14. An extract from the complaint by Robert Veitch, General Manager, Development and Community, is an appropriate starting point, which states: *The incident occurred during discussions regarding a Trapeze application and possible issues around parking to Dawkins Road. Placement of No Parking signs were brought up by Mr Lawrence. Some discussion amongst the Panel took place and clarified that "There may only need to be No Parking on weekends and this may not be an issue, as staff do not work on weekends." I also made a comment in regards to additional resourcing, if covering weekends may be required in the future. Mr Lawrence responded to this with* ***"More staff? We're trying to sack staff, not hire more****". Another Panel Member Mr Jones replied direct to Mr Lawrence, with words to the effect of "I'm glad you said that and not me".* The Mr Jones referred to is in fact Cr. Jones.

15. The complainant Robert Veitch expressed concern that the comment by Cr Melville Lawrence ***"More staff? We're trying to sack staff, not hire more***" was audible to all in the room and was in itself not respectful of Council staff and not an appropriate comment from an Elected Member of Council. His concern is that such comment is not good for fostering positive and healthy relationships between staff and Council going forward. As a manager, the complainant is part of a team trying to foster a positive culture and image throughout Council administration and the community and that such a comment negates such endeavours.

16. Complainant Ralph Semrau, Planning Officer, Development and Community, supports the essence of the first complaint, and in particular Ralph Semrau states that he was offended by the comment and also stated about Cr. Lawrence that "*His conduct cannot be good for fostering positive and healthy relationships between staff and Council in going forward. This now makes me think that some Councillors may be secretly discussing how they are going to sack Council staff. I understand management is trying to foster a positive image throughout Council and the community. Comments like this do*

not help anyone." Ralph Semrau goes on to say in his complaint that *"Councillor Mel Lawrence should behave, and especially to staff members who are trying to carry out their work role without being hindered by provocative, vexatious, undermining and ill intended and stupid comments."*

17. Complainant Carol Wildbore, Administrative Support Officer, Development and Community, also supports the essence of the first complaint, and in particular states that "*Council staff have been addressed several times and received correspondence from our CEO about code of conduct and making sure a positive attitude and respect towards fellow staff and Elected Members is portrayed at all times. I believe Cr Mel Lawrence has breached this code of conduct. It has been made quite clear to all staff that negativity and unprofessional conduct will not be tolerated by staff (and rightly so)."* Carol Wildbore also states that *"I am not only concerned by what Cr Lawrence said that night but what else is he saying regarding APC staff? And what other Councillors feel the same way? This behaviour and conduct is not acceptable. It is not good for relationships between staff and Council, it is certainly not good for staff moral."*

18. Carol Wildbore was also very helpful in putting the incident into the context of the organisation's desired cultural values which the CEO and management are endeavouring to foster. I have been made privy to the many positive actions of the CEO and management to improve the culture of the organisation and to achieve respect by all for all including Elected Members. The Council has adopted an Administrative Protocol for Internal Procedure to guide all staff and Elected Members which has at its core values reflected in the Principles of the Ministerial Code of Conduct.
19. This incident is seen by the three complainants as being an affront to the core values of the organisation and a breach of the Behavioural Code by Cr. Lawrence.
20. Cr. Lawrence admits the facts about the incident as alleged by the complainants, namely, that he said ***"More staff? We're trying to sack staff, not hire more***" but strongly disagrees with the interpretation given by the three

complainants about those words.

21. Cr. Steve Jones also admits the facts alleged in the complaints including his comment *of "I'm glad you said that and not me"* and he also disagrees with the interpretation given by the three complainants about Cr Lawrence's words.
22. In particular Cr. Lawrence maintains that he was, and is, entitled to make such a comment and he maintains that such a comment is not a breach of the Behavioural Code in any way.
23. In fact Cr. Lawrence stated to me that he often made remarks of the same character, for example, when going into the Council office he has said "*I have come here to sack half of you*" and he remarked to me that "*I say it all the time*". He also added "*we simply employ staff and do nothing*" meaning, I understand, that Council is unable to undertake works because too many staff are employed and funds are not available for works.
24. I understood from Cr. Lawrence at our meeting that there may be more examples of such endeavor by Cr Lawrence to "make his point" about staffing and other resources which I invited Cr. Lawrence to document for this investigation. Cr Lawrence has declined the opportunity.
25. Cr. Steve Jones also maintains that Cr. Lawrence was and is entitled to make such a comment and he maintains that such a comment is not a breach of the Behavioural Code in any way.
26. Cr Jones also supports the contention that Council employs too many staff, advising me that his platform for election to Council was "*staff rationalisation*" for similar reasons as given by Cr. Lawrence.
27. I referred the above material to Cr. Lawrence in a draft report to enable him to comment upon the accuracy or otherwise – from his perspective – of the material in the draft report and to provide me with whatever other material he believes is relevant to this investigation by way of his response.
28. I invited Cr. Lawrence – with whatever assistance he required from Cr Jones as his "support person" – to advise me more fully and in writing about his response to the allegations of breach of the Behavioural Code.
29. On 5 June Cr. Lawrence responded by email stating that "***I am not changing my story it is as it is***" and I have taken that response as Cr Lawrence accepting what I have

documented above. I have also provided Cr. Lawrence with a copy of my proposed conclusions (and findings) set out in in the next paragraph and I have offered Cr. Lawrence the opportunity to respond to or to comment upon the then such tentative conclusions (and findings) but he has failed to do so within the time frame offered to him.

30. Accordingly, I now conclude my investigation by finalising my Report with the following conclusions (and findings):
    (a) I find that the essence of the complaints, namely that Cr.Lawrence said ***"More staff? We're trying to sack staff, not hire more"*** is an accurate allegation and a valid complaint.
    (b) I find that such a statement is primarily a breach of clause 2.4 of the Code of Conduct because it is clearly disrespectful of staff, notwithstanding the personal views and stated public positioning by Cr. Lawrence and others who may hold such views about staffing numbers at the Council.
    (c) I also find that such a statement is a breach of clause 2.11 of the Code of Conduct because it is clearly an endeavour to "bully or harass staff" consistent with other behaviours and conduct admitted by Cr. Lawrence.
    (d) I also find that the statement and related behaviour at the CDAP meeting is also likely a breach of clause 2.6 of the Code of Conduct but the fundamental breaches of clauses 2.4 and 2.11 are the fundamental breaches.
    (e) I conclude that the appropriate outcome for such findings about such a statement and behavior is for the Council to request Cr. Lawrence to provide a written public apology (as approved by Council) to all staff of the Council.

Ted Byrt.
6 June 2017.

Adelaide Plains Council	**Complaints Handling Procedure under Council Members' Code of Conduct**	
	Version Adoption by Council:	2016
	Resolution Number:	2016/172
	Current Version:	V3.0
	Administered by: Chief Executive Officer	**Last Review Date:** 2016 **Next Review Date:** 2017
TRIM REF: CON12/570	**Strategic Outcome:** 5.1 Effective governance, leadership and teamwork.	

1. Objective

The Adelaide Plains Council has declared through the Mandatory Code of Conduct for Council Members the principles of good conduct, maturity respectability, sincerity and ethical and behavioural standards that Council have agreed its community can reasonably expect both personally and professionally from its Council Members in the course of their roles and responsibilities.

The Code of Conduct applies to all Council Members across the Local Government sector and may be the subject of a Council investigation or an Ombudsman investigation, depending on the nature of the issue.

The Code of Conduct also contains sanctions which may be imposed by Council on a Council Member where a breach of the Code is found to be substantiated.

In 2016 the Adelaide Plains Council established the Governance Advisory Panel (Panel) as an independent body to deal with matters pertaining to issues related to the Code of Conduct for Council Members.

2. Purpose and Scope

This procedure applies when the Council receives a formal complaint against a Council Member under the Code of Conduct for Council Members. (A copy of the code may be accessed on Council's website www.apc.sa.gov.au).

This procedure also applies to the appointed Independent Members of Council's Section 41 Committees, with the exception of Council's Development Assessment Panel (CDAP) which is administered by its Complaints Handling Policy.

3. Breaches of the Code of Conduct

Breaches of the Code of Conduct may relate to behaviour (Part 2 of the Code) or misconduct (Part 3 of the Code).

Criminal or corruption matters, which are subject to separate legislation, do not form part of the Code of Conduct for Council Members but are referred to in the appendix to

that Code. This procedure covers referral of these types of complaints to other agencies.

3.1 Alleged Breach

3.1.1 A person making a complaint that relates to an alleged breach of Part 2 of the Code of Conduct must:

a. Submit the complaint, in writing, to the Chairperson of the Panel who will, with the assistance of the Council's Chief Executive Officer, be responsible for receiving and managing the complaint as the nominated delegate pursuant to clause 2.18 of the Code.

Complaints should be marked '**Confidential**' and addressed to:

The Chairperson
Adelaide Plains Council Governance Advisory Panel
PO Box 18
MALLALA SA 5502

The Chief Executive Officer will be responsible for providing advice and administrative assistance to the Chairperson in respect of any Complaint received by the Council.

The Chairperson of the Panel will determine whether the complaint relates to:

- behaviour which falls under Part 2 of the Code
- misconduct which triggers action under Part 3 of the Code or
- criminal or corrupt behaviour

b. Identify the provision(s) of the Code of Conduct that have allegedly been breached accompanied by any supporting material.
c. Observe strict confidentiality while the complaint is investigated.

3.1.2 The allegation should:

- be specific;
- provide as much supporting evidence as possible to assist an investigation;
- provide the name of the Member who has allegedly breached the Code.

3.1.3 Having regard to the seriousness of the allegation and information provided, the Chairperson of the Panel may, in accordance with clause 3.2.3:

a) seek to resolve the matter internally, including through conciliation or mediation;
b) refer the complaint for independent investigation (by persons including, but not limited to, the Local Government Governance Panel); or
c) dismiss the allegation.

3.1.4 Council maintains jurisdiction where the complaint deals with conduct that falls into Part 2 of the Code. Part 2 deals with conduct that reflects reasonable community expectations of how Council Members should conduct themselves. Robust debate within Council which is conducted in a respectful manner is not considered a breach of this Part.

The person making the complaint can, at any time, take the alternative option of lodging the complaint with the Office of Public Integrity (OPI), which will direct the complaint in accordance with the ICAC Act.

3.1.5 Complaints relating to **misconduct or criminal behaviour** must be referred to the appropriate authorities immediately. (See below at clauses 5 and 6)

3.1.6 The Complaint handling procedures are as follows:

a. Receipt of the complaint will be acknowledged by the Council's Chief Executive Officer to the person making the complaint within five (5) day of receiving the complaint.
b. The Member about whom the complaint has been made will be notified within five (5) days of receipt of the complaint by the Council's Chief Executive Officer and will be provided with a copy of the complaint.
c. Where, after consideration by the Chairperson of the Panel, the matter is found to have merit, the complaint will be investigated.

3.2 Alleged Breach of Part 2 – Referral to the Panel Chairperson

3.2.1 Only complaints which are determined to be related to Part 2 of the Code of Conduct will be dealt with internally by the Panel Chairperson as the Council's nominated delegate.

3.2.2 The matter will be assessed initially by the Panel Chairperson who will, with the assistance of the Chief Executive Officer, determine the process to be followed and the appropriate person and/or authority who will deal with the matter.

3.2.3 The Panel Chairperson may at this stage:

- dismiss the Complaint if it considered to be trivial, frivolous or vexatious;
- with the agreement of all parties, seek to resolve the matter by informal discussion, mediation or conciliation;
- refer the matter for independent investigation by a person appointed by the Panel Chairperson on advice of the Council's Chief Executive Officer.

3.2.4 Where the matter is resolved by the Chairperson of the Panel to the satisfaction of all the parties through informal discussion, mediation or conciliation, the matter will be closed and no further action will be taken. The Chairperson of the Panel will send written confirmation to all the parties confirming that the matter has been resolved.

3.2.5 If the matter proceeds to independent investigation, the Panel Chairperson and independent investigator must ensure that the principles of natural justice and procedural fairness are observed at all times. The Mayor, Chief Executive Officer, Panel Chairperson and Panel will not themselves investigate a complaint.

3.2.6 Complaints referred by the Panel Chairperson for independent investigation will specify the ground/s of the complaint, set out the circumstances of the complaint and be accompanied by any other material that is available to support the complaint.

3.2.7 Once the independent investigator has concluded their investigation, they must provide a report to the Chairperson of the Panel outlining their findings and recommendations. If a breach of Part 2 of the Code is found, the report should recommend whether the Council should consider:

- taking no action;
- passing a censure motion in respect of the Council Member;
- requesting the Council Member make a public apology, whether written or verbal;
- requesting the Council Member to attend training on the specific topic found to have been breached;
- resolving to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council); or
- requesting the Council Member repay monies to the Council.

3.2.8 The Chairperson of the Panel must ensure that the report is included on the Agenda of an upcoming meeting of the Panel for the Panel's consideration. The Panel will then:

- consider the report;
- if a breach of Part 2 of the Code is found, receive written or verbal submissions from the Council Member the subject of the complaint regarding the independent investigator's recommended Course of action; and
- make a recommendation to the Council regarding the Panel's proposed course of action.

3.2.9 The investigator's report and the Panel's recommendation may, subject to this clause and to clause 3.2.11, be the subject of a report to the Council. If the investigator finds that a breach of Part 2 of the Code has occurred, the report and Panel recommendation must be included as part of a public meeting (clause 2.24 of the Code).

3.2.10 The Council will consider the investigator's report and the Panel's recommendation and the Council may then resolve to take appropriate action in relation to the matter, including the imposition of any of the sanctions available to a Council under clause 2.25 of the Code of Conduct as follows:-

- Take no action;
- Pass a censure motion in respect of the Council Member;
- Request the Council Member make a public apology, whether written or verbal;
- Request the Council Member attend training on the specific topic found to have been breached;
- Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)
- Request the Council Member repay monies to the Council.

3.2.11 Where a report finds no breach of the Code, the report will not be made public, except at the request of the Council Member who was the subject of the complaint. If such a request is made, a copy of the report will be tabled at the next practicable Council meeting. If no such request is received, no further action will be taken, although a summary report may be made to the

Council by the Panel regarding other observations or recommendations made by the Panel that are of broader application.

3.2.12 The complainant will be notified by letter of the outcome of the investigation. Where the full investigation report is to be tabled at a Council meeting, the complainant will be entitled to a copy of the report at, or following, the Council meeting which receives the report. If the full report is not presented at a Council meeting, the complainant will not be provided with a copy of the report as a matter of course.

4. Appeals

Council will not enter into any process of appeal in relation to Part 2 of the Code.

5. Part 3 - Mandatory Code (Misconduct)

5.1 Any person may report an alleged breach of Part 3 of the Code to Council, the Ombudsman, the Electoral Commissioner (for breaches of Clause 3.8 of the Code) or the Office for Public Integrity.

5.2 Where a complaint in relation to a breach of Part 3 is received by Council, it may be referred by the Council's Chief Executive Officer to the Ombudsman, the Electoral Commissioner (for breaches of Clause 3.8 of the Code) or the Office for Public Integrity, as required.

5.3 Under the Code of Conduct, a Council Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Ombudsman or the Office for Public Integrity.

5.4 A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach under Part 2 of the Code.

5.5 A failure of a Council Member to co-operate with the Council's process for handling alleged breaches of Part 2 of the Code may be referred for investigation under Part 3.

5.6 A failure of a Council Member to comply with a finding of an investigation under Part 2 of the Code, adopted by the Council, may be referred for investigation under Part 3.

5.7 Repeated or sustained breaches of Part 2 of the Code by the same Council Member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.

5.8 A report from the Ombudsman that finds a Council Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council.

5.9 The Council must pass a resolution to give effect to any recommendations received from the Ombudsman, within two (2) ordinary meetings of the Council following the receipt of these recommendations.

6. Criminal Matters – Appendix to the Code of Conduct

6.1 The matters within the Appendix to the Code of Conduct are matters for which a criminal penalty attaches. These matters must be reported to the Office of Public Integrity. In addition, allegations of a breach of any of the offence provisions in the *Local Government Act1999* must also be reported to the Office of Public Integrity.

6.2 In compliance with the *Independent Commissioner against Corruption Act 2012*, referral of such complaints to the Office of Public Integrity will remain confidential.

7. Complaint in Relation to Chief Executive Officer or Panel Chairperson

7.1 Where the conduct complained of involves or includes conduct of the Panel Chairperson, the functions assigned to that person may be performed by any other independent member of the Panel determined by the Chief Executive Officer.

7.2 Where the conduct complained of involves or includes conduct of the Chief Executive Officer, the functions assigned to that person will be performed by the Council's Governance Officer.

8. References/Related Documents

Local Government Act 1999, s59-63
Local Government (General) Variation Regulations 2013
Code of Conduct for Council Members, as published in the SA Gazette on 29 August 2013, Directions and Guidelines issued by ICAC
Independent Commissioner Against Corruption Act 2012
Caretaker Policy

9. Records Management

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

10. Document Review

In order to ensure Council continues to provide the best possible complaints handling service for its customers, this policy will be subject to periodic evaluation and annual review.

11. Further Information

Members of the public may inspect this Procedure 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

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

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

Adelaide Plains Council	**14.3**	**Gawler River Floodplain Management Authority – Board Membership Appointment**
	Department:	**Executive Office**
	Report Author:	**Executive Assistant**
Date: 17 July 2017	**Container No:**	**CON12/314**
	Document No:	**D17/14327**

EXECUTIVE SUMMARY

- Anne Picard former Lewiston Ward Council Member announced her resignation from the position of Councillor, effective as of 30 June 2017.
- Within her role as a Councillor, Anne Picard was the Adelaide Plains Council (APC) Elected Member Board representative of the Gawler River Floodplains Management Authority (GRFMA).
- In light of Cr Picard's resignation, the position of GRFMA Board Member for APC is now vacant.
- In accordance with the GRFMA Charter **(Attachment 1)**, this position now needs to be filled.

RECOMMENDATION(S)

"that Council, having considered Item 14.3 – *Gawler River Floodplain Management Authority – Board Membership Appointment*, dated 17 July 2017, receives and notes the report and in doing so:-

1. **Appoints Councillor _____ as Board Member of the GRFMA;**
2. **Appoints Councillor _____ or Council Officer _____ as Deputy Board Member; and**
3. **Instructs Council's Chief Executive Officer to advise the GRFMA of the names of the updated appointed Member and Deputy Board Member of the Authority."**

BUDGET IMPACT

Estimated Cost: Nil

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

RISK ASSESSMENT

Not Applicable

Attachments

1. **Gawler River Floodplain Management Charter**

DETAILED REPORT

Purpose

The purpose of this report is for Council to consider its Board Membership of the Gawler River Floodplains Management Authority (GRFMA) in light of the recent resignation of Councillor Anne Picard who was Adelaide Plains Council's (APC) Elected Member Board representative. With the announcement of her resignation, the position of GRFMA Board Member for APC is now vacant.

Background/History

Former Lewiston ward Councillor, Anne Picard, resigned from the position of Councillor, effective as of 30 June 2017. Within her role, Anne Picard was APC's Elected Member Board representative of the GRFMA.

In accordance with the GRFMA Charter:-

4. THE BOARD – ROLE AND MEMBERSHIP

4.3 The Board will comprise:

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

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

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

Discussion

In accordance with the Charter, each Constituent Council is required to appoint two (2) Board Members. The appointees are the Chief Executive Officer (or nominee) plus one elected member.

Council may appoint either an Elected Member *or* a Council Officer as Deputy Board Member who, in the absence of the appointed Board Member, may attend the meetings.

At present, Councillor Lawrence has been appointed by Council as a Deputy Board Member.

Conclusion

In light of Councillor Picard's resignation, Council now needs to consider its representation on the Board of the GRFMA by appointing an elected member as Board Member in Councillor Picard's place.

References

Legislation

N/A

Council Policies

N/A

LOCAL GOVERNMENT ACT 1999

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

Notice of Alteration to the Charter

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

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

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1. **ESTABLISHMENT**

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

This Charter governs the affairs of the Authority.

2. **CONSTITUENT COUNCILS**

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

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

3. **PURPOSE**

3.1 The Authority has been established for the following purposes:

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

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

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

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

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

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

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

4. **THE BOARD—ROLE AND MEMBERSHIP**

4.1 The Authority will be governed by a Board.

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

4.3 The Board will comprise:

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

(a) environmental management;

(b) corporate financial management;

(c) general management; and

(d) public sector governance.

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

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

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

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

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

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

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

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

5. **TERM OF OFFICE—THE BOARD**

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

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

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

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

5.2.3 breach of fiduciary duty to the Board;

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

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

5.2.6 any other behaviour which may discredit the Board.

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

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

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

5.3.3 breach of fiduciary duty to the Board;

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

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

5.3.6 any other behaviour which may discredit the Board.

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

6. **PROCEEDINGS OF THE BOARD**

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

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

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

6.2 Subject only to the special provisions of this clause, no meeting of the Board will commence until a quorum of members is present and no meeting may continue unless there is a quorum of members present. A quorum of members will comprise half the members plus one. A time limit of 30 minutes shall apply from the advertised time of the meeting in which to reach a quorum. Failure to reach a quorum within this time limit shall result in a failed meeting.

6.3 For the purpose of this clause, the contemporaneous linking together by an audio-visual or other interactive means, but excluding telephones ('telecommunication meeting') of a number of members of the Board provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board members taking part in the telecommunications meeting, must be able to hear and be heard by each of the other Board members present. At the commencement of the meeting, each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunication meeting by disconnecting his/her, audio-visual or other communication equipment, unless that Board member has previously notified the Chairperson of the meeting.

6.4 In the event that there is not a quorum present at two consecutive meetings of the Board, then an extraordinary meeting of the Board may be convened in the same manner as for a special meeting (see Clause 6.1), at which the business which was on the agendas for the two previous but failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is that there be at least one member representing each of the Constituent Councils in attendance. Decisions made at such a meeting will be binding on the subsidiary and all members of the Board and the Constituent Councils.

6.5 Subject only to any specific requirement of this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the members present and entitled to vote on the matter. Both members from each Constituent Council present are entitled to vote on a matter. Voting members are entitled only to a deliberative vote. Board members may not vote by proxy.

6.6 In the event of equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed and may at some later time be reconsidered.

6.7 Meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one meeting in every two calendar months.

6.8 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of six members of the Board representing all of the Constituent Councils.

6.9 Notice of all meetings will be given in accordance with the provisions applicable to a committee meeting under Part 2 of Chapter 6 of the Act and the associated Regulations.

6.10 Meetings of the Board will be open to the public unless the Board so resolves to exclude the public pursuant to Section 90 of the Act.

6.11 All members must keep confidential all documents and any information provided to them in confidence for their consideration prior to a meeting of the Board.

6.12 The Board must ensure that accurate written minutes of its proceedings are kept and are produced for verification at the subsequent meeting of the Board.

7. **PROPRIETY OF MEMBERS OF THE BOARD**

7.1 The principles regarding conflict of interest prescribed in the Act will apply to all members of the Board as if they were elected members of a Council.

7.2 The members of the Board will not be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.

7.3 The members of the Board will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2.

8. **POWERS**

8.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.

8.2 The Authority has:

8.2.1 the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;

8.2.2 the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation;

8.2.1 the power to sue and be sued in its corporate name;

8.2.4 the power to enter into any kind of contract or arrangement;

8.2.5 the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;

8.2.6 the power to set aside surplus revenue for future capital expenditure;

8.2.7 the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;

8.2.8 the power to establish committees;

8.2.9 the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Rule 8.2.2 and except for any of the powers set out in Section 44 of the Local Government Act 1999, (where such powers are applicable to a Subsidiary); and

8.2.10 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

8.3 The Authority shall not act outside of the areas of the Constituent Councils without their prior approval that approval shall only be granted upon the basis that the Councils consider it necessary or expedient for the performance of their or the Authority's functions.

8.4 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairman of the Board and one other Board member.

8.5 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date.

8.6 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.

9. **ADMINISTRATIVE MATTERS**

9.1 There will be an Executive Officer of the Authority appointed by the Board on terms and conditions to be determined by the Board.

9.2 The Executive Officer will be responsible to the Board:

9.2.1 to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;

9.2.2 for the efficient and effective management of the operations and affairs of the Authority;

9.2.3 to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and

9.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.

9.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.

9.4 The Board may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.

9.5 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

10. **FINANCIAL CONTRIBUTIONS TO THE AUTHORITY**

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

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

10.2 The Board will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required in the following financial year. This will be achieved via the business plan and the annual budget.

10.3 The Board will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Board, in the annual budget and approved by the Council, and any additional funds that are required for the continuing function of the Authority and approved by the Council, in accordance with Clause 11. The Board must provide full details regarding the need for additional funds to the Constituent Councils.

10.4 The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.

10.5 Additional contributions (if any) will be paid by each Constituent Council in the manner and at the time determined by the Board.

10.6 The Board is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.

10.7 The Board on behalf of the Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.

10.8 Where a Council or Councils enter into an agreement with the Authority under Clause 12.4 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.

11. **BUDGET**

11.1 The Authority must prepare a budget for the forthcoming financial year.

11.2 The budget must:

11.2.1 deal with each principal activity of the Authority on a separate basis;

11.2.2 be consistent with and account for activities and circumstances referred to in the Authority's business plan;

11.2.3 be submitted in draft form to each Constituent Council before 31 March for approval of its contribution for the year;

11.2.4 not be adopted by the Authority until after 31 May but before 30 September;

11.2.5 the adoption of the budget requires a two-thirds majority of the Board members present; and

11.2.6 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.

11.3 The Authority must provide a copy of its budget to each Constituent Council within five business days after adoption.

11.4 The Authority must reconsider its budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.

11.5 The Authority must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional contribution by the Constituent Councils.

11.6 Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 20.2 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.

12. **BUSINESS PLAN**

12.1 The Authority shall have a rolling Business Plan in respect of the ensuing three years.

12.2 The Business Plan must:

12.2.1 state the services to be provided by the Authority;

12.2.2 identify how the Authority intends to manage service delivery;

12.2.3 identify the performance targets which the Authority is to pursue;

12.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and

12.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.

12.3 Prior to setting the draft budget each year the Authority must review the Business Plan in conjunction with the Constituent Councils. The Business Plan must be updated to ensure it presents a plan for the ensuing three years.

12.4 One or more of the Constituent Councils may request the Authority to undertake a function provided for in Clause 3.1.4 of this Charter, which function is additional to those undertaken by the Authority for all of the Constituent Councils. Where one or more Constituent Councils make a request under this clause, the Constituent Council or Councils must enter into a written agreement with the Authority which commits the Council or Councils to annual subscription amounts and/or an equal percentages of classes of subscription to meet the costs of the Authority in undertaking the additional function and which deals, amongst other things, with the ownership and maintenance of any resultant infrastructure.

13. **ACCOUNTING**

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

14. **AUDIT**

14.1 The Authority must appoint an Auditor.

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

15. **FINANCE**

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

15.2 All cheques to be authorised must be signed by two members of the Board or one member of the Board and the Executive Officer.

15.3 The Executive Officer must act prudently in the handling of all financial transactions for the Board and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.

15.4 The Board will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Board must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.

15.5 The 'Schedule of Constituent Councils' Interests in Net Assets' will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance to the Authority having regard to the proportionate contribution to subscriptions for each function undertaken by the Authority. The Schedule when updated by the Board at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the commencement of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council's interests in the net assets as at 30 June in that year.

15.6 Where there is any dispute as to the Schedule, Clause 20 shall apply.

16. **REPORTS AND INFORMATION**

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

16.2 Within two weeks following each ordinary meeting of the Board, the Constituent Councils shall be provided with a Key Outcomes Summary of the meeting that shall include the Achievements Against the Business Plan Report for those meetings that it is received by the Board.

16.3 The Board shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.

17. **ALTERATION TO THE CHARTER**

17.1 This Charter may be amended by unanimous resolution of the Constituent Councils.

17.2 The Executive Officer of the Authority must ensure that the amended Charter is published in the *Gazette*.

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

18. **WITHDRAWAL OF A CONSTITUENT COUNCIL**

18.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months' notice of its intention to do so to all other Constituent Councils and the Executive Officer.

18.2 In any event a withdrawal cannot become effective until 30 June following the expiry of the six months in the preceding subclause. Until withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its members on the Board, the responsibility of ensuring the continued proper conduct of the affairs of the Authority.

18.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

19. **ADDITION OF NEW MEMBER**

19.1 The Board may consider the addition of a new member to the Authority.

19.2 The Constituent Councils must resolve unanimously to approve the addition of a new member to the Authority and must obtain Ministerial approval.

19.3 The Charter shall be amended in accordance with the provisions of this Charter to address any new addition.

20. **DISPUTES**

20.1 In the event of any dispute or difference between the Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council serving a notice of dispute on all other Constituent Councils with a contemporaneous copy being served on the Authority. The Constituent Councils:

20.1.1 will attempt to settle the dispute or difference by negotiating in good faith;

20.1.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;

20.1.3 if the dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister to dissolve the Authority; and

20.1.4 notwithstanding the existence of a dispute or difference, the Constituent Councils will continue to meet their obligations to the Authority.

20.2 In the event of any dispute or difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council, or the Authority, serving a notice of dispute on the Constituent Council or the Authority, as the case may be, with a contemporaneous copy being served on all other Constituent Councils:

20.2.1 will attempt to settle the dispute or difference by negotiating in good faith;

20.2.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then, the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to examine the issues and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Council and the Authority. The costs of the expert will be apportioned and payable in accordance with the expert's determination; and

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

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

20A **LIMIT OF LIABILITY**

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

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

21. **DISSOLUTION OF THE AUTHORITY**

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

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

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

DEAN GOLLAN, Executive Officer

	14.4	**Council Confidential Items Register Review**
	Department:	**Governance and Communications**
	Report Author:	**General Manager, Governance and Communications**
Date: 17 July 2017	**Container No:**	**CON12/540**
	Document No:	**D17/12292**

EXECUTIVE SUMMARY

- In accordance with the *Local Government Act 1999*, Council is required to review its Confidential Items Register annually.
- The Confidential Items Register was last reviewed on 20 June 2016.
- This report provides a summary of the current confidential orders for Council's information as well as proposed actions (release/maintain confidentiality) for Council's consideration.

RECOMMENDATIONS

1. **"that Council, having considered Item 14.4 – *Council Confidential Items Register Review*, dated 17 July 2017, receives and notes the report and acknowledges that a formal review of the Confidential Items Register has been undertaken."**

2. **"that Council, having considered Item 14.4 – *Council Confidential Items Register Review*, dated 17 July 2017, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 15 December 2016 in relation it *Item 2.1 – Gawler River Floodplain Management Authority Charter* be revoked."**

3. **"that Council, having considered Item 14.4 – *Council Confidential Items Register Review*, dated 17 July 2017, resolves that:**

    a. **Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 20 February 2017 under Section 90(2) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the *Local Government Act 1999* orders that the annexure to *Item 19.1 – Legal Services Retainer* dated 20 February 2017 continue to be**

retained in confidence and not available for public inspection under further order of the Council, and that this order be reviewed every 12 months on the basis that it contains commercial information, and that the agenda report and minutes in relation to this item be released and made available for public inspection; and

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

4. "that Council, having considered Item 14.4 – *Council Confidential Items Register Review*, dated 17 July 2017, resolves that:

a. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 18 April 2017 under Section 90(2) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the *Local Government Act 1999* orders that the agenda report and annexures to *Item 16.1.1 – Legal Services Fee Proposals* dated 18 April 2017 continue to be retained in confidence and not available for public inspection under further order of the Council, and that this order be reviewed every 12 months on the basis that it contains commercial information, and that the minutes in relation to this item be released and made available for public inspection; and

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

BUDGET IMPACT

Nil

RISK ASSESSMENT

Where Council does not conduct at least an annual review of its confidential items it may inadvertently release an item which may have required further confidentiality provisions or alternatively, Council may fail to release information which could have been released and available to the public at an earlier stage.

Attachments

1. **Nil**

DETAILED REPORT

Purpose

To review the Confidential Items Register of Council Resolutions and provide Council with an update.

Background/History

In accordance with Section 91(9) of the *Local Government Act 1999* ('the Act') when a confidential order is made, the meeting minutes must specify the duration of the confidential order, the circumstances in which the confidential order will cease to apply, or a period after which the confidential order must be reviewed. The objective is that confidential orders be made publicly available at the earliest possible opportunity, and that the community is informed of any Council or Committee confidential order and any associated implications.

In accordance with the Act, Council is required to review its Confidential Items Register annually and this Register must be available to the public on Council's website.

Discussion

This report provides a summary of the current confidential orders and proposed actions (release/maintain confidentiality).

After a formal review by the Chief Executive Officer, it has been determined that a number of items have been automatically released by virtue of the confidentiality order made, refer below '1. *Released Items'*, and are listed for Council's information only.

By way of this report, the Chief Executive Officer proposes Council continue to maintain the confidentiality provisions of certain items (for example unfinalised matters or aspects of those that relate to an individual's personal affairs). These orders are listed below under '2. *Items to Remain in Confidence*' and will be reviewed again at the time of the next review of the Register. It is also proposed that the Chief Executive Officer be delegated the power to revoke these orders should circumstances arise where the materials no longer need to remain confidential.

Some confidential orders require Council's endorsement before they can be revoked (in part) and subsequently released into the public realm. These are listed below under '3. *Recommendations to Release'*.

Council is asked to consider the individual confidential orders as per the recommendations.

1. Released Items

Many confidential items will be automatically released by virtue of the confidentiality order by Council. For example, some items will become public knowledge due to the passage of time or a matter being finalised. The confidential order effectively lapses.

For Council's information, the following confidential orders have now lapsed and the material has been released into the public realm:-

Council Meeting Date & Item No.	Subject	Reason for Confidentiality (LG Act)	Full/Partial Release	Scope of s 91 Order/ Due for Release	Reason for Release
13/4/15 Item 19.1	CEO Employment Agreement	s 90(3)(a) 'personal affairs'	Full	"...until both parties have signed the agreement"	Order Lapsed – agreement signed.
16/1/17 Item 19.1	Gawler River Floodplain Management Authority (GRFMA) – Gawler River 2016 Flood Review Preliminary Report: First Draft	s 90(3)(d)and(e) "commercial information" "security of council"	Full	"...until the report has been made public by the Board"	Order Lapsed – report is public.

2. Items to <u>Remain in Confidence</u>

To maintain the confidentiality provisions of the Act, the following reports, minutes and associated documents will remain in confidence until the next review of the Register:-

Council Meeting Date & Item No.	Subject	Reason for Confidentiality (LG Act)	Scope of s 91 Order/ Due for Release	Reason for Maintaining Confidentiality
25/8/14 – Item 16.1	Storage of Fertiliser – Proposed Compliance Activity	s 90(3)(a) 'personal affairs'	"...until further order of the Council"	Report relating to proposed compliance activity contains personal information and the disclosure of this information would be unreasonable.
10/3/15 Item 15.1	Mallala Community Hospital Incorporated	s 90(3)(d)and(h) 'commercial information' and 'legal advice'	"...until further order of the Council"	Legal advice *(As part of last review, only legal advice remains confidential).*
16/3/15 Item 3.1	Mallala Community Hospital Proposed Closure and Land Management Agreement Items Only	s 90(3)(d)and(h) 'commercial information' and 'legal advice'	"...until further order of the Council"	Legal advice *(As part of last review, only legal advice remains confidential).*
(Governance Advisory Panel) 13/4/16 Item 5.1	Code of Conduct (Conflict of Interest) Complaint – Request for Investigation	s 90(3)(a) 'personal affairs'	"...until further order of the Panel"	Contains personal information and the disclosure of this information would be unreasonable.
(Governance Advisory Panel) 13/4/16 Item 5.2	Code of Conduct (Conflict of Interest) Complaint – Request for Investigation	s 90(3)(a) 'personal affairs'	"...until further order of the Panel"	Contains personal information and the disclosure of this information would be unreasonable.
20/2/17 Item 19.2	Gawler River Floodplain Management Authority – Charter	s 90(3)(h) 'legal advice'	"...until further order of the Council"	Matter not finalised and contains legal advice.
18/4/17 Item 16.1.2	By-Law Review	s 90(3)(d) 'commercial in confidence'	"...until further order of the Council"	Contains commercial in confidence documents and legal advice.
(Governance Advisory Panel) 12/4/17 Item 7.1	Council Meeting – 20 March 2017 – Request for Investigation	s 90(3)(a) 'personal affairs'	"...until further order of the Panel"	Contains personal information and the disclosure of this information would be unreasonable.

3. Recommendations to Release

The Chief Executive Officer recommends to Council that the following items be released, either in whole or part:-

Council Meeting Date & Item No.	Subject	Reason for Confidentiality (LG Act)	Full/Partial Release	Scope of s 91 Order/ Due for Release	Recommended Reason for Release
15/12/16 Item 2.1	Gawler River Floodplain Management Authority Charter	90(3)(b) 'commercial advantage'	Full	"...until further notice"	Details in public realm (Rec. 2).
20/2/17 Item 19.1	Legal Services Retainer	s 90(3)(d) 'commercial information'	Partial – retain annexure	"...until further order of the Council"	Release agenda report and minutes only. Annexure contains commercial information (Rec. 3).
18/4/17 Item 16.1.1	Legal Services Fee Proposals	s 90(3)(d) 'commercial information'	Partial – retain agenda report and annexures	"...until further order of the Council"	Release minutes only. Report and annexures contains commercial information (Rec. 4).

It should be noted that reports subject to this report may have been archived and, as such, no reports have been included. If Council Members wish to obtain a copy of any of the confidential reports, please contact the Executive Assistant (archived copies may take several days to retrieve from Records).

Conclusion

The principles of an accountable, open and transparent government include confidentiality provisions which should only be utilised after careful consideration and when considered proper and necessary.

References

Legislation

Local Government Act 1999

Council Policies

Adelaide Plains Council	14.5	Review of Council's Delegations
	Department:	Governance and Communications
	Report Author:	Governance Support Officer
Date: 17 July 2017	Container No:	CON12/622
	Document No:	D17/14652

EXECUTIVE SUMMARY

- This report seeks to revoke Council's previous delegations to Council's Chief Executive Officer and seeks Council's endorsement of the new delegations prepared with assistance from Norman Waterhouse Lawyers.
- Delegating powers and functions facilitate an efficient and effective organisation by allowing decisions to be made in order to carry out Council's day-to-day operations.

RECOMMENDATIONS

1. "that Council, having considered Item 14.5 – *Review of Council's Delegations*, dated 17 July 2017, receives and notes the report and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

1. REVOCATIONS

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

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

1.1.9 Freedom of Information Act 1991;

1.1.10 *Deliberately left blank;*

1.1.11 Land & Business (Sale and Conveyancing) Act 1994;

1.1.12 Liquor Licensing Act 1997;

1.1.13 Local Government Act 1999;

1.1.14 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005;

1.1.15 Roads (Opening & Closing) Act 1991;

1.1.16 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;

1.1.17 South Australian Public Health Act 2011 the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013;

1.1.18 Supported Residential Facilities Act 1992;

1.1.19 Unclaimed Goods Act 1987;

1.1.20 Work Health and Safety Act 2012;

1.1.21 Safe Drinking Water Act 2011;

1.1.22 Water Industry Act 2012 and Water Industry Regulations 2012;

1.1.23 Real Property Act 1886;

1.1.24 Strata Titles Act 1988;

1.1.25 Heavy Vehicle National Law (South Australia) Act 2013;

1.1.26 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014;

1.1.27 Electronic Conveyancing National Law (South Australia) Act 2013;

1.1.28 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017; and

1.1.29 Planning, Development and Infrastructure Act 2016."

2. "that Council, having considered Item 14.5 – *Review of Council's Delegations*, dated 17 July 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

2. DELEGATIONS MADE UNDER *LOCAL GOVERNMENT ACT 1999*

2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-25 (each of which is individually identified as indicated below) (distributed under separate cover) are hereby delegated this 17 July 2017 to the person

occupying the office of Chief Executive Officer to take immediate effect except where otherwise specified subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

2.1.1 Community Titles Act 1996 (Appendix 1)

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

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

2.1.4 Expiation of Offences Act 1996 (Appendix 4)

2.1.5 Fences Act 1975 (Appendix 5)

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

2.1.7 Freedom of Information Act 1991 (Appendix 7)

2.1.8 *Deliberately left blank*

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

2.1.10 Liquor Licensing Act 1997 (Appendix 9)

2.1.11 Local Government Act 1999 (Appendix 10)

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

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

2.1.14 Work Health and Safety Act 2012 (Appendix 13)

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

2.1.16 Unclaimed Goods Act 1987 (Appendix 15)

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

2.1.18 Safe Drinking Water Act 2011 (Appendix 17)

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

2.1.20 Real Property Act 1886 (Appendix 19)

2.1.21 Strata Titles Act 1988 (Appendix 20)

2.1.22 Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 21)

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

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

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

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

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

3. "that Council, having considered Item 14.5 – *Review of Council's Delegations*, dated 17 July 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

3. DELEGATIONS MADE UNDER DEVELOPMENT ACT 1993

3.1 In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993,* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained in the proposed Instrument of Delegation (annexed to the Report dated 17 July 2017 and entitled Instrument of Delegation to the Chief Executive Officer under the Development Act 1993, Development (Development Plans) Amendment Act 2006 And Development Regulations 2008 and marked Appendix 26) (distributed under separate cover) are hereby delegated this 17 July 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

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

4. "that Council, having considered Item 14.5 – *Review of Council's Delegations*, dated 17 July 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

4. DELEGATIONS MADE UNDER FOOD ACT 2001

4.1 In exercise of the powers contained in Section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the proposed Instrument of Delegation (annexed to the Report dated 17 July 2017 and entitled Instrument of Delegation under the Food Act 2001 and marked Appendix 27) (distributed under separate cover) are hereby delegated this 17 July 2017 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

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

5. "that Council, having considered Item 14.5 – *Review of Council's Delegations*, dated 17 July 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

5. DELEGATIONS UNDER SUPPORTED RESIDENTIAL FACILITIES ACT 1992

5.1 In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* contained in the proposed Instrument of Delegation (annexed to the Report dated 17 July 2017 and entitled Instrument of Delegation under the Supported Residential Facilities Act 1992 and marked Appendix 28) (distributed under separate cover) are hereby delegated this 17 July 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

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

6. "that Council, having considered Item 14.5 – *Review of Council's Delegations*, dated 17 July 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

6. AUTHORISATIONS AND SUBDELEGATION UNDER THE ROAD TRAFFIC ACT 1961

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

Martin Waddington

Paul Cleghorn

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

Martin Waddington

Paul Cleghorn

6.3 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the *Road Traffic Act 1961* and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Subdelegation (annexed to the Report dated 17 July 2017 and entitled Subdelegation to the Chief Executive Officer under the Road Traffic Act 1961 made in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure and marked Appendix 29) (distributed under separate cover) is hereby sub-delegated this 17 July 2017 to the person occupying the office of Chief Executive Officer of the Council subject to:

(i) the conditions contained in the Instrument; and

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

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

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

Martin Waddington

Paul Cleghorn"

7. "that Council, having considered Item 14.5 – *Review of Council's Delegations*, dated 17 July 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

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

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

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

8. "that Council, having considered Item 14.5 – *Review of Council's Delegations*, dated 17 July 2017, and having conducted its annual review of the Council's Delegations to the Chief Executive Officer in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

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

8.1 In exercise of the power contained in Section 93 of the *Fire and Emergency Services Act 2005* the powers and functions under the *Fire and Emergency Services Act 2005* contained in the proposed Instrument of Delegation

(annexed to the Report dated 17 July 2017 and entitled Instrument of Delegation to Fire Prevention Officer(s) under the Fire Emergency Services Act 2005 and marked Appendix 30 (distributed under separate cover) are hereby delegated this 17 July 2017 to the person appointed Fire Prevention Officer of the Council under the *Fire and Emergency Services Act 2005* subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.

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

BUDGET IMPACT

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

RISK ASSESSMENT

The review and endorsement of Council's delegations will minimise the exposure to risks related to the non-performance of associated duties in accordance with legislative requirements.

Attachments

1 – 30 Instruments of Delegation (distributed under separate cover)

DETAILED REPORT

Purpose

To revoke Council's previous delegations to the Chief Executive Officer and seek Council's endorsement of the new delegations prepared with assistance from Norman Waterhouse Lawyers.

Background/History

Section 44 of the *Local Government Act 1999* ("the Act") requires Council to review its delegations at least once in each financial year. This ensures good administrative and governance practice. Council last conducted a review of the delegations at its meeting held on 18 July 2016.

Discussion

In accordance with the requirements of Section 44(6) of the Act, and together with delegations under other legislation, all provisions which enable the Chief Executive Officer to manage the day to day function of Council efficiently and effectively have been taken into consideration in the review process.

It is important for members to note that while Council may delegate a power or function vested or conferred under the Act or other Acts, there are situations where Council may not delegate certain powers. Pursuant to Section 44(3) a Council may not delegate:-

- power to make a by-law or to determine that a by-law applies only within a part or parts of the area of the Council;
- power to declare rates or a charge with the character of a rate;
- power to borrow money or to obtain other forms of financial accommodation;
- power to adopt or revise a strategic management plan of the council;
    - power to adopt or revise an annual business plan or budget of the council;
- power to approve expenditure of money on works, services or operations of the council not contained in a budget adopted by the council;
- power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;
- power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;

- power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
- power to fix, vary or revoke a fee under section 188(1)(d) to (h);
    - the power to revoke the classification of land as community land under section 194;
    - a power or function excluded from delegation by the regulations.

Conclusion

A review has been undertaken by administration and it is recommended that, subject to minor amendments, the delegations be endorsed to continue in their reviewed form for a further twelve months. The Chief Executive Officer can then make the necessary sub-delegations to Council staff. This will allow for the continuing and smooth functioning of Council and ensure good governance.

References

Legislation

Local Government Act 1999 (Section 44)

Council Policies

Nil

	14.6	**Allied Food Industries Land Supply Study**
	Department:	**Development and Community**
	Report Author:	**General Manager, Development and Community**
Date: 17 July 2017	**Container No:**	**CON16/46**
	Document No:	**D17/13702**

EXECUTIVE SUMMARY

As part of the preparation of the Northern Food Bowl Protection Areas Development Plan Amendment (DPA), an Allied Food Industries Land Supply Study has been undertaken to consider the policy framework requirements for the collocation of compatible processing activities to horticulture and primary production uses that will achieve efficiencies in production, processing, distribution, energy efficiency and waste recycling, taking into account environmental, bio-security, infrastructure and rural amenity issues.

Administration is now seeking Council endorsement of the draft Allied Food Industries Land Supply Study to enable the inclusion of the study's findings in the draft Northern Food Bowl Protection Areas DPA.

RECOMMENDATION

1. **"that Council, having considered Item 14.6 – *Allied Food Industries Land Supply Study,* dated 17 July 2017, endorses the Draft Allied Food Industries Land Supply Study."**

BUDGET IMPACT

Funds were allocated in the 2016/17 budget to undertake preparation of the DPA.

RISK ASSESSMENT

To facilitate future growth in the food bowl, there is a need to review and amend relevant planning policy in Council's Development Plan. Endorsement of the Allied Food Industries Land Supply Study is required to achieve the requirements of the DPA Statement of Intent.

DETAILED REPORT

Purpose

To seek Council endorsement for the draft Allied Food Industries Land Supply Study, which will help to inform the preparation of the Northern Food Bowl Protection Areas Development Plan Amendment (DPA).

Background

The Statement of Intent (SOI) for the Northern Food Bowl Protection Areas Development Plan Amendment (DPA) was formally approved by the Minister for Planning on 12 April 2017. The purpose of the DPA is to assist in implementing the State Government's strategic and economic priority of enabling major primary production and horticulture growth on the Northern Adelaide Plains and protecting South Australia's primary food production region from urban encroachment.

As part of the DPA process, an Allied Food Industries Land Supply Study has been undertaken to consider the policy framework requirements for the collocation of compatible processing activities to horticulture and primary production uses that will achieve efficiencies in production, processing, distribution, energy efficiency and waste recycling, taking into account environmental, bio-security, infrastructure and rural amenity issues.

Following a competitive tender procurement process in May 2017, Council engaged planning consultant Urban and Regional Planning Solutions (URPS) to prepare the Northern Food Bowl Protection Areas DPA, including the preparation of the Allied Food Industries Land Supply Study to inform the DPA.

A targeted stakeholder engagement workshop was held in early June 2017 for the Allied Food Industries Land Supply Study and brought together a wide cross-section of representatives from local broadacre and horticulture farmers to grower, industry and government representatives. The feedback gathered through this process provided valuable information which has shaped the draft Study and will also help to inform the policy framework in the subsequent DPA.

The draft DPA will undergo concurrent statutory public and agency consultation for eight weeks (currently timetabled for late August to mid-October) and will be presented to Council for approval prior to being released for consultation.

To achieve the requirements of the SOI timetable, the following key dates for endorsement of the DPA and statutory consultation are required to be met by Council:

DPA Task	Key Dates
Draft Allied Food Industries Land Supply Study presented to Council for endorsement	**17 July 2017**
Draft DPA presented to Council for endorsement	21 August 2017
Statutory 8-week public and agency consultation	25 August to 20 October 2017
Statutory Public Hearing (if required)	Week commencing 30 October
Final Draft DPA presented to Council for endorsement	20 November 2017

Discussion

The purpose of the Allied Food Industries Land Supply Study is to determine if there is sufficient land available for value adding food related industries to support the development of the food bowl and to identify areas suitable for these industries without compromising the need to protect valuable food production areas.

Allied food industries comprise those activities which occur as a direct result of a primary production activity such as wineries, feed/hay processing mills and the washing/processing/packing of produce (e.g. packing sheds). Ancillary allied food industries provide a service in support of primary production uses such as transport and logistics, equipment sales and services, nurseries and value-adding industries such as food manufacturers.

Future opportunities for growth in allied food industries will depend upon planning policy that is supportive of such development in suitable locations, together with a high degree of integration between infrastructure and land use planning. The Study has included a review of Council's Development Plan and concluded that while existing planning policy does not preclude the development of allied food industries, there are opportunities to expand on current policy approaches to allow these developments to occur at different scales and with different characteristics in a range of locations.

The Study considers three (3) alternative approaches, namely:

1. Accommodation of all allied food industries in a single zone;
2. Accommodation of all allied food industries on-farm; or
3. A combination approach which provides for both on-farm and off-farm allied food industries.

The Study concludes that the combination approach (option 3 above) is preferred as this will allow certain allied food industries which have a direct association with a primary production activity to occur in unison with activities on-site, whilst recognising the benefits that may be forthcoming of providing a dedicated industry type zone for those uses which do not rely on, or have a direct relationship, with on-site primary production activities. The combination policy approach will provide a level of improved flexibility within Council's Development Plan with which to assess the development of new allied industries.

The Study sets out a number of recommendations to support not only the provision of allied food industries but the growth of primary production more broadly across the Study area.

Conclusion

With the proposed expansion of the food bowl north of the Gawler River, it is important that planning policies are supportive of value adding food related industries in the Adelaide Plains Council area.

The Allied Food Industries Land Supply Study sets out a number of recommendations to support not only the provision of allied food industries but the growth of primary production more broadly across the Study area.

The findings of the Study will help to inform the new policy framework set out in the Northern Food Bowl Protection Areas DPA.

Attachments

1. **Draft Allied Food Industries Land Supply Study**

References

Legislation

Development Act 1993

Council Policies

N/A

URPS

Adelaide Plains Council
2017-0158
5 July, 2017

Allied Food Industries Land Supply Study

Allied Food Industries Land Supply Study

5 July 2017

Lead consultant	URPS
Prepared for	Adelaide Plains Council
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URPS Ref	2017-0158

Document history and status

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3	5/7/17	AC	RV & GM	Final

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Allied Food Industries Land Supply Study - Final

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Executive Summary

The construction of the Northern Adelaide Irrigation Scheme (NAIS) and its delivery of reliable 'fit-for-purpose' recycled water will change the future farming landscape of the Northern Adelaide Plains.

To ensure that Adelaide Plains Council is adequately prepared for this change and in a position to support and advocate local businesses, URPS was engaged on behalf of Council to prepare two separate but related documents, namely:

- The Allied Food Industries Land Supply Study; and
- The Northern Food Bowl Protection Areas Development Plan Amendment.

Allied food industries is a term used to describe those activities that are undertaken in support of, or as a direct result of a primary industry. This study sought to define this term and in doing so recognised that there are those allied food industries which directly contribute to activities occurring on-site (e.g. packing and processing sheds) and those which provide an ancillary and supporting role (e.g. chemical resellers, tertiary value-adding businesses).

This study provides a snap-shot of the current policy climate and understanding of those challenges facing primary industry on the Northern Adelaide Plains before reviewing and proposing a pathway forward which maintains market desirability and will facilitate a mix of on-site and off-site allied food industries. Finally, the study provides a range of recommendations for further consideration both as part of the associated Northern Adelaide Plains Food Bowl Protection Areas DPA and independently of this.

1.0 Introduction

South Australia and in particular the Northern Adelaide Plains stand to gain considerable advantage from opportunities presented in the diversification of farming practices and the growth in reticulated recycled water supply. Most recently, these opportunities have been recognised by both the State Government and Adelaide Plains Council (APC) through the Northern Economic Plan (2016) and the Northern Food Bowl – Virginia and Northern Adelaide Horticultural Plains Study (2013) respectively.

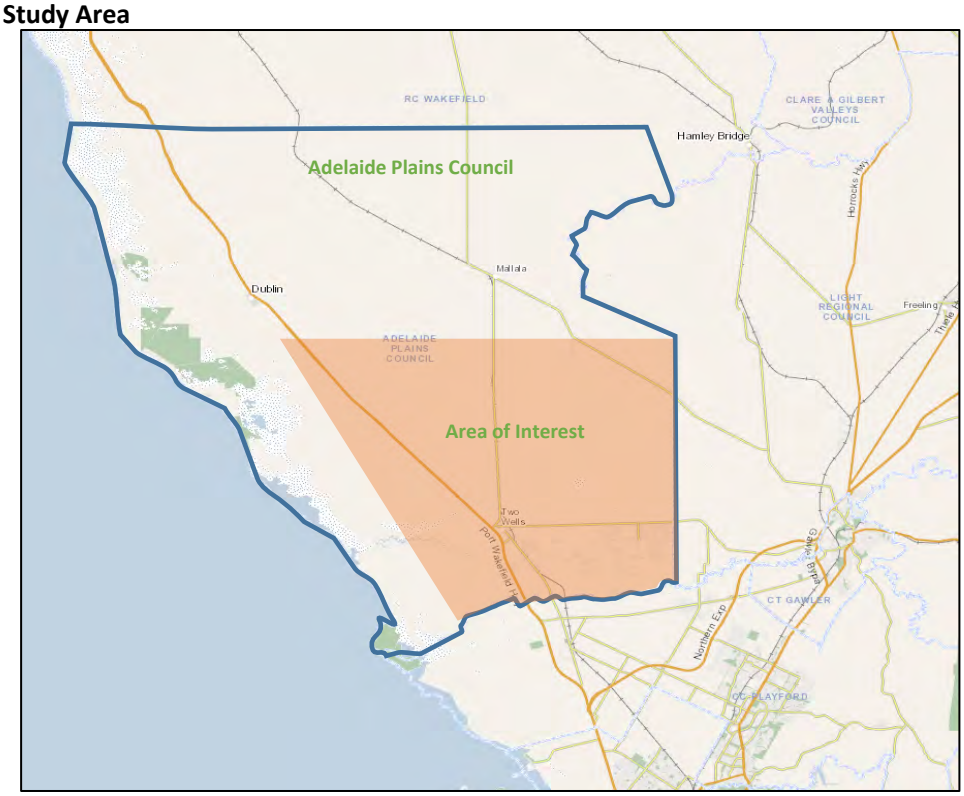
The diversification of farming practices, increase in high technology horticulture and sustained expansion of irrigated horticulture is supported by the proposed Northern Adelaide Irrigation Scheme (NAIS) which will deliver large volumes of secure and affordable recycled water to new areas north of the Gawler River.

Whilst many farmers consider the opportunities and challenges on-farm that may arise from the supply of recycled water, Council recognises that there is a need to understand and prepare for the expected growth of horticultural practices into areas traditionally utilised for other forms of primary production. In partnership with this growth will be an expected increase in associated allied activities, which are those that establish to provide support and services to these new enterprises.

As a consequence, Council is advancing the Allied Food Industries Land Supply Study and a supporting Northern Food Bowl Protection Areas Development Plan Amendment (DPA). This body of work has been informed by the outputs of a stakeholder workshop (refer to Appendix A for a list of attendees) which brought together a wide cross-section of representatives from local broadacre and horticulture farmers to grower, industry and government representatives. The feedback gathered through this process provided valuable information which has shaped this study and subsequent DPA.

The area subject to this study includes the entire APC area, however it is recognised that there is particular relevance around the area likely to be serviced by the proposed NAIS and subject to Council's Northern Food Bowl Protection Areas DPA.

Figure 1-1 Study Area



2.0 Strategic Context

2.1 Northern Economic Plan

The Northern Economic Plan 'Look North' is a collaborative document prepared between State and Local Government which seeks to foster jobs and empower local communities in Northern Adelaide. The plan focuses on three strategic areas namely industry growth, thriving communities and responsive governments.

Whilst not having a direct relationship with the preparation of the plan, APC stands to benefit from actions to be delivered through the plan. Of particular relevance to this study is the focus area of agriculture, food and beverage which notes that for the past 17 years the state's horticultural sector has increased in value and currently contributes some $250 million to the total state economy. To continue supporting this growth and provide for new opportunities, the plan identifies a key project in the Northern Adelaide Plains Agribusiness Initiative.

This initiative sees the development of the NAIS which will provide an additional 20 gigalitres of recycled water from the Bolivar Waste Water Treatment Plan to support the expansion of irrigated horticulture and the development of new irrigation areas, including those areas north of the Gawler River.

This initiative is a key driving force in the preparation of this Allied Food Industries Land Supply Study which seeks to ensure Council has a supportive environment to take advantage of the opportunities that will arise.

2.2 Northern Adelaide Plains Agribusiness Initiative

2.2.1 Northern Adelaide Irrigation Scheme (NAIS)

The State Government is committed to the delivery of the Northern Adelaide Plains Agribusiness Initiative. A flagship project of this initiative is the expansion of the supply of recycled water to the Northern Adelaide Plains and north of the Gawler River, which has advanced considerably and included an application to the Australian Government's National Water Infrastructure Development Fund to secure $45.6 million to support the development and construction of the NAIS. If successful, this grant funding will be supported by a $110 million investment from the State Government.

Key elements of this project include:

- Upgrading infrastructure at the Bolivar Waste Water Treatment Plant to produce additional recycled water suitable for irrigation;
- Constructing recycled water distribution infrastructure to the area north of the Gawler River; and
- Enabling a major new irrigation area to be constructed, including high-tech, high-value intensive food production.

Development of the NAIS compliments the existing Virginia Pipeline Scheme (VPS) which provides 20 gigalitres of recycled water per year to that area of the Northern Adelaide Plains south of the Gawler River.

2.3 30 Year Plan for Greater Adelaide – 2017 Update

In late May 2017, the State Government released the *30-Year Plan for Greater Adelaide – 2017 Update* (the 'update') which sets directions for how Adelaide should grow to become more liveable, competitive and sustainable. The update builds upon the original Plan released in 2010 and refocusses key principles, policies and actions for the region based on the knowledge acquired over the last seven years.

Whilst the update is largely silent on specific priorities for the Northern Adelaide Plains, it does include policies which address primary production broadly across the Greater Adelaide region. In this, the update notes the following policies:

- P57 – Maintain and protect primary production...whilst allowing for appropriate value-adding activities to increase investment opportunities;
- P59 – Enable major new primary production and agri-business development across the Northern Adelaide and Barossa regions…and prevent ad hoc land use changes that may compromise those investments;
- P60 – Ensure land use planning in and around the Virginia horticulture district aligns with projects for industry growth and revitalisation anticipated by the Northern Economic Plan;
- P62 – Manage the interface between townships and adjacent primary production activities and areas of nature protection.

The above policies support the diversification of primary production activities across the Northern Adelaide Plains, whilst encouraging value-adding activities (such as allied food industries) where located appropriately.

2.4 Planning Reform – Environment and Food Production Areas

The State Government has, through the Planning Reform process, introduced the Environment and Food Production Areas (EFPA). The EFPA are described in the *Planning, Development and Infrastructure Act, 2016* and were introduced to protect food and agricultural lands from urban encroachment. The EFPA affects the entire Adelaide Plains Council area.

At its core, the EFPA limits the availability for land owners to divide land for residential purposes to ensure protection is afforded for food producing areas. The implementation and operation of the EFPA is not anticipated to impact upon the land available to accommodate the development of allied food industries, nor that land to accommodate horticultural activities.

2.5 Mallala Broadacre Farming Study

In 2015, APC undertook a detailed study to assist in identifying the potential boundary between broadacre farming and irrigated horticulture to facilitate the creation of a well-planned food bowl. In making its recommendations, this study utilised a Multi Criteria Assessment (MCA) approach which considered a range of elements including natural resources, economic value, environmental integrity and community values.

The findings and recommendations of this study identify approximately 16,350 hectares of land that could be made available and dedicated to irrigated horticulture activity with the provision of adequate water

supply. The area in question generally aligns with that nominated for the NAIS and is geographically located to the southern portion of the Council in and around Lewiston, Two Wells and the Gawler River.

The content of this study is useful background to the current Allied Food Industries Land Supply Study and associated Northern Food Bowl Protection Areas DPA. Appendix B contains a map which illustrates the extent of land identified as "suitable for dryland farming".

2.6 The Northern Food Bowl – A Framework for Future Action

The 2013 Northern Food Bowl – A Framework for Future Action report was a collaboration between Adelaide Plains Council, City of Playford, Natural Resources Adelaide Mount Lofty Ranges, Department of Primary Industries Regions SA (PIRSA), Regional Development Australia – Barossa and Hortex.

This report sought to provide guidance to all parties on potential actions required to secure the long-term sustainability of the horticultural industry in the region. In doing so, a range of Goals and Actions were identified which addressed specific areas of potential reform, including Land Use Planning and Building Policy which have a direct relationship with this study, as described below:

Table 2-1 Goals and Actions

Goal	Actions
A clear and consistent vision for horticulture supported by planning policy	• That the vision for the area be described through a strong Desired Character Statement that…sets a vision of the area being 'Adelaide's Northern Food Bowl'; • Existing zoning be reviewed to ensure expansion of horticultural pursuits when water is available.
Horticultural uses appropriately located and zoned	• All forms of horticultural uses should be supported; • Greenhouse clustering should be encouraged where there are industry benefits in accordance with the guiding principles of clustering through a DPA.
Planning policy that strongly discourages further land division (except in greenhouse cluster precincts) or housing on productive land	• A greenhouse cluster should allow limited subdivision to 2.5 hectares. This is seen as a viable unit size for small-to-medium scale greenhouses.
Planning policy that supports industry requirements for a diverse range of allotment sizes	• With the exception of greenhouse cluster precincts, policy should not specify uniform or minimum allotment sizes.
Planning policy that supports allied horticultural land uses	• Through planning policy, enable and support the development of allied and value-adding horticultural uses.

Shared responsibility for managing interface	• Ensure future Development Plan policy requires a shared responsibility for managing the interface between *horticultural* and *residential land uses* rather than relying on the industry to provide buffers and limit activities in close proximity to residential development; • Support Development Plan policy that encourages a shared responsibility for managing the interface between *horticulture* and other *agricultural uses*, supported by a collaborative approach between adjoining growers/farmers and their respective representative bodies.

The above goals and actions provide clear deliverables for the area north of the Gawler River which link closely with the current Allied Food Industries Land Supply Study and associated Northern Food Bowl Protection Areas DPA.

3.0 Challenges facing Primary Production on the Northern Adelaide Plains

The Northern Adelaide Plains and in particular that area north of the Gawler River, supports the accommodation of a variety of primary production activities which are ideally located close to market and have access to a ready labour supply. However, these opportunities are not without their challenges and it is important to consider these in the context of an expanded water supply and associated allied food industries growth.

3.1 Protection and Use of Primary Production Areas

The *30 Year Plan for Greater Adelaide 2010* identified the need to designate areas of primary production significance and seek the protection of these areas. Subsequently, Primary Industries and Regions SA (PIRSA) worked with Local Government and other State Government Departments to identify and map areas of primary production significance (known as Primary Production Priority Areas (PPPA)) across Greater Adelaide. Information used to determine PPPA include land capability, investment and land use, access to water, climatic conditions (including anticipated climate change) and other local conditions.

The above criteria were used to map these areas across APC, with the vast majority identified as PPPA and only a small portion in and around Dublin and to the immediate west and north-east of Two Wells identified as non-PPPA (refer to Appendix C for identified PPPA). A subsequent 2012 PIRSA study titled *'Planning for the Future of Primary Industry in South Australia'* recognised the need to protect PPPA through the introduction of additional planning controls for identified areas which:

- Minimise land division;
- Control minimum allotment sizes;
- Minimise dwellings;
- Manage interface; and
- Allow complementary value adding activities.

In April 2017, the State Government advanced separate measures to address potential loss of agricultural land through the Environment and Food Production Areas (EFPA) discussed under Section 2.4 above.

It is important to note that the PPPA do not seek to preference one primary production use over another and the mapping is considered useful in determining the appropriateness of the area for different primary industries.

3.2 Interface between Primary Production Uses

Management techniques to address potential interface conflict between primary production and residential activities are well documented. However, there is growing recognition and appreciation of the important role that interface management between different primary production uses plays in protecting each activity.

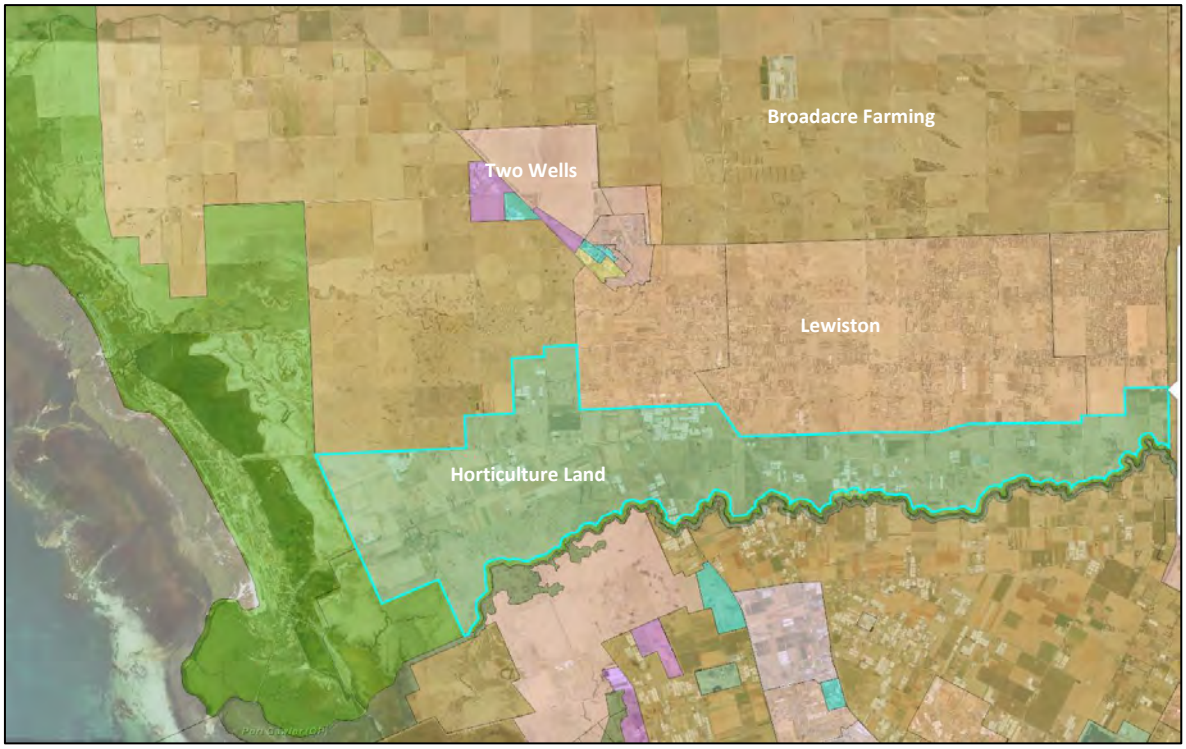
There are a range of conflicts which may arise when undertaking competing primary industries in close proximity to each other with one of the most significant recognised as spray drift. The potential for conflict on the Northern Adelaide Plains is heightened as new 'chemical-sensitive' land uses such as horticulture and viticulture are introduced into a landscape traditionally characterised by broadacre farming activities with generally consistent chemical regimes. The matter of spray drift and their associated buffers was the basis for the formation of a PIRSA Buffers Working Group which comprised representatives from local government, industry and grower bodies (Primary Producers SA, Grain Producers SA) and State Government (Environment Protection Authority, Department of Planning, Transport and Infrastructure and PIRSA).

Central to the working group's investigations was an understanding that the use of chemicals in agriculture has changed considerably over recent years, particularly in the broadacre production system where many farmers have substituted traditional cultivation and ploughing practices for an herbicide regime and in some cases 'no-till' approach. It was clear from the work completed by the working group that buffer and separation management between primary production systems is complex and subject to both Federal and State controls. Although it was noted that the establishment of viticulture adjacent to cropping land can be a significant inconvenience for farmers and spray contractors that may result in significant operational and business effects, the land use planning system was not considered to be an appropriate tool to 'lead' the management of these complex issues. Having said that, the planning system does have a role to play in minimising interface issues.

Current Council Development Plan controls largely negate interface conflict. As shown in Figure 3-1, that area comprising horticultural activities in and around the Gawler River is spatially separated and buffered from broadacre farming to the north by that land zoned Rural Living and Animal Husbandry (Lewiston and Two Wells). Horticultural activities are predominantly contained within a Horticulture Policy Area which largely coincides with available water supply.

The potential for future conflict resulting from an increase in fit-for-purpose water and the associated growth of alternative primary industries and allied food industries across the Northern Adelaide Plains is a matter which will be considered as part of the associated Northern Food Bowl Protection Areas DPA.

Figure 3-1 Horticultural Land North of the Gawler River



3.3 Gawler River and Light River Flooding

Flooding and its associated impacts from both the Gawler River and Light River present significant development constraints across the study area which need to be understood when considering the appropriateness of land to accommodate primary production development, where to site allied food industries, or when seeking to rezone land for this purpose.

The associated Northern Food Bowl Protection Areas DPA includes the insertion of amended flood mapping for the Gawler River and the introduction of flood mapping for the Light River (Map 1 in Appendix B conceptually illustrates flood prone land). Current Development Plan controls will be reviewed as part of the DPA.

3.4 Climate Change

The Northern Adelaide Plains is recognised as one of South Australia's prime farming areas, characterised by a maturing intensive food production industry and excellent proximity to market. However this area is not immune to the effects of climate change and its impacts may prompt an evolution of primary industries occurring on the plains.

Key challenges presented by climate change for this region include:

- Impacts of sea level rise;
- Lower rainfall;
- Increased mean temperature and extreme heat days;
- Increased frost severity;

- Reduced groundwater availability.

The above scenarios pose a considerable threat to the viability of future primary industries. In a 2012 report titled *'Climate Change in the Northern Adelaide Plains and implications for horticulture'* the Department of Environment, Water and Natural Resources recognised the importance of an adequate and reliable water supply in assisting to ameliorate many of the negative impacts posed by the above climate change challenges.

4.0 Allied Food Industries

4.1 The changing Primary Industry Landscape

Council recognises that availability of high quality, fit for purpose recycled water offered through the proposed NAIS will likely lead to a diversification of primary industry activities occurring across southern and central regions and a shift in the manner in which farms operate and the land area required to accommodate new enterprises.

New entrants that may look to establish in this area include:

- Intensive horticulture – high value field and enclosed environments (both covered and high-tech);
- Tree crops (i.e. nuts, olives);
- Intensive animal keeping (e.g. feedlots, intensive poultry and pork);
- Viticulture;
- Organic produce; and
- Speciality crops (e.g. medical cannabis or hemp for fibre).

The above new entrants build upon the existing horticultural and broadacre farming activities occurring within this region, which stand to benefit from opportunities presented by consistent water supply.

4.2 What are Allied Food Industries

This study seeks to provide a clear definition of allied food industries and understand the link that these have in supporting new and existing activities occurring on-farm. It became clear through stakeholder engagement that allied food industries describe those activities that are the direct result of primary production activities and those that provide ancillary services (including those businesses that value-add to raw product).

Direct

Direct allied food industries can be best described as **'those activities which occur predominantly as a result of, and in direct connection with, a primary production activity'**. This proposed definition recognises the direct supporting role the allied food industry plays to the success of the primary production activity and the typically industrial nature of these allied industries.

Some examples of direct allied food industries include:

- Washing/processing/packing of produce (e.g. packing shed);
- Winery;
- Bulk commodity storage; and
- Feed/hay processing mill.

Direct allied food industries are of an industrial nature and play a key role in the lower end processing of raw products. Whilst generally industrial in nature, these activities have a direct link to primary industries and may be considered appropriate when developed in association with primary production activities.

Ancillary

For the purpose of this study, ancillary allied food industries are defined as **'those activities which provide an ancillary service in support of primary production uses'**. This definition separates those activities which are established to either provide a supporting function to primary production uses or those activities which value-add to primary produce.

Ancillary food industries include:

- Chemical resellers;
- Cold storage;
- Transport and logistics[1];
- Equipment sales and service;
- Nurseries;
- Value-adding industries (e.g. food manufacturers)

The above definitions will be used as the basis for investigations undertaken to inform the associated Northern Food Bowl Protection Areas DPA.

[1] It is acknowledged that processing, packing sheds and bulk commodity storage may incorporate a transport and logistics land use component.

5.0 The Policy Landscape

5.1 Current Development Plan Controls

A detailed review of Council's Development Plan controls was undertaken to determine what level of support (or otherwise) is currently provided for allied food industries both generally and within specific zones.

5.1.1 General Provisions

At a broad level, the general provisions contained within Council's Development Plan do not preclude the development of allied food industries, however there are a range of controls for consideration:

Hazards

The impacts presented by potential hazards need to be understood when considering what may be an appropriate location/area for allied food industries. The Development Plan refers to excluding development from areas which are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards, whilst ensuring that protection works that may be undertaken do not significantly interfere with natural processes.

The southern portion of the study area between the Gawler River and Mallala is subject to the impact of 1:100 year Average Recurrence Interval (ARI) flooding from both the Gawler River and the Light River. A core component of the associated Northern Food Bowl Protection Areas DPA is the insertion of updated and new constraint mapping which provides a visual depiction of the extent and depth of flooding. The Hazards module includes the addition of local content to provide broad controls to manage finished floor level and filling on the flood plains.

The location of allied food industries (and greenhouses) need to give consideration to flooding constraints to provide protection to future development and to ensure impacts to the flood plain are minimal.

Infrastructure

Current policy calls for the provision of adequate infrastructure to support development, including (but not limited to) electricity supply, water supply, road access and gas services.

Consideration of the additional infrastructure specifically required to support allied food industries is discussed in Section 6.

Interface between Land Uses

When investigating appropriate land to accommodate future allied food industries, consideration must be given to the potential for interface conflict to arise between existing and new activities.

Council's Development Plan contains comprehensive controls which address those items most likely to cause interference including noise, odour, fumes, dust or other airborne pollutants, light spill, hours of operation and traffic impacts, along with providing suitable rural interface controls. Those policies should

be reviewed against the Environment Protection Authority's 'Evaluation distances for effective air quality and noise management (August 2016)'.

Transportation and Access

Council's Development Plan recognises the role that a sound and efficient transport network plays in supporting land use development. Current controls act to facilitate a comprehensive and integrated transport system with safe and convenient freight movement.

Future allied food industries will play a key role in supporting horticultural activities and will require access arrangements which support a range of vehicle characteristics.

5.1.2 Zone Provisions

In addition to the broad policy controls discussed above under part 5.1.1, the facilitation of allied food industries will be influenced by specific zone provisions. The following provides a review of zone polices affecting the southern portion of the study area (i.e. that likely to be capable of connection to the NAIS) and their relationship to future land supply:

Animal Husbandry Zone

Land use information confirms that in some locations, horticultural activities are occurring within the Animal Husbandry Zone. These activities are of varying scale and are generally consistent with the zone's primary intent to support rural living with associated small-scale farming, horse keeping and dog kennelling. Furthermore, additional local content is included which seeks to manage horticulture within structures (e.g. shade houses/glass houses) where they are not located on the flood plain.

The expansion of allied food industries in this zone is considered inappropriate and out of character with the zone's rural living intent. As such this zone was excluded from consideration.

Bulk Handling Zone

The Bulk Handling Zone is intended to support activities relating to the receiving, storage and dispatch of bulk commodities. This zone encourages value-adding activities associated with bulk handling, and whilst not identifying land uses associated with horticulture as non-complying, the zones Desired Character does not generally support these activities.

Given the abovementioned, the zone would support limited expansion of some allied food industries, but the expansion of these should not compromise the underlying intent of the zone for bulk commodity receival, storage and distribution.

Industry Zone

The Industry Zone supports the development of a range of land uses that contribute to the rural economy with a focus on bulk handling, warehousing, servicing, storage and distribution.

Current policies would support a limited range of allied food industries which focus on servicing the sector more broadly. These include activities such as tractor and equipment sales, manufacturing, servicing

and/or repair (service trade premise/industry). It is however noted that businesses of a more general nature, such as chemical resellers (shop) would not be supported.

It is noted that horticulture is identified as a non-complying land use.

Light Industry Zone

The desired character statement for the Light Industry Zone specifically identifies and supports the provision of a range of uses, including those associated with the servicing of plant or equipment used for agriculture and value-adding industries associated with the local agricultural and horticultural industries such as processing, packaging and cold storage.

Given the location, size and proximity of land zoned Light Industry to residential forms of development, it is anticipated that this zone will only support smaller value-add activities.

Primary Production Zone

The Primary Production Zone covers the majority of the Council area and provides the greatest level of support for horticultural and allied food industry activities, recognising the value of horticulture production, greenhouse development and rural value adding, including processing and manufacturing to complement and expand upon rural activities.

It is noted that the desired character statement specifically references the potential for the proliferation of intensive development which may threaten the proper functioning of the rural landscape and result in competing demands which may be less productive. To address this, the zone recognises the need to control the size of land holdings and manage the conversion of agricultural land to other uses.

Zone Principles

Zone principles encourage industry uses which are developed to support primary production, processing, storage and distribution of local primary produce or products produced on the same site where it retains a direct relationship with primary production and does not impede or limit the use of adjoining land. This has limitations on the development of allied food industries within the zone, which seek to provide a processing, packaging or transport solution for broader primary producers.

It is noted that the zone supports the accommodation of a shop where ancillary to primary production or processing uses, where it is located on the same site as the primary use. This provision is intended to provide for small shop fronts for the sale of goods produced on the land and is common within horticultural areas. The provision facilitated through the plan would not support the accommodation of ancillary allied food industries such as chemical resellers.

Horticulture Policy Area 3

Horticulture Policy Area 3 is located to the southern portion of the study area, extending from the eastern boundary to the western coastal boundary and abuts the Gawler River to the south.

The policy area is intended to comprise horticulture and associated industry activities for the washing, processing and packaging of primary produce, along with development which services and supports horticulture such as the repair and maintenance of farm equipment.

5.2 What Development Plan Controls are needed?

This study seeks to identify areas capable of supporting allied food industries. It is clear from the above review of current Development Plan policy that there are opportunities for these forms of development to occur at different scales and with different characteristics in a range of locations.

The future opportunities for growth in allied food industries will depend on the supporting planning policy landscape. In this, Council has sought to expand on current policy approaches and in doing so, investigate three alternative approaches, namely:

1. Accommodation of all allied food industries in a single zone;

2. Accommodation of all allied food industries on-farm; or

3. A combination approach which provides for both on-farm and off-farm allied food industries.

5.2.1 Single Zone

A single zone approach would seek to accommodate all future allied food industries (both direct and ancillary) within a single 'industry' type zone and restrict these types of activities outside of this zone. Whilst providing a high level of protection for agricultural land and seeking its use predominantly for primary industry; this approach is a variation on current planning practice and at odds with the directions of PIRSA and more broadly the State Government which advocates for a stronger agribusiness and value-add sector in support of the State's Economic Priority of 'Premium Food and Wine Produced in our Clean Environment and Exported to the World'.

Table 5.1 below summarises both the opportunities and constraints presented by the single zone approach.

Table 5-1 Single Zone

Opportunities	Constraints
Retention of primary production land and prevention of potentially incompatible land uses	Potential for high capital costs associated with establishing an off-site allied food industry
Concentration of infrastructure in a single location/s	Processing etc. remote from primary production activity and associated potential for damage to raw products in transit
Appropriate management of interface conflict	Not necessarily attractive to investors
Opportunity to co-locate allied food industries to gain efficiencies	Reduced efficiencies – additional transport requirement to processing facility
	Potentially high transport costs from farm to processing facility
	Has the potential to pre-judge what activities might occur within the zone

5.2.2 On-Farm

This approach would see planning policy amended to allow all allied food industries to be accommodated within the primary production zone, both on-farm and off-farm. Whilst on face value this approach may be seen to facilitate a market approach and provide the greatest equity, the concept of uncontrolled development across the primary production zone would see the conversion of agricultural land to non-agricultural land uses, therefore undermining the zone's intent and constraining those land uses which are intended within the zone. In addition, there is potential for higher levels of interface conflict resulting from the day-to-day operation of incompatible land uses.

The allowance for all allied food industries, and in particular those defined as ancillary, to be accommodated on-farm is a departure from current planning practice.

Table 5-2 On-Farm

Opportunities	Constraints
Dispersed allied food industries – potential biosecurity and interface management benefits	Dispersed allied food industries – fragmented infrastructure provision, loss of co-location potential and proliferation of incompatible land uses throughout the primary production zone
Consolidation of activities on a single site and potential cost savings to producers	Loss of valuable agricultural land from production
	Loss of potential co-location benefits
	Not necessarily attractive to investors – require large sites

5.2.3 Combination

A combination policy approach builds upon current planning practice by allowing certain allied food industries which have a direct association with a primary production activity to occur in unison with the activities on-site, whilst recognising the benefits that may be forthcoming by providing a dedicated industry type zone for those uses which do not rely on, or have a direct relationship with on-site primary production activities and therefore builds upon the concepts introduced in Section 5 above.

Given the more dispersed nature of this approach, an important consideration is the need to ensure that a new entrant seeking to establish within a dedicated industry zone is not penalised through high infrastructure costs.

Table 5-3 Combination

Opportunities	Constraints
Co-location of ancillary allied food industries to gain efficiencies	Both concentrated and dispersed infrastructure provision – potentially high costs
Management of potential interface conflict between allied food industries and residential/township activities	Some loss of agricultural land from production

Continues current best practice planning	Potential to penalise those entrants located within a dedicated zone if planning policy does not provide certainty
Maintenance of primary production zoned land for primary industries and avoids proliferation of incompatible land uses	
Availability of suitably zoned land for 'primary' value adding practices which facilitates larger scale activities which are out of character with the primary production zone	
Allows for market flexibility	

6.0 Land Supply Considerations

6.1 Infrastructure

In understanding what potential Adelaide Plains Council has to support allied food industries, and in proposing a revised policy framework as discussed in Section 5 above, it is important to consider what opportunities or limitations are posed by existing infrastructure provision. Both the previous studies discussed under Section 2 above and current policy contained within the Primary Production Zone (Horticulture Policy Area 3) provide an insight into the current limitations for the growth of both horticulture and allied food industries, noting the importance of adequate water supply, east-west sealed road linkages, power supply and the possible provision of natural gas.

The information contained herein is depicted geographically in Appendix E.

6.1.1 Electricity

Delivery of electricity to the home and business across South Australia is via a distribution network owned and managed by SA Power Networks (SAPN), whilst the transmission of high voltage electricity is via the network managed by ElectraNet.

It is noted that existing ElectraNet 275kV overhead transmission infrastructure runs through the south-eastern portion of the APC area, whilst SAPN has an extensive network of existing overhead powerlines throughout the study area along with a number of substations, including a new substation to the immediate north of Two Wells.

In order to understand the potential for growth in allied food industries, both dispersed throughout the study area and concentrated in a single zone, network capacity must be understood. Correspondence from SAPN has confirmed that there is some existing capacity within the existing substation system, particularly with that substation located north of Two Wells, however, augmentation of existing substations would be required should load demands exceed this capacity.

Any future augmentation of the SAPN system is the responsibility of the developer and SAPN, and advanced separately of Council.

In addition to the above, feedback gathered throughout stakeholder engagement highlighted the value placed by existing allied food industries on the ability to undertake independent power generation as a means of providing surety and consistency of supply.

6.1.2 Natural Gas

The supply of natural gas to South Australia is achieved via transmission infrastructure owned and managed by a number of separate parties (such as Epic Energy), whilst the natural gas distribution network is owned by Australian Gas Networks.

However, it is recognised that in some circumstances business users with a large demand are supplied directly by the natural gas transmission providers (e.g. the Orora glass factory at Kingsford is supplied directly by Epic Energy).

Representatives of Epic Energy have confirmed that transmission infrastructure in the form of the Moomba to Adelaide Pipeline and the Wasleys to Adelaide Loop are located within the study area and noted that the capacity of this infrastructure is fully contracted. However, representatives highlighted that there may be options for addressing capacity depending on projected gas demand (both overall volume and daily use profile).

Separately, Australian Gas Networks (AGN) has recently installed a high pressure natural gas distribution main from Virginia to Two Wells. Representatives of APA Group (operators for AGN) confirm that the trunk main has been sized to accommodate future growth in the region, subject to individual assessment of location pressure and quantity requirements.

6.1.3 Transport

Transport and access to the wider road network plays an important role in attracting new allied food industries and the future success of new businesses. Excluding General Access Vehicles (GAV) which are those that comply with mass and dimension requirements and have general access to the road network unless sign-posted otherwise (e.g. standard semi-trailer), there are limitations placed on the use of the road network by larger vehicles (e.g. B-Doubles). Larger vehicles includes those of a higher mass, length, height or width which must comply with the requirements of the National Heavy Vehicle Regulator and in doing so, limit movements to specific routes which are designated for these types of vehicles.

Whilst a number of these specific routes traverse the study area, feedback gathered throughout stakeholder engagement and current planning policy recognise the current freight network shortcomings, in particular in providing for east-west freight movement. Further, stakeholders noted the implications of a largely unsealed road network on the consistent management of product quality and the risk of impurities in higher end value-add products as a result of dust.

A further consideration for future freight network planning is described in the 2015 South Australian Freight Council paper titled *'Moving Freight – The First and Last Mile'* in which the concept of the 'First and Last Mile' is discussed. This term describes the short distance required to connect a business or farm to an existing restricted access route and/or to connect this route to its destination (e.g. processor, port, mill, etc.). It is recognised that there is often a mismatch between the freight vehicles allowed on the main freight network and those roads connecting a business to the freight network. In turn, this mismatch can lead to less than optimal vehicle use for the task and result in productivity reductions.

The future location of allied food industries, both on-farm and within a dedicated industry zone will need to take into account road network capabilities.

6.1.4 Water

As noted previously, a key driver for growth in both primary industries and allied food industries is the reliable supply of fit-for-purpose water. The future availability of Class 'A' Recycled Water for allied food industry growth via the NAIS is discussed in Section 2.2 above.

6.1.5 Workers Accommodation

The diversification of primary industries and allied food industries will result in a demand for skilled labour. In many cases, this skilled labour is seasonal and therefore not readily available locally, resulting in a demand for the services of a labour hire company. Previous consideration of workers accommodation has been focussed around the re-use of the Mallala Hospital, which remains fully occupied.

The adequate provision of additional services and availability of land for workers accommodation is a matter which needs to be considered in partnership with the introduction of new primary industry activities and allied food industries.

7.0 Recommendations

The following recommendations have been prepared on the basis of investigations undertaken to inform this study and valuable feedback gathered from attendees at the key stakeholder workshop held in early June 2017.

The recommendations provide a clear path forward to support not only the provision of allied food industries but the growth of primary production more broadly across the study area.

1. Undertake investigations as part of the Northern Food Bowl Protection Areas DPA with the intent to rezone land which is, or is capable of, being adequately serviced by infrastructure and sited accordingly for ancillary allied food services. Activities envisaged within a future 'industry' type zone would include those that are not dependent on activities occurring on-site.

2. Remove Horticulture Policy Area 3. This recommendation seeks to encourage and facilitate diversification of primary production activities whilst enabling primary producers to be adaptable and flexible to market influences.

3. Consider policy amendments which facilitate greenhouse development as a complying development, within the Primary Production Zone, subject to certain provisions being met (e.g. minimum setbacks, located outside or within the low flood risk area, achievement of buffer/interface controls on the new entrant).

4. Consider policy additions which allow direct allied food industries to occur throughout the Primary Production Zone and not depend on primary industry occurring on-site.

5. Explore land division policy approaches, including leases and/or licence as per Schedule 3 of the *Development Regulations, 2008* to facilitate expansion of primary industries and allied food industries. Issues for consideration include (but are not limited to) the listing of land division as non-complying, the provision of land division subsequent to the establishment of an allied food industry.

6. Review current dwelling controls within the primary production zone to ensure priority is placed on protecting primary production and allied food industry uses.

7. Consider the availability and demand for workers accommodation and the most appropriate location for this form of development.

8. Investigate current planning controls and make recommendations to ensure energy generation can take place on-site when occurring in association with primary industries and allied food industries.

9. Update policies to ensure 'Industry' is merit within the Primary Production Zone where ancillary to activities on-site or for the purpose of processing primary production products.

10. Lobby the Department of Planning, Transport & Infrastructure for amendments and upgrades to the State road network to support higher productivity vehicles (e.g. B-Doubles) throughout the study area.

11. Consider Council's road sealing program and its relationship to location and needs of future allied food industries.

Appendix A

List of Stakeholder Workshop Attendees

APC – Allied Food Industries Land Supply Study

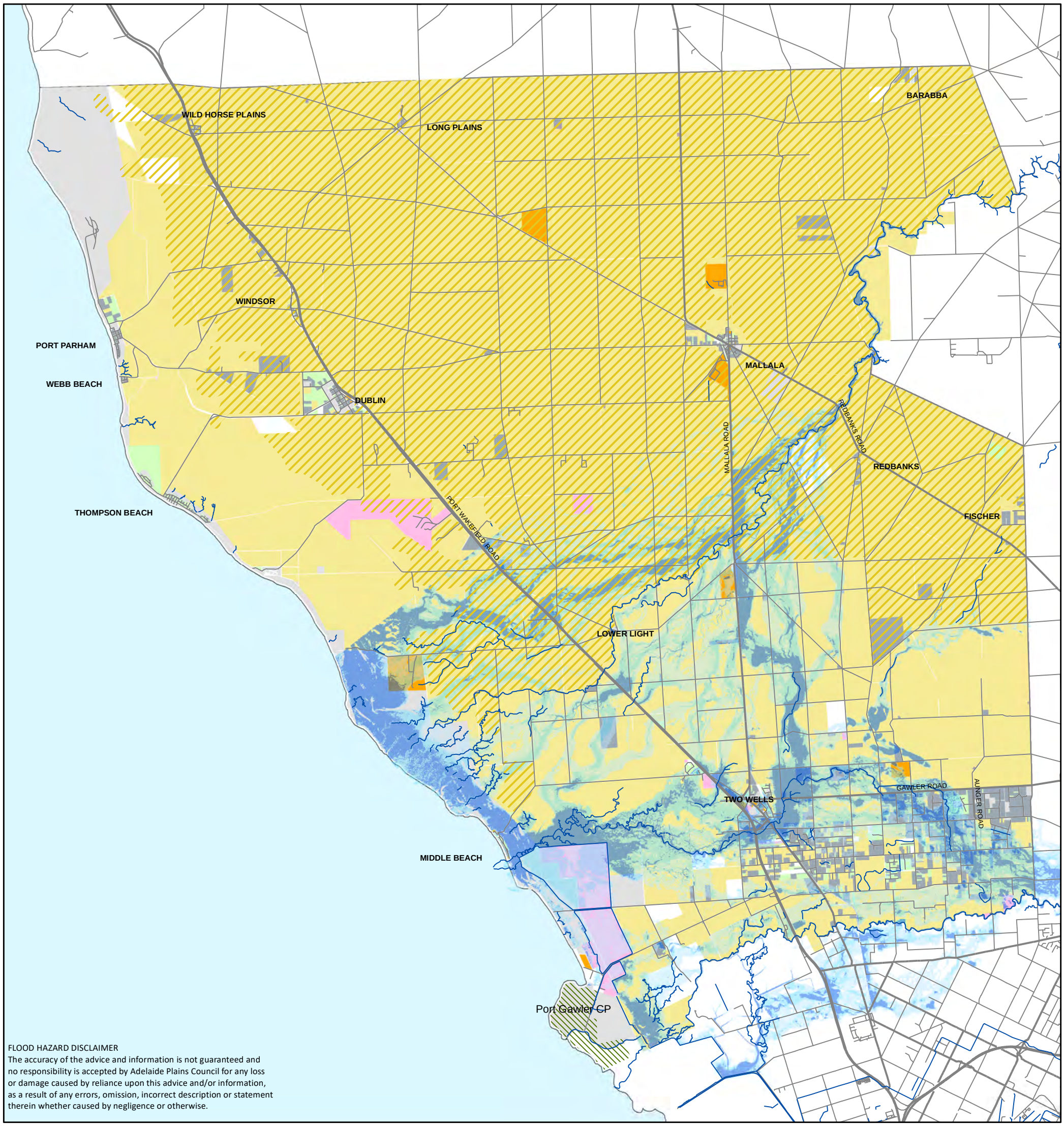
Stakeholder Workshop Attendee List

Date of Workshop – Wednesday 7 June 2017

Name	**Organisation/Group**
David Barone	Jensen Plus
Tony Lutfi	Greenwheat Freekeh
Peter Houston	Primary Industries and Regions SA (PIRSA)
Ly Luan Le	Vietnamese Farmers Association
John Lush	Adelaide Plains Council Rate Payers Association
Anne Maroney	Barossa RDA
Nadia Gencarelli	Department of Planning, Transport and Infrastructure
Mark Wison	SA Water
Nicolle Sincock	Investment Attraction SA
Gerey Davis	PIRSA (Major Projects)
Angelo Demasi	SA Produce Market Limited
Jordan Brooke-Barnett	AusVeg
Liam Stewart	Mallala Seasonal Workers Accommodation
Robert Veitch	Adelaide Plains Council
Grazio Maiorano	URPS
Zoe Hambour	URPS
Andrew Chown	URPS

Appendix B

Map 1 – Land Use, Dryland Farming and Flooding



MAP 1: LANDUSE, DRYLAND FARMING AND FLOODING

ADELAIDE PLAINS COUNCIL

0 2.5 5 10km

- Watercourses
- Main road
- Other road
- Conservation Park
- Area suitable for dryland farming (Mallala Broadacre Farming Study 2015)

Flood Hazard

- Low
- Medium
- High

Landuse (generalised)

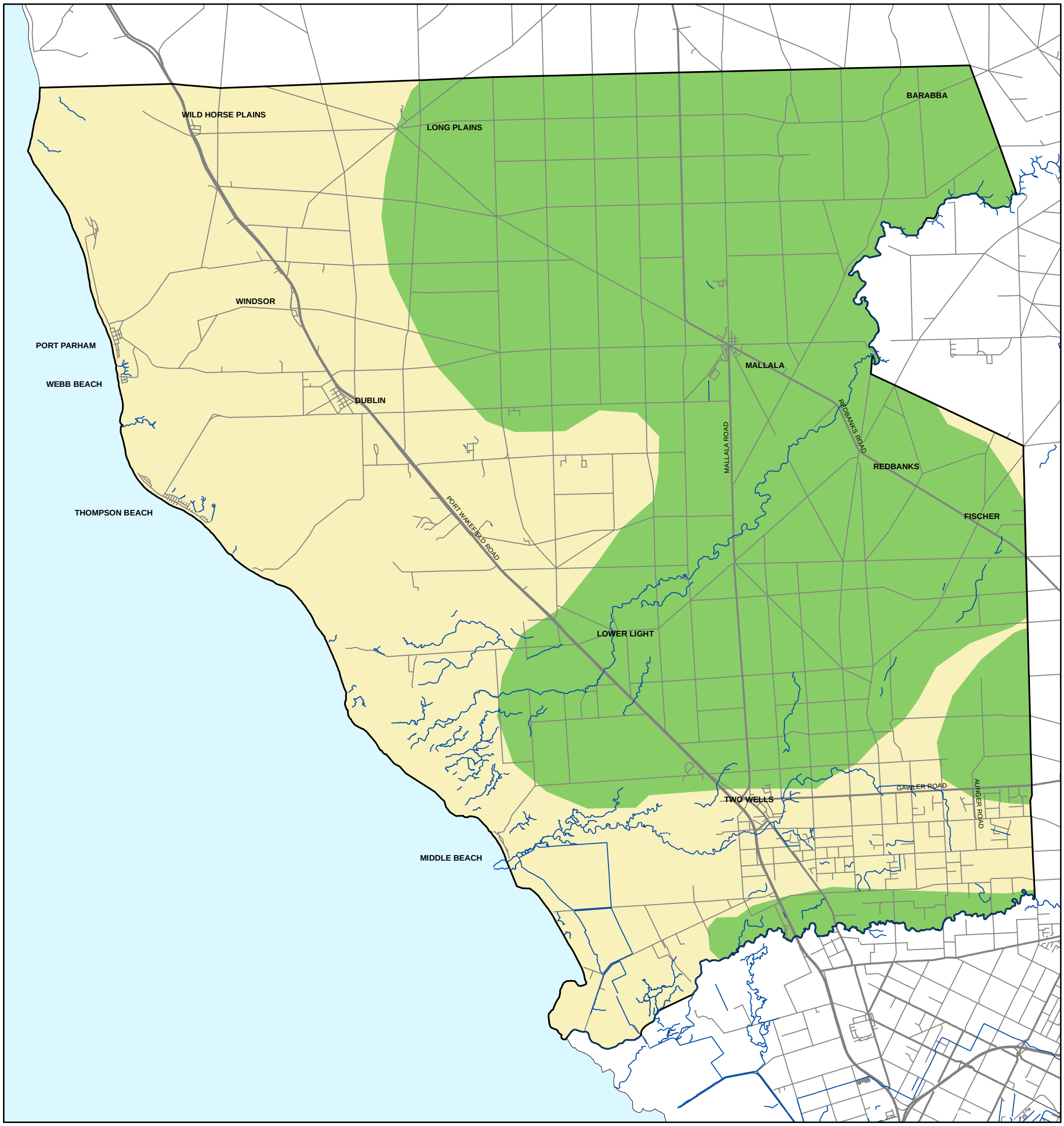
- Commercial
- Industry
- Agriculture
- Residential
- Vacant Land
- Other

URPS

JOB REF.	17ADL-0158
PREPARED BY	AP
DATE	05.07.2017
REVISION	2
DATA SOURCE	DPTI, DEWNR, SA Water, Mallala Broadacre Farming Study 2015 (Planning Aspects), Gawler River Floodplain Mapping 2015 (AWE)

Appendix C

Map 2 – PIRSA Primary Production Priority Areas (PPPA)



MAP 2: PIRSA PRIMARY PRODUCTION PRIORITY AREAS (PPPA)

ADELAIDE PLAINS COUNCIL

0 2.5 5 10km

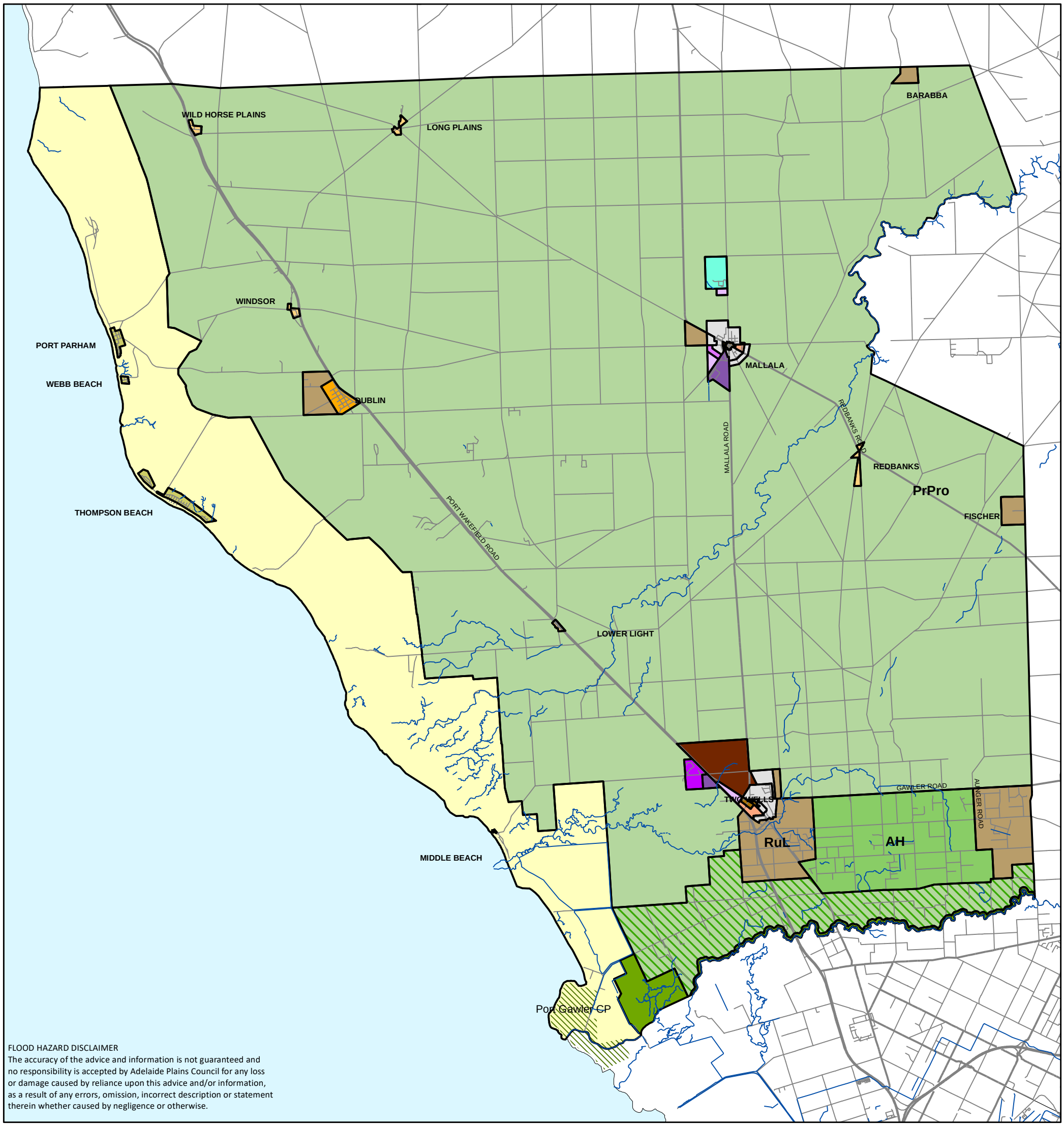
- Primary Production Priority Area (PPPA) (PIRSA)
- Non-Primary Production Priority Area
- Council Boundary
- Watercourses
- Main road
- Other road

URPS

JOB REF.	17ADL-0158
PREPARED BY	AP
DATE	05.7.2017
REVISION	1
DATA SOURCE	DPTI, DEWNR, SA Water, PIRSA

Appendix D

Map 3 – Existing Development Plan Zones



MAP 3: EXISTING DEVELOPMENT PLAN ZONES

ADELAIDE PLAINS COUNCIL

- Watercourses
- Main road
- Other road
- Conservation Park
- Horticulture Policy Area 3

Development Zones

- Animal Husbandry
- Bulk Handling
- Coastal Conservation
- Coastal Settlement
- Commercial
- Community
- Conservation
- Deferred Urban
- Industry
- Light Industry
- Mallala Racecourse
- Primary Production
- Residential
- Residential Park (Coastal)
- Rural Living
- Settlement
- Suburban Neighbourhood
- Town Centre
- Township

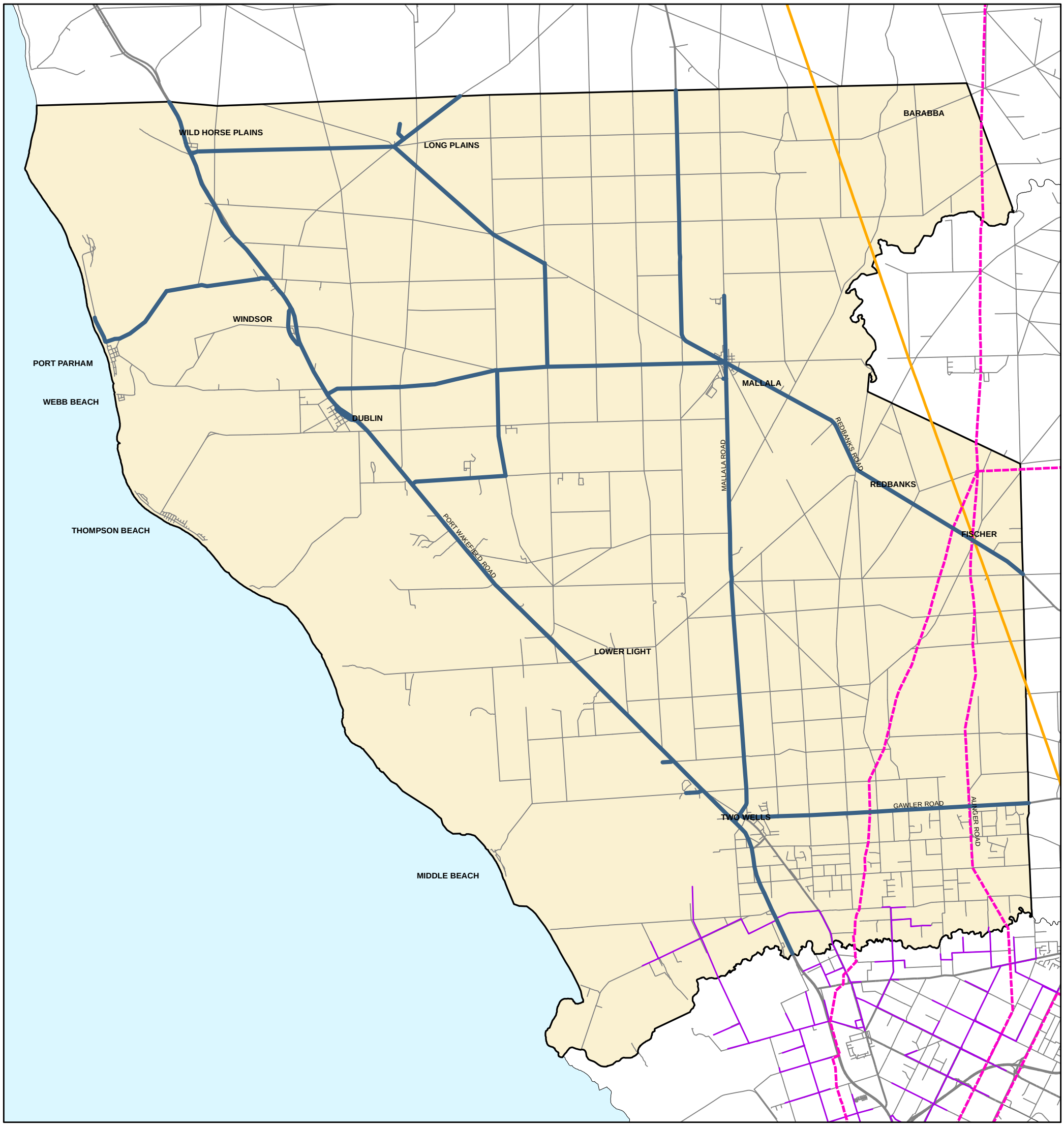
0 2.5 5 10km

URPS

JOB REF.	17ADL-0158
PREPARED BY	AP
DATE	05.7.2017
REVISION	2
DATA SOURCE	DPTI, DEWNR, SA Water

Appendix E

Map 4 – Infrastructure Considerations



MAP 4: INFRASTRUCTURE CONSIDERATIONS

ADELAIDE PLAINS COUNCIL

URPS

JOB REF.	17ADL-0158
PREPARED BY	AP
DATE	05.7.2017
REVISION	1
DATA SOURCE	DPTI, DEWNR, SA Water, PIRSA

Adelaide Plains Council	**14.7**	**Coastal Settlements Adaptation Options – Proposed Implementation**
	Department:	**Development and Community**
	Report Author:	**General Manager, Development and Community**
Date: 17 July 2017	**Container No:**	**CON12/337**
	Document No:	**D17/10982**

EXECUTIVE SUMMARY

Council's Coastal Settlements Adaptation Study (CSAS) and its associated Framework Reports (2013/2014) recommend a number of adaptation strategies for Parham, Webb Beach, Thompson Beach and Middle Beach to protect the settlements from the impacts of current storm surge events and to cope with potential future changes in sea levels.

Implementation of the proposed adaptation strategies has been on hold since completion of the study, in part to determine whether coastal protection infrastructure works should be reviewed subject to the collection of further data from a modern sea level gauge (Resolution 2016/133). A subsequent resolution (2016/354) requires the CEO to bring back a report to Council on the cost of an independent review of the CSAS.

Following an internal review of the CSAS recommendations and further engagement with the Coast Protection Board and other key stakeholders, it is considered that Council should have sufficient reassurance as to the integrity of the CSAS, and revoke Resolution No. 2016/354.

In anticipation of the future rescission of Resolution No, 2016/133, it is recommended that Council initiate procedures to determine which of the recommendations in the CSAS should be implemented and to develop a works program and the allocation of funds to undertake the works.

In order to aid long term sea level monitoring and inform future flood mitigation works in Council's coastal settlements, Council should give its support to the Coast Protection Board to reinstall the Port Stanvac SEAFRAME gauge to the O'Sullivan's Beach Boat Ramp.

RECOMMENDATION 1

That Council, having considered Item 14.7 – *Coastal Settlements Adaptation Study – Proposed Implementation,* dated 17 July 2017;

1. **receives and notes the report,**
2. **rescinds Council Resolution Number 2016/354, and**
3. **authorises the Chief Executive Officer to proceed with the preparation of a risk based priority implementation program for coastal works and to send a letter of support to the Coast Protection Board for the reinstallation of upgraded SEAFRAME gauge from the former Port Stanvac jetty to the O'Sullivan's Beach Boat Ramp, as soon as possible."**

BUDGET IMPACT

The implementation of a coastal works program will require Council to implement solutions that will impact on Council's Long Term Financial Plan.

No funds have been allocated in the 2017/2018 budget to undertake a program of coastal works.

RISK ASSESSMENT

Current storm surge events and potential future rises in sea level present a potential risk to coastal settlements and their communities, as well as to Council assets. The intent of the CSAS was to identify the risk and suggest adaptation strategies to cope with existing sea flooding and potential future changes in sea levels.

In April 2015, Administration received legal advice regarding possible action that may be taken against Council if it does not implement and maintain coastal mitigation measures.

Since completion of the CSAS, proclamation of the Adelaide International Bird Sanctuary (AIBS) on coastal land that is in the care and control of Council has occurred. In negotiations with the State Government regarding the revocation of identified parcels of land, it has been determined that flood mitigation structures (such as levees) and other Council infrastructure (such as roads) are located on land parcels identified for future revocation.

As a consequence, it is imperative that the recommendations of the CSAS be considered with regards to the future development and protection of Council's four coastal settlements from current storm surge events and potential future rises in sea levels.

Attachments

1. **Summary of CSAS Recommendations**

DETAILED REPORT

Purpose

This report provides an update on the current status of Council's Coastal Settlements Adaptation Study (2013/2014) and advises upon the implementation of recommendations set out in the associated Framework Reports for Parham, Webb Beach, Thompson Beach and Middle Beach.

Background/History

In May 2013, Adelaide Plains Council (then the District Council of Mallala) commissioned the University of South Australia (UniSA) and URS Australia Pty Ltd (URS) to undertake the Coastal Settlements Adaptation Study (CSAS).

The purpose of the study was to consider flood protection measures for Council's coastal settlements from the impacts of current storm surge events and potential future rises in sea levels. This included the development of cost effective, realistic and achievable adaptation strategies to cope with the impacts of sea floods; to consider the development of planning policy in response to the predicted risks; and to build community resilience to the predicted risks.

The study comprises a State of Play Report (endorsed by Council October 2013) and a detailed Framework Report for each of Council's four coastal settlements (endorsed by Council August 2014).

The Framework Reports set out proposed adaptation strategies for each settlement and provide a number of recommendations with defined timeframes for implementation (see **Attachment 1**). Of the Framework Report recommendations to date, Council has developed the Middle Beach Community Emergency Management Plan (to near completion) and has installed flood depth markers at Middle Beach. Despite the indicative timeframes proposed in the Framework Reports, no other recommendations have been initiated.

At the Ordinary Council Meeting held on 18 April 2016, the following resolution by Council was made:

> ***Council Resolution*** ***2016/ 133***
>
> *Moved Cr Jones* *Seconded Cr Lawrence*
>
> *"that prior to any current or future coastal protection infrastructure works or policy being undertaken/adopted, such works or policy be subject to further peer review based on local data obtained from modern an installed Sea Level Gauge."*
>
> ***Mayor exercised his casting vote - CARRIED***

Council will not be able to undertake any flood mitigation works within its coastal settlements until the above resolution has been rescinded.

Discussion

Coastal Settlements Adaptation Study Recommendations

The recommended adaptation strategies set out in the CSAS Framework Reports include protection measures such as construction of sea walls, raising key roads and the installation of drainage swales as well as accommodation measures, including the raising of buildings and the implementation of emergency warning systems for residents. The adaptation strategies in the Framework Reports were intended to provide realistic and achievable adaptation options, which meant that not all potential options considered were included in the final recommendations. This included options that were considered to be too costly, impractical or that would not achieve the desired outcome.

Further to the protection and accommodation strategies, the speculative consideration of a 'planned retreat' for settlements was outlined in all four settlement Framework Reports to consider how long term predictions of sea level rise from the Coast Protection Board could potentially affect the viability of the district's coastal settlements.

The recommendation set out in all four settlement Framework Reports for this 'retreat' option was the implementation of a monitoring system to ascertain whether sea level rise will occur during the 2020s, 2030s and 2040s as predicted, which could trigger the need for the implementation of further adaptation strategies, with the most extreme position (and absolute last resort) being a planned removal of buildings within the settlements. As the rate of sea level rise is not constant, long term monitoring is crucial to provide Council with accurate data from which future adaptation options for coastal settlements can be derived.

Middle Beach

Administration understands that residents from Middle Beach had particularly strong concerns regarding the outcomes of the Middle Beach Framework Report as the recommendations were considered to largely focus on retreat policies for the settlement and the formulation of emergency procedures for residents during a flood. The Draft Middle Beach Framework Report for public consultation was presented to the community in March 2014 and considered only the implementation of a long term monitoring program in relation to the retreat option and the preparation of emergency management plans. The draft report did not include any physical flood control works for Middle Beach to mitigate the risks and impacts of sea flood inundation for either now or in the future.

As a consequence, a second workshop for Middle Beach residents was held in May 2014 which presented a number of potential flood control measures that could be implemented within the settlement. These included raising The Esplanade within Middle Beach and the installation of flood control banks to the east of the settlement. The proposed flood control measures were included in the final Framework Report for Middle Beach, which was endorsed by Council in August 2014. However, as the flood control works were only

included in the final report to Council, it is likely that the addition of these measures was not communicated back to the residents of Middle Beach.

It is the Administration's understanding that the miscommunication that occurred during the preparation and endorsement of the CSAS Framework Reports may have contributed to the grounds for the following resolution made by Council at the Ordinary Council Meeting held on 21 November 2016:

> ***Council Resolution*** ***2016/ 354***
>
> *Moved Cr Jones* *Seconded Cr Stubing*
>
> *"that Council instructs the CEO to bring back a report on the cost of an independent and comprehensive review of Council's Coastal Settlement Adaptation Study inclusive of and not restrictive of all further relevant data, information historical or otherwise."*
>
> ***CARRIED***

It is considered that if the clarification provided above in relation to the CSAS Framework Report recommendations, together with the information outlined below on future sea level monitoring in the remainder of this report, provide sufficient reassurance as to the integrity of the CSAS, that Council can revoke Resolution No. 2016/354.

Council may consider that the final recommendations outlined in the CSAS, and particularly the Middle Beach Framework Report, should be communicated to residents to enable more buy in from Council's coastal communities in developing a future works program for the implementation of flood protection measures.

Sea Level Monitoring

The CSAS recommended implementation of a long term monitoring program to measure the rate of sea level rise to provide Council with accurate data from which future adaptation options for coastal settlements could be derived.

To assist with more accurate monitoring, the Coast Protection Board (CPB) plan to reinstall the 1992 SEAFRAME gauge that was decommissioned from the Port Stanvac jetty in 2010 to the O'Sullivan Beach Boat Ramp (500 metres away). If the CPB is successful in securing funding for this in the 2017/2018 state budget (at a cost of over $200,000), this will allow meaningful data to be obtained within two years i.e. 20 years of data, which will provide more accurate monitoring of sea level in this region of the South Australian coastline, including for Council's four coastal settlements. The CPB should be supported by local government in the reinstallation of the SEAFRAME gauge as soon as possible i.e. via a letter of support from APC.

A Deep Bench Mark was installed at Parham in November 2016 to monitor the stability of the bedrock and therefore provide geological information to address potential uplift

concerns and inform future sea levels within the gulf. Within several years, this monitoring combined with SEAFRAME monitoring, will assist Council's position in regard to a future review of CSAS long term adaptation recommendations.

Next Steps

Council now needs to decide which of the recommendations for each coastal settlement should be implemented, then develop a works program for the implementation of the proposed works and allocate funds to undertake the works.

Since the endorsement of the CSAS Framework Reports in 2014, the following works and adaptation responses have been implemented from the original recommendations made:

Settlement	Adaptation Response Works Undertaken
Parham	No works undertaken
Thompson Beach	No works undertaken
Webb Beach	Application for grant funding submitted to undertake CEMP and HEMPs – funding outcome deferred until late 2017
Middle Beach	Community Emergency Management Plan (CEMP) and Household Emergency Management Plans (HEMP) undertaken (apart from production and distribution of fridge magnets and posters)

As previously discussed, Council will not be able to undertake any further flood mitigation works within its coastal settlements until Resolution No. 2016/133 has been rescinded.

Nevertheless, Council can begin to prepare an implementation program for flood protection measures along the coast using the recommendations set out in the CSAS and Framework Reports (Attachment 1) so that Council can commence works as soon as possible after rescission of the resolution occurs.

It is recommended that this program of works is based on a risk based priority system, with those works considered to be most urgent for the protection of Council's four coastal settlements from the impacts of current storm surges, to be implemented first.

As discussed above, potential works that may be required to protect the settlements from the longer term effects of sea level rise will be guided by the implementation of a monitoring program, which includes data collection from sea level gauges and the Deep Bench Mark at Parham.

With monitoring to continue once a comprehensive program of coastal works has been agreed upon, Council will need to allocate funds to undertake the works or seek funding opportunities to implement the program.

References

Legislation

N/A

Council Policies

N/A

Summary of CSAS Adaptation Options Proposed for Parham		
Protect	1.	Install approximately 590 m of levee at 3.25m AHD to west side of Esplanade from corner of North Terrace to corner of South Terrace.
		If required subsequent to checking dune height, install a further 210m of levee from corner South Terrace to corner Good St.
	2.	Restrict access to the dunes from corner North Terrace to corner South Terrace, fence off and vegetate (vegetation not costed).
		If required, remove the fence from corner South Terrace to corner of Good Street, and replace when levee at (1) is installed (260m).
	3.	Check height of beach crossovers and raise to 3.25m AHD where required. Review whether both access points at Second and Main are required.
	4.	Raise 40m of North Terrace to height 3.0m AHD (a secondary defence). Check height and stability of man-made dune to the west, and the levee east of the Esplanade.
	5.	Check height of natural dune from Good St to the southern end of the Esplanade. If less than 3.0m, remove existing fence and install levee as per (1), or if only minor sections are low, use geotextile sand bags, cover over with sand and revegetate.
	6.	Implement monitoring regime to check dune system north and south of Parham. Fill incursion 50m south of Parham to prevent further erosion of the dune system.
Accommodate	7.	Implement emergency procedures – establish warning systems; establish emergency assembly point; establish evacuation policies; establish community and households emergency action plans.
		Establish emergency evacuation access tracks to the east of Parham (south) from end of levee to Parham Sports Club (approx. 500m x 4m wide). Close off and revegetate existing tracks. Install 'emergency access only' signs (4).
	8.	Devise and implement planning policy that ensures: new dwellings are capable of being raised to 3.95m AHD; and site levels are not required to be raised.
	9.	Adapt existing dwellings – residents to raise floor levels; utilise internal waterproofing; or temporary protection mechanisms.
Retreat	10.	Subject to monitoring that demonstrates that the rate of sea level rise is accelerating, devise and implement planning policy that ensures that new dwellings are capable of being removed (once a predetermined trigger point has been reached, for example a particular AHD height).

Summary of CSAS Adaptation Options Proposed for Webb Beach		
Protect	1.	Remove shell grit levee and install 170m approx. of clay levee at height 3.25m AHD to northern perimeter.
	2.	Install rock armoured wall to north-west corner.
	3.	Check height of ramp and raise to 3.25m AHD. (DEM approximates current height at 2.90m AHD which is sufficient for current flood-risk).
	4.	Raise eastern end of Jarmyn Street for distance of 80m to height 3.0m AHD (this is a secondary defence).
	5.	Raise Webb Beach east-west causeway by 0.6m to 2.80m AHD for distance of 350 m. Install two 20 m compacted rock fords – one on the cause way, one on existing culvert (running north-south) at height 2.50m AHD.
	6.	Implement monitoring regime to check dune system north and south of Webb Beach. Fill recent incursion 950m south of Webb Beach to prevent further erosion of the dune system.
Accommodate	7.	Implement emergency procedures – establish warning systems; establish emergency assembly point; establish evacuation policies; establish community and households emergency action plans.
		Install flood depth markers to Webb Beach Road.
	8.	Devise and implement planning policy that ensures: new dwellings are capable of being raised to 3.95m AHD; and site levels are not required to be raised.
	9.	Adapt existing dwellings – residents to raise floor levels; utilise internal waterproofing; or temporary protection mechanisms.
Retreat	10.	Subject to monitoring that demonstrates that the rate of sea level rise is accelerating, devise and implement planning policy that ensures that new dwellings are capable of being removed (once a predetermined trigger point has been reached, for example a particular AHD height).

Summary of CSAS Adaptation Options Proposed for Middle Beach		
Protect	1.	Protection options are unavailable for Middle Beach
Accommodate	2.	Implement emergency procedures – establish warning systems; establish evacuation policies; establish community and households emergency action plans.
	3.	Establish emergency assembly point platform to the boat ramp area.
	4.	Install flood depth markers to Middle Beach Road and within the settlement.
	5.	Flood control works (consultants preferred option listed here but all works proposals subject to further engineering advice) • Raise the laneway immediately to the east of the dwellings situated on the shoreline (including one portion of the main Esplanade) to 2.50m AHD. • Raise northern end of The Esplanade to join with the southern end of Middle Beach to ensure roadway at a consistent height of 2.30m AHD. • Install flood control bank to east side of Middle Beach settlement (2 sections). • Install piping and tidal valve into existing easement.
	6.	Devise and implement planning policy that ensures new dwellings are capable of being raised to 3.95m AHD; and site levels are not required to be raised.
	7.	Adapt existing dwellings as required – residents to raise floor levels; utilise internal waterproofing; or temporary protection mechanisms.
	8.	Establish planning policy for the boat ramp/ community area and the residential areas to ensure new development can accommodate tidal inundation.
Retreat	9.	Subject to monitoring that demonstrates that the rate of sea level rise is accelerating, devise and implement planning policy that ensures that new dwellings are capable of being removed (once a predetermined trigger point has been reached, for example a particular AHD height).

Summary of CSAS Adaptation Options Proposed for Thompson Beach		
Protect	1.	Check heights and integrity of levees and dunes – east of the settlement, and the front dune and levee south of Ruskin Road.
	2.	Install 320m of levee to the Esplanade at 3.25m AHD from Petrel Crescent corner to where the line of Chat Court that intersects the Esplanade.
	3.	Raise the man-made east-west levee on the southern end of Thompson Beach from 2.50m to 3.00m AHD (secondary defence) – approx. 340 LM.
	4.	Raise southern car park beach crossover to 3.30m AHD. Check height of beach access ramps and walkways and raise to 3.25m AHD if required.
	5.	Install levee to 3.25m AHD to south-west corner between cul-de-sac in south to car park (290m approx) and then the remaining sections of the levee approved in 312/311/2011.
	6.	Raise section of the Esplanade between corner of Ruskin Road and Sandpiper Drive to 2.8m/ 3.0m AHD.
	7.	Implement monitoring regime to check existing levees and dune system north and south of the settlement. Evaluate whether the incursion through the dunes to the north of Thompson Beach can be closed.
Accommodate	8.	Implement emergency procedures – establish warning systems; establish emergency assembly point; establish evacuation policies; establish community and households emergency action plans.
	9.	Devise and implement planning policy that ensures: new dwellings are capable of being raised to 3.95m AHD; and site levels are not required to be raised.
	10.	Adapt existing dwellings – residents to raise floor levels; utilise internal waterproofing; or temporary protection mechanisms.
Retreat	11.	Subject to monitoring that demonstrates that the rate of sea level rise is accelerating, devise and implement planning policy that ensures that new dwellings are capable of being removed (once a predetermined trigger point has been reached, for example a particular AHD height).

Adelaide Plains Council	**14.8**	**Adelaide International Bird Sanctuary National Park – Stage 2 Land Revocations**
	Department:	**Development and Community**
	Report Author:	**General Manager, Development and Community**
Date: 17 July 2017	**Container No:**	**CON12/1192**
	Document No:	**D17/14273**

EXECUTIVE SUMMARY

In order to continue the establishment of the Adelaide International Bird Sanctuary National Park (AIBS), the State Government needs to undertake a further revocation process of some parcels of land held under the care, control and management of Adelaide Plains Council.

The first stage of land revocations was undertaken in 2015 and 2016, with the original proclamation of the AIBS taking place in October 2016, following Council's support and cooperation in finalising the revocation of key land parcels in late 2015.

The Department of Environment, Water and Natural Resources (DEWNR) is now keen to progress the second stage of land revocations in order to proclaim additional land to expand the new National Park. A schedule involving 20 parcels of land, including 5 portions of road reserve, has been presented to Council for consideration. DEWNR is aiming to complete this stage of the revocations later in the year and to meet this goal, they are requesting Council finalise its position on the 20 parcels by mid-July.

Council (including Elected Members and key Council staff) have considered any likely impediments to the revocation of the proposed land parcels. Confirmation to DEWNR by Council of actions to be undertaken in relation to the proposed land parcels prior to proclamation will ensure the expansion of the new National Park can proceed, subject to the resolution of any outstanding impediments that Council has identified.

RECOMMENDATION

That Council, having considered Item 14.8 – *Adelaide International Bird Sanctuary National Park – Stage 2 Land Revocations,* dated 17 July 2017,

1. **Receives and notes the report**
2. **Authorises the Chief Executive Officer to provide a response to DEWNR on behalf of Adelaide Plains Council."**

BUDGET IMPACT

It is intended there be zero impact on Council's budget and this be reflected in Council's final position and response.

RISK ASSESSMENT

Future access for levee maintenance and for coastal flooding works by easements need to be considered in Council's final position and response.

DETAILED REPORT

Purpose

To seek Council support to progress Stage 2 of the Adelaide International Bird Sanctuary National Park (AIBS) land proclamations as proposed by the Department of Environment, Water and Natural Resources (DEWNR).

Background

In October 2016, the AIBS was proclaimed within the Adelaide Plains Council area. In order to establish the bird sanctuary and National Park, the State Government (DEWNR) needed to undertake a revocation process of some parcels of land held under the care, control and management of Council.

The first land parcels proposed for revocation were presented to Council in November 2015, involving 10 parcels of land. At this time, Council considered any likely impediments to the revocation of the land parcels, including where Council infrastructure or flood mitigation works would require ongoing access for Council to undertake maintenance works. For a variety of reasons, including resolution of property issues, not all of the land parcels intended for inclusion in the AIBS could be proclaimed by DEWNR during this first stage of revocations.

Discussion

The original proclamation of the AIBS in October 2016 was made possible due to the support and cooperation of Council to finalise the revocation of key land parcels to establish the bird sanctuary. DEWNR is now keen to progress the second stage of land revocations in order to proclaim additional land to expand the new National Park.

DEWNR is proposing that the next stage of revocations, which involves 20 parcels of land, including 5 portions of road reserve, can be completed later this year. Some of the land parcels proposed for proclamation involve tenure or other transactions requiring the in principle support or approval of Adelaide Plains Council. To achieve DEWNR's goal, they are requesting Council finalise its position on the 20 parcels by mid-July.

DEWNR presented the list of proposed land parcels for Stage 2 at an operational workshop for relevant Council staff on 28 March 2017. This information was subsequently presented to Elected Members at a workshop by DEWNR on 10 July 2017.

The proposed land parcels (see **Attachments 1 and 2**) include the initial response from Council, with a requirement for any issues raised, including easement rights, to be resolved prior to the revocation of the relevant land parcels occurring. This includes the resolution of whether DEWNR or Council are required to pay costs for any of the proposed land transactions. Council's stance is that there is no Council budget available to pay costs for the land revocations, survey work or actual road alignment and, as such, where Council supports DEWNR actioning the revocations, this is under the condition that DEWNR also pay any costs associated with the land transactions and or works on the ground.

Two of the proposed land parcels were considered previously in 2015, with one between Parham and Webb Beach proving too difficult to resolve and the other south of Thompson Beach, which was agreed to in 2015 but did not progress to formal notification of the agreement.

DEWNR has held a number of public meetings within the bird sanctuary where the proposal to add more land to the National Park has been discussed, with no adverse comments received to date. One potential revocation requires further specific community discussion, being a portion of Section 573 Hundred of Dublin, currently held under a third party lease by the Parham Sports and Social Club. DEWNR staff are in direct discussions with the Club to allow for a more protracted process relating to this land parcel.

It is noted that for the land parcels in the proposed schedule, revocation of community land status pursuant to the Local Government Act (1999) is not required as the Minister for Sustainability, Environment and Conservation is initiating the requests.

DEWNR has requested that as this is a State Government priority project that Council provide a response as soon as possible confirming the actions to be undertaken.

Conclusion

DEWNR is seeking the support of Council for the Stage 2 AIBS land proclamations, where revocation of dedication is required.

Confirmation to DEWNR by Council of actions to be undertaken in relation to the proposed land parcels will ensure that the expansion of the new National Park can proceed, subject to the resolution of any outstanding impediments that Council has identified.

Attachments

1. **Stage 2 AIBS – Proposed Land Transactions with APC comments**
2. **DEWNR Aerial Maps of Land Parcels**

References

Legislation

Local Government Act 1999

Council Policies

N/A

Notes: CLM Act = Crown Land Management Act 2009. R(O&C) Act = Roads (Opening and Closing) Act . DEWNR = Department of Environment, Water and Natural Resources. DPTI = Department of Planning, Transport and Infrastructure. APC = Adelaide Plains Council. MSEC = Minister for Sustainability, Environment and Conservation.

	Parcel ID	Title Ref	Area (Ha)	Status	Background and Actions proposed	Legislative/Approval mechanism	Responsibility for Actions & Costs	Initial APC response (GM Infrastructure, GM Development & Community)	For Discussion	Proposed outcome as at 12/7/2017
1	Sec 567 H 140400 (Dublin)	CR 5755/721 (with S 509)	16.24	Dedicated - APC - Recreation	Large parcel to east and south of Parham, largely natural salina. Currently on same CR as S 509 (the beach area immediately in front of Sth portion of Parham is not for proclamation). **1) Create separate CR's for each parcel** **2) Revoke dedication over S 567.**	1) CLM Act 2) CLM Act	1) DEWNR to action and pay costs 2) DEWNR to action & pay costs	On Hold **Issues to be resolved, prior to 1) and 2) occurring** - Easements to APC for levee maintenance and future provision ? - No legal access to rear of private property and appropriate engagement needed with same. - Rear encroachment to all, check with survey? 1) Yes. APC supports DEWNR actioning and paying costs 2) Yes. APC supports DEWNR actioning and paying costs	Agreement by DEWNR AP Council can apply for easements over levees at any time irrespective of whether the land is subject to CLM Act or NPW Act. There is no obligation to provide rear access to existing land owners . All private land holders have existing legal access. Has Council issues specific permits under LG Act? Unauthorised occupation and creation of tracks of Crown land are subject to severe penalties. Adj land owners will be required to remove any unauthorised occupation.	**1) Create separate CR's for each parcel** APC supports. DEWNR to action & pay costs **2) Revoke dedication over S 567.** APC supports . DEWNR to action & pay costs **Agreed** AP Council's rights for ongoing access to maintain levees is acknowledged by DEWNR. Rights by way of easement can be formalised at a later date irrespective of land being subject to CLM Act or NPW Act. AP Council to pay costs. As an interim solution, a licence to maintain the levees can be issued. DEWNR to action and propose licence at nil annual fee.
2	S 568 H 140400 (Dublin)	CR 5755/724	3.64	Dedicated - APC Recreation	Irregularly shaped land parcel between Parham & Webb Beach. Contains APC infrastructure - interpretive shelter and signage and levee bank. DEWNR willing to take responsibility for interpretive shelter & signage. DEWNR agrees to work with APC to create easement rights over levee bank. **1) Relinquishment of infrastructure to DEWNR ownership** **2) Revoke dedication** **3) Create easement rights for levee bank (when required).**	1) APC Process 2) CLM Act 3) CLM Act	1) APC to advise DEWNR of relinquishment of infrastructure 2) DEWNR to action and pay costs 3) APC to apply and pay costs for survey, easement rights and documentary and lodgement fees. This can be effected after proclamation if need be.	On Hold **Issue to be resolved, prior to 1), 2) and 3) occurring** - Signage was community driven, so appropriate engagement needed regarding proposed change ie DEWNR to liaise direct with Barb Reid and/or Foreshore Advisory Committee 1) Subject to above being undertaken 2) Yes. APC supports DEWNR actioning and paying costs 3) No. APC does not support (no budget for this in 2017/18)	Agreement by DEWNR to engage with Barb Reid and/or Foreshore Advisory Committee before proceeding. DEWNR confirms actioning and paying costs for revocation of dedication Agreement by DEWNR AP Council can apply for easements over levees at any time irrespective of whether the land is subject to CLM Act or NPW Act.	**1) Relinquishment of infrastructure to DEWNR ownership** AP Council supports subject to discussion with Foreshore Advisory Committee. **2) Revoke dedication** AP Council supports subject to discussions with Foreshore Advisory Committee. 3) Create easement rights for levee bank (when required). **Agreed** DEWNR to initiate discussion with Foreshore Advisory Committee AP Council's rights for ongoing access to maintain levees is acknowledged by DEWNR. Rights by way of easement can be formalised at a later date irrespective of land being subject to CLM Act or NPW Act. AP Council to pay costs. As an interim solution a licence to maintain the levee banks can be issued. DEWNR to action and propose licence at nil annual fee. **No further action until discussions with Foreshore Advisory Committee takes place. DEWNR to report back to AP Council re outcome and confirm before proceeding**

3	Sec 628 H 140400 (Dublin)	CR 5748/910	34.82	Un-alienated	Small road encroachment at cnr Webb Beach Rd & George St. Contains toilet block erected and owned by APC and levee bank. DEWNR agrees to work with APC to create easement rights over levee bank. **1) licence toilet block infrastructure (regardless of proclamation process)** **2) land division and/or road process to resolve encroachment.** **3) create easement rights for levee bank (when required).**	1) CLM Act or NPW Act depending upon timing 2) R(O&C) Act (or potentially CLM Act) 3) CLM Act	1) APC to apply and pay costs of licence. DEWNR will assist APC in seeking a nil licence fee. 2)a APC responsibility to rectify encroachments. 2)b DEWNR may be able to assist by utilising CLM Act as an alternative to R(O&C) Act and undertaking some of the required process. Likely to save time. 2)c APC responsible for costs. 3) APC to apply and pay costs for survey and creation of easement rights. This can be effected after proclmation if need be.	On Hold **Issue to be resolved, prior to 1), 2) and 3) occurring** - rectifying road encroachment may require include stormwater drainage assessment 1) No. APC does not support (no budget) 2)a No. APC does not support (no budget) 2)b Yes. APC supports DEWNR utilising CLM Act 2)c No. APC does not support (no budget) 3) No. APC does not support (no budget)	Toilet Block constructed without ongoing rights in place. Need to create appropriate rights. DEWNR has commissioned survey and drafting of a Plan of Division to delineate a corner cut-off (potentially as road) at the Webb Beach Road/George Street intersection at Webb Beach to accommodate a built road encroachment. *Can only include as road on plan if have Council agreement. Otherwise will be left as parcel of Crown land and Council will need to opply at a future date to have the land dedicated as Road and go through formal dedication process (Application & fee, drafting of Conditions of Dedicotion, formol acceptance of conditions, separate approval process, lodgement of docs at council cost). (Current Applicotion Fee of $416.00 applies. plus time extension for separate approval process & lodgement)*	**1) licence toilet block infrastructure (regardless of proclamation process)** AP Council supports. Issue of Licence to AP Council. DEWNR to action and pay costs (no application fee required if proceed now as part of Ministers process. Will present on basis of nil licence fee) **2) land division and/or road process to resolve encroachment.** AP Council supports. DEWNR has commissioned survey to separate made road from balance of parcel. Without AP Council support, road encroachment will remain as Crown land. With AP Council support, plan will be deposited (finalised) on basis of road encroachment being made road (vested in Council). ie Council will not have to apply and pay costs for conversion in future. APC accepts portion of land parcel as road **3) create easement rights for levee bank (when required).** **Agreed** AP Council's rights for ongoing access to maintain levees is acknowledged by DEWNR. Rights by way of easement can be formalised at a later date irrespective of land being subject to CLM Act or NPW Act. AP Council to pay costs. As an interim solution a licence to maintain the levee banks can be issued. DEWNR to action and propose as nil fee licence.
4	A 1 DP 29502 Same CR as S S66 below)	CR 5753/646	7.534	Dedicated – APC – Parklands – CL M Act 1929 Gaz 12/9/1991	Large parcel nth of Parham with native vegetation cover. Sand dune type habitat. On the same CR as S566 below. **1) Create separate CR's for each parcel (so they can be dealt with independently).** **2) Revoke dedication.** **3) Land divison and/or road process (to separate made roads from balance of A 1).**	1) CLM Act 2) CLM Act 3) RO&C Act (or CLM Act) 3) CLM Act	1) DEWNR to action and pay costs 2) DEWNR to action and pay costs. 3)a APC responsibility to rectify encroachment. 3)b DEWNR may be able to assist by utilising CLM Act (as an alternative ro R(O&C) Act) - marginally less cost and DEWNR can undertake some of the burden of process required. Likely also less time to complete. 3)c APC responsible for costs.	On Hold **Issues to be resolved, prior to 1), 2) and 3) occurring** - rectifying road encroachment may require include stormwater drainage assessment 1) Yes. APC supports DEWNR actioning and paying costs 2) Yes. APC supports DEWNR actioning and paying costs 3)a No. APC does not support (no budget) 3)b Yes. APC supports DEWNR using CLM Act 3)c No. APC does not support (no budget)	DEWNR seeking funding for survey costs for land division. Road encroachment is existing. DEWNR unlikely to to agree to further incursion unless APC is prepared to pay costs of resolution of encroachment.	**1) Create separate CR's for each parcel (so they can be dealt with independently).** AP Council supports. DEWNR to action and pay costs. **2) Revoke dedication.** AP Council supports. DEWNR to Action & pay costs. **3) Land divison and/or road process (to separate made roads from balance of A 1).** AP Council supports. DEWNR seeking funding for survey and land division. Can be undertaken on a Crown plan
5	S 573 H 140400 (Dublin)	CR 5755/727	4.654	Dedicated – APC Recreation	Parham Sports and Social Club rooms rest on northern portion of this land. AP Staff have advised of third pary lease to Parham Social Club. 1) Agreement to divide land to separate the Clubrooms from the balance of the parcel. 2) Agreement to revoke southern and eastern ptn (APC retains dedication of nth west section). DEWNR acknowledges that this is a potentially contravercial proposal.	1) CLM Act 2) CLM Act	1) DEWNR to action and pay costs. 2) DEWNR to action & pay costs. Subject to joint DEWNR & APC Discussion with Parham Social Club as arranged.	On Hold **Negotiations direct with Parham Sports & Social Club (PSSC) regarding current/future lease to be finalised, prior to 1) and 2) occurring** 1) Yes. APC supports DEWNR actioning and paying costs 2) Yes. APC supports DEWNR actioning and paying costs	DEWNR awaiting feedback from Pt parham 5ports & Social Club. DEWNR seeking funding.	On hold pending outcome of discussions with Pt Parham Sports & Social Club. DEWNR & Council reps met with PPS&SC Committee and presented proposal. Committee undertook to pesent to their members and respond once this has ocurred. Process is ongoing. DEWNR will ensure AP Council is included in feedback and any future discussions.

6	S 566 H 140400 (Dublin)	CR 5753/646	See A 1 D 29502 above	Dedicated – APC – Parklands – CL M Act 1929 Gaz 12/9/1991	Small almost rectangular shaped parcel of land between Sth portion of S 573 & residential area of Parham. Proclamation only to proceed at same time as Sth ptn S 573, as discussed above. **1) Create separate CR's for each land parcel. 2) Once S 573 land division is dealt with, revoke dedication.**	1) CLM Act 2) CLM Act	1) DEWNR to action and pay costs. 2) DEWNR to action and pay costs.	On Hold **Issues to be resolved, prior to 1) and 2) occurring** - No legal access to rear of private property and appropriate engagement needed with same. - Rear encroachment to all, check with survey? - Completion of negotiations with PSSC 1) Yes. APC supports DEWNR actioning and paying costs 2) Yes. APC supports DEWNR actioning and paying costs	DEWNR awaiting feedback from Pt parham Sports & Social Club. DEWNR seeking funding.	**On hold** pending outcome of discussions with Pt Parham Sports & Social Club re Sec 573. Due to physical location, Sec 566 will only be dealt with at the same time as Sec 573.
7	Sec 627 H 140400 (Dublin)	CR 5748/909	23.6	Un-alienated	Large parcel adj Pt Parham Rd (note that the parcel is in two parts). Encroachment in Sth eastern cnr of top part and in north western corner of south portion. Possible encroachment(s) of Webb Beach Rd on western aspect. **1) Land division and/or road opening process**	1) R(O&C) Act (or CLM Act)	1)a APC responsibility to rectify encroachment. 1)b DEWNR may be able to assist by utilising CLM Act as an alternative to R(O&C) Act. Likely also less time to complete. 1)c APC still responsible for costs but marginally less cost. 1)d DEWNR can undertake some of the burden of process required.	On Hold **Issue(s) to be resolved, prior to 1) occurring** - Overlay of cadastre accuracy ie both ends ? 1)a No. Council does not support (no budget) 1)b Yes. APC supports using CLM Act 1)c No. APC does not support (no budget) 1)d Yes, but APC supports DEWNR undertaking entire process though	DEWNR has commissioned Identification Survey to confirm or deny encroachment of Pt Parham Rd. Encroachment confirmed. Preliminary plan commissioned by DEWNR. Potential encroachment of Webb Beach Road is considered to be very minimal and a risk management approach is being adopted.	**1) Land division and/or road opening process** APC Supports DEWNR has commissioned Identificaton survey to determine existence and extent of encroachment. Encroachment confirmed. Preliminary plan for land divison commissioned. APC accepts portion of road. DEWNR to action and pay costs.
8	Sec 629 H 140400 (Dublin)	CR 5748/911	37.49	Un-alienated	Large parcel of land adj Webb Beach Rd with encroachment of Pt Parham Rd (nth eastern cnr) & likely Webb Beach Rd (western aspect). **1) Land division and/or road openings 2) Identification survey to confirm encroachment and determine extent.**	1) R (O&C) Act (or CLM Act) 2) Confirmaton by ident survey required	1)a APC responsibility to rectify encroachment. 1)b DEWNR may be able to assist by utilising CLM Act as an alternative to R(O&C) Act. Likely also less time to complete. 1)c APC still responsible for costs but marginally less cost 1)d DEWNR can undertake some of the burden of process required. 2) If encroachment is minimal, DEWNR to accept undertaking from APC that the encroachment is not increased over time.	On Hold **Issue(s) to be resolved, prior to 1) and 2) occurring** - Overlay of cadastre accuracy ? 1)a No. Council does not support (no budget) 1)b Yes. APC supports using CLM Act 1)c No. APC does not support (no budget) 1)d Yes, but APC supports DEWNR undertaking entire process though 2) Yes. APC supports, but at no cost to Council (no budget)	DEWNR has commissioned Identification Survey to confirm or deny encroachment of Pt Parham Rd. Possible encroachment of Webb Beach Road iin conjunctin with Sec 627. Potential encroachment of Webb Beach Road is considered to be very minimal and a risk management approach is being adopted.	**1) Land division and/or road opening process** APC supports DEWNR has commissioned IdentificatIon survey to determine existence and extent of encroachment. Encroachment confirmed. APC accepts portion of Road. Preliminary plan for land divison commissioned. If Council accepts portion of Road, can be included in approvals and plan as a road. **2) Identification survey to confirm encroachment and determine extent.** Id Survey completed at DEWNR's cost
9	Sec 491 H 140400 (Dublin)	CR 5748/906	30.34	Un-alienated	Large land parcel east of Webb Beach. Likely encroachment of George St on northern aspect. **1) Determine if significant enough to warrant land divison/road opening**	1) Confirmation by ident survey required.	1)a APC responsibility to rectify road encroachments. 1)b Alignment to be checked by surveyor at same time as undertaking other survey work required to minimise cost. 1)c If encroachment is minimal, DEWNR to accept undertaking from APC that the encroachment is not increased over time.	On Hold **Issue(s) to be resolved, prior to 1) occurring** - Overlay of cadastre accuracy ? 1)a No. Council does not support (no budget) 1)b Yes. APC supports, but at no cost to APC (no budget) 1)c Yes. APC supports, but at no cost to Council (no budget)	DEWNR has commissioned Identification Survey of the northern boundary of Sec 491 adjacent George Street to confirm or disprove road encroachment. No encroachment identified. Inclusion in plan of division not required.	**1) Determine if significant enough to warrant land divison/road opening** Idetification survey has been commissioned and completed at DEWNR's cost. No encroachment identified. No further plan or road opening requirements. Made road is very close to boundary of surveyed Road. **DEWNR requests AP Council to ensure no future encroachment is created by road grading or other road works.**

10	Portion Sec 632 H 140400 (Dublin)	CR 5748/913	Not avail	Un-alienated	Long narrow parcel in front of Webb Beach and continuing south. **1)Land division (at alignment of Jarmyn St)** **2) Dedication of nth ptn (in front of Webb Beach) under ccm of APC**	1) CLM Act 2) CLM Act	1) DEWNR to action and pay costs 2) DEWNR to action & pay costs	APC staff support, subject to DEWNR maintaining vehicular access to Bakers Creek **No issues to be resolved, prior to 1) and 2) occurring** 1) Yes. APC supports DEWNR actioning and paying costs 2) Yes. APC supports DEWNR actioning and paying costs	DEWNR has commissioned Land Division plan to divide S 632 in alignment with northern bounday of S 570. The management plan allows for driving on the beach and therefore there will be access via the beach to Baker's Creek.	**1) Land division (at alignment of Jarmyn St)** AP Council supports. DEWNR has commissioned a land division plan and will arrange deposit (completion) of plan at DEWNR's cost. **2) Dedication of nth ptn (in front of Webb Beach) under ccm of APC** AP Council Supports. Once new plan is complete, DEWNR to action and cover cost.
11	Nth Portion 634 H 140400 (Dublin)	CR 5755/728	45	Dedicated ccm APC Coast Protection	Long narrow parcel extending from well north to quite south of Thompson Beach. **1) Land division in alignment with boundary of A 397 DP 31537.** **2) Revoke northern portion - APC retain dedication over area immediately in front of Thompson Beach**. Likely process is to revoke whole parcel, subdivide and rededicate central portion to APC.	1) CLM Act 2) CLM Act	1) DEWNR to action and pay costs 2) DEWNR to action and pay costs.	On Hold **Issue to be resolved, prior to 1) and 2) occurring** - As identified in 'Issues and Opportunities' paper recently provided as response to draft AIBS Management Plan, what will visitor management strategy be for northern end of Esplanade ie provision of parking? 1) Yes. APC supports DEWNR actioning and paying costs 2) Yes. APC supports DEWNR actioning and paying costs	DEWNR is seeking funding to undertake land division. Future potential development to be driven by Development Plan process and/or future funding opportunities not known at this time.	**1) Land division in alignment with boundary of A 397 DP 31537.** APC Supports. DEWNR to action and pay costs **2) Revoke northern portion - APC retain dedication over area immediately in front of Thompson Beach. Likely process is to revoke whole parcel, subdivide and rededicate central portion to APC.** APC supports. DEWNR to action and pay costs. DEWNR is seeking funding to proceed.
12	Sth Portion 634 H 140400 (Dublin)	CR 5755/728	45	Dedicated ccm APC Coast Protection	Long narrow parcel extending from well north to quite south of Thompson Beach. **1) Land division in alignment with S 569 H 140400** **2) Revoke sth ptn - APC to retain dedication over area immediately in front of Thompson Beach. Likely process is to revoke whole parcel, subdivide and rededicate central portion to APC.** (in conjunction with Nth ptn S 634)	1) CLM Act 2) CLM Act)	1) DEWNR to action and pay costs. 2) DEWNR to action and pay costs.	On Hold **Issue to be resolved, prior to 1) and 2) occurring** - As identified in 'Issues and Opportunities' paper recently provided as response to draft AIBS Management Plan, what will visitor management strategy be for southern end of Esplanade ie provision of parking? 1) Yes. APC supports DEWNR actioning and paying costs 2) Yes. APC supports DEWNR actioning and paying costs	DEWNR is seeking funding to undertake land division. Future potential development to be driven by Development Plan process and/or future funding opportunities not known at this time.	**1) Land division in alignment with S 569 H 140400** APC supports. DEWNR to action and pay costs DEWNR seeking funding to proceed **2) Revoke sth ptn - APC to retain dedication over area immediately in front of Thompson Beach. Likely process is to revoke whole parcel, subdivide and rededicate central portion to APC.** (in conjunction with Nth ptn S 634) APC supports. DEWNR to action and cover costs. DEWNR seeking funding to proceed.
13	S 569 H 140400 (Dublin)	CR 5755/725	27.11	Dedicated ccm APC Recreation	Large dedicated parcel sth of Thompson Beach, previously agreed by APC for revocation (as per schedule discussed at APC meeting 16th November 2015) however, formal notification of agreement now required. **1) Revoke dedication** **2) Create future easement rights if required**	1) CLM Act 2) CLM Act	1) DEWNR to action and pay costs. 2) APC to apply and pay costs for survey, easement rights, documentary and lodgement fees, if required.	On Hold **Issues to be resolved, prior to 1) and 2) occurring** - Acknowledging that previous Council decision supported the revocation of this parcel, Council staff are unsure if current Council still want this to occur - Ongoing maintenance 1) Yes. APC supports DEWNR actioning and paying costs 2) No. APC does not support (no budget)	A significant portion of the Walking Trail south of Thompson's Beach is located on this land parcel. DEWNR acknowleges the outstanding accomplishments of the community in conjunction with AP Council. DEWNR is committed to ongoing engagement with the community on the future of this location.	**1) Revoke dedication** APC supports. DEWNR to action & pay costs. **2) Create future easement rights if required.** APC supports **Agreed** AP Council's rights for ongoing access to maintain levees is acknowleded by DEWNR Rights by way of easement can be formalised at a later date irrespective of land being subject to CLM Act or NPW Act. AP Council to pay costs. As an interim solution a licence to maintain the levee banks can be issued. DEWNR to action and propose with nil annual rental fee.

14	S 704 Hd 140800 Pt Gawler	CR 5748/920	87.82	Un-alienated	Very large parcel west of Middle Beach. Significant encroachment of Middle Beach Rd on nth aspect of parcel. **1) Land division and/or Road opening/closing. 2) DEWNR may take opportunity to separately delineate small portion of salt pan at Sth western tip, subject to other approvals.**	1) R (O&C) Act (or CLM Act). 2) CLM Act	1)a APC responsibility to rectify encroachment. 1)b DEWNR may be able to assist by utilising CLM Act as an alternative to R(O&C) Act. Likely also less time to complete. 1)c APC still responsible for costs but marginally less cost 1)d DEWNR can undertake some of the burden of process required. 2) If DEWNR able to deal with salt pan encroachment at same time, there may be an opportunity for cost sharing.	On Hold **Issue(s) to be resolved, prior to 1) and 2) occurring** - Overlay of cadastre accuracy ? 1)a No. Council does not support (no budget) 1)b Yes. APC supports using CLM Act 1)c No. APC does not support (no budget) 1)d Yes, but APC supports DEWNR undertaking entire process though 2) Yes. APC supports, but at no cost to Council (no budget)	Due to location of made road in relation to the surveyed road, more practical and cost effective to undertake the Road Opening and Road Closing at the same time in the one plan. Therefore may need to be a Road Opening (and Closing) Act process driven by APC. DEWNR seeking further advice to determine if can be undertaken without any cost burden to APC. DEWNR is seeking funding for survey and plan work and if funding is received DEWNR will arrange preliminary plan and pay costs for creation of plan, lodgement and issue of new titles but may rely on assistance from APC to drive the process under the Roads Opening (and Closing) Act.	**1) Road opening/closing.** APC supports subject to DEWNR bearing cost of survey and creation of proposal plan. DEWNR seeking funding. **2) DEWNR may take opportunity to separately delineate small portion of salt pan at Sth western tip, subject to other approvals.** (Now unlikely this will proceed at the same time)
15	A 10 DP 94967	CT 6155-117	10.58	Closed Road held by APC	Closed Road (ex Thompsosn Beach Rd) from eastern boundary of Thompson Beach to Port Prime Road intersection. **1) Transfer of parcel to MSEC.**	1) Real Property Act & CLM Act	1) DEWNR to provide formal approval from APC to Crown Solicitor to effect transaction. DEWNR to pay costs.	On Hold **Issues to be resolved, prior to 1) occurring** - Right of Way for access to affected land owner(s), so not land locked (s436, s301 and s302), appropriate engagement needed with same - DEWNR to cover cost/maintain new 'vandalism proof' gate and adjoining fencing to Thompson Beach Rd/Port Prime Rd intersection. 1) Yes. APC supports DEWNR undertaking process and paying all costs	Not desirable for the only legal access to private property to be through National Park. Could consider plan of division to divide Allot 10 at a point slightly west of the easter boundary of Sec 436 to allow access to the noted private land parcels outside of the proposed park. The Western end of Allot 10 (from that point) could then be transferred to the Crown and proclaimed. DEWNR would need to seek funding for a land divison.	**1) Transfer of parcel to MSEC.** APC supports. DEWNR to seek funding to arrange plan for land division. Option a) Due to vesting of land, APC would legally have to drive the process. (low priority) Option b) APC could transfer whole of land parcel and DEWNR undertake land division to proclaim portion of the land as park and leave portion adjacent private land holders as unalienated Crown Land.
16	Ptn unmade road sth Thompson Beach			Road	Portion of unmade road extending south of Thompson Beach to Port Prime. **1) Closure of this porton of road with the closed road to be vested in the Crown for nil consideration.**	1) R (O&C) Act (Sec 6)	1) DEWNR to action and pay all costs.	On Hold **Issue to be resolved, prior to 1) occurring** - As identified in 'Issues and Opportunities' paper recently provided as response to draft AIBS Management Plan, what will visitor management strategy be for junction with southern end of Esplanade and adjacent s569 ie provision of parking? 1) Yes. APC supports DEWNR actioning and paying costs	DEWNR has commissioned Road Closure Preliminary Plan for Closure of Road Sth of Thompson's Beach - same plan as Nth of township. Future potential development to be driven by Development Plan process and/or future funding opportunities not known at this time.	**1) Closure of this porton of road with the closed road to be vested in the Crown for nil consideration.** APC Supports. DEWNR will be able to undertake as a Section 6 Road closure and bear the cost and burden of process if the Revocaton of Section 634 Hd Dublin is approved and occurs prior to or in conjunction with this road closure. APC supports DEWNR to action and pay costs.
17	Ptn unmade road nth Thompson Beach			Road	Portion of unmade road extending north of Thompson Beach. **1) Closure of this porton of road with the closed road to be vested in the Crown for nil consideration.**	1) R(O&C) Act (Sec 6)	1) DEWNR to action and pay all costs.	On Hold **Issue to be resolved, prior to 1) occurring** - As identified in 'Issues and Opportunities' paper recently provided as response to draft AIBS Management Plan, what will visitor management strategy be for junction with northern end of Esplanade and adjacent A399 ie provision of parking? 1) Yes. APC supports DEWNR actioning and paying costs	DEWNR has commissioned Road Closure Preliminary Plan for Closure of Road Nth of Thompson's Beach - same plan as Sth of township. Future potential development to be driven by Development Plan process and/or future funding opportunities not known at this time.	**1) Closure of this portion of road with the closed road to be vested in the Crown for nil consideration.** DEWNR will be able to undertake as a Section 6 Road closure and bear the cost and burden of process if the Revocaton of Section 634 Hd Dublin is approved and occurs prior to or in conjunction with this road closure. APC supports. DEWNR to action and pay costs
18	Ptn unmade road sth Webb Beach			Road	Porton of unmade road extending south of Webb Beach. **1) Closure of this porton of road with the closed road to be vested in the Crown for nil consideration.**	1) R(O&C) Act (Sec 6)	1) DEWNR to action and pay all costs.	APC staff support, subject to DEWNR maintaining vehicular access to Bakers Creek No **issues to be resolved, prior to 1) occurring** 1) Yes. APC supports DEWNR actioning and paying costs	DEWNR has commissioned a Survey Data Plan in form of Preliminary Plan to delineate proposed road closure Sth of Webb Beach. Can be used for Roads Opening & Closing Sec 6 Process.	**1) Closure of this porton of road, with the closed road to be vested in the Crown for nil consideration.** APC supports. DEWNR to action and pay costs.

19	Ptn unmade rd east and south of Webb Beach			Road	Portion of unmade road (Third Creek Road) extending from unmade portion of George St southwards. **1) Closure of this portion of Road with the closed road to be vested in MSEC.**	1) R(O&C) Act (full closing process)	1)a APC to action. 1)b DEWNR to contribute to costs.	**On Hold** **Issue to be resolved, prior to 1) occurring** - Affects access to property ie Bill Drew's, appropriate engagement needed with same 1)a No. APC does not support. DEWNR to lead, APC may be able to assist with property ownership contact details 1)b Yes. APC supports, but at no cost to Council (no budget)	DEWNR to seek funding. Legal access (although not practical access) to Mr Drew's land (Sec 427 and others) will still exist by virtue of the extention of George St to the West, which is to remain open. The portion of Road to be closed does not contain the existing access track, this runs across Sec 491 (to be proclaimed as park). DEWNR regional staff have flagged the access by Drew across Sec 491 and have noted good relationship with him and agreed this can continue. Follow up with Mr Drew is flagged to reassure his right of access will not be diminished.	**1) Closure of this portion of Road with the closed road to be vested in MSEC.** APC supports. Due to adjoining private land owner, process has to be full Roads Opening (and Closing) Act process driven by APC. DEWNR will seek funding for survey and arrange for a preliminary plan to facilitate the process but may need the support of APC to legally drive the process trough the Roads Opening (and Closing) Act.
20	Ptn unmade road east of Parham			Road	Portion of unmade road extending south from First Street in an L shape to Port Parham Rd. **1) Closure of this porton of road with the closed road to be vested in the Crown for nil consideration.**	1) R(O&C) Act (full closing process)	1)a APC to action. 1)b DEWNR to contribute to costs.	**On Hold** **Issues to be resolved, prior to 1) occurring** - May affect access to property ie Pop Walker's, appropriate engagement needed with same - Completion of negotiations with PSSC 1)a No. APC does not support. DEWNR to lead, APC may be able to assist with property ownership contact details 1)b Yes. APC supports, but at no cost to Council (no budget)	Will only proceed if issues relating to Sec 573 are resolved	**1) Closure of this portion of road with the closed road to be vested in the Crown for nil consideration.** **On Hold** pending the outcome of discussions with Pt Parham Sports and Social Club. When issues are resolved - DEWNR to seek funding. Will need to be full Roads Opening (and Closing) Act process driven by APC
	Port Prime - Third Creek	Located on A 2 DP 30102		Un-alienated. Flagged for inclusion in NP	World War II Bunker(s)				Query from elected membes about future plans for bunker(s). Only one bunker is identified on Crown land. It is thought there may be another bunker in the general area but this is located on private land and is not withn DEWNR control.	DEWNR operational staff have advised that there are no funds allocated in the immediate term but for the medium to long term there is a regime of signage, track rationalisation and potentially fencing planned to educate the public and protect the site.

Sec 567 & 509 Hd Dublin

Map data is compiled from a variety of sources and hence its accuracy is variable.

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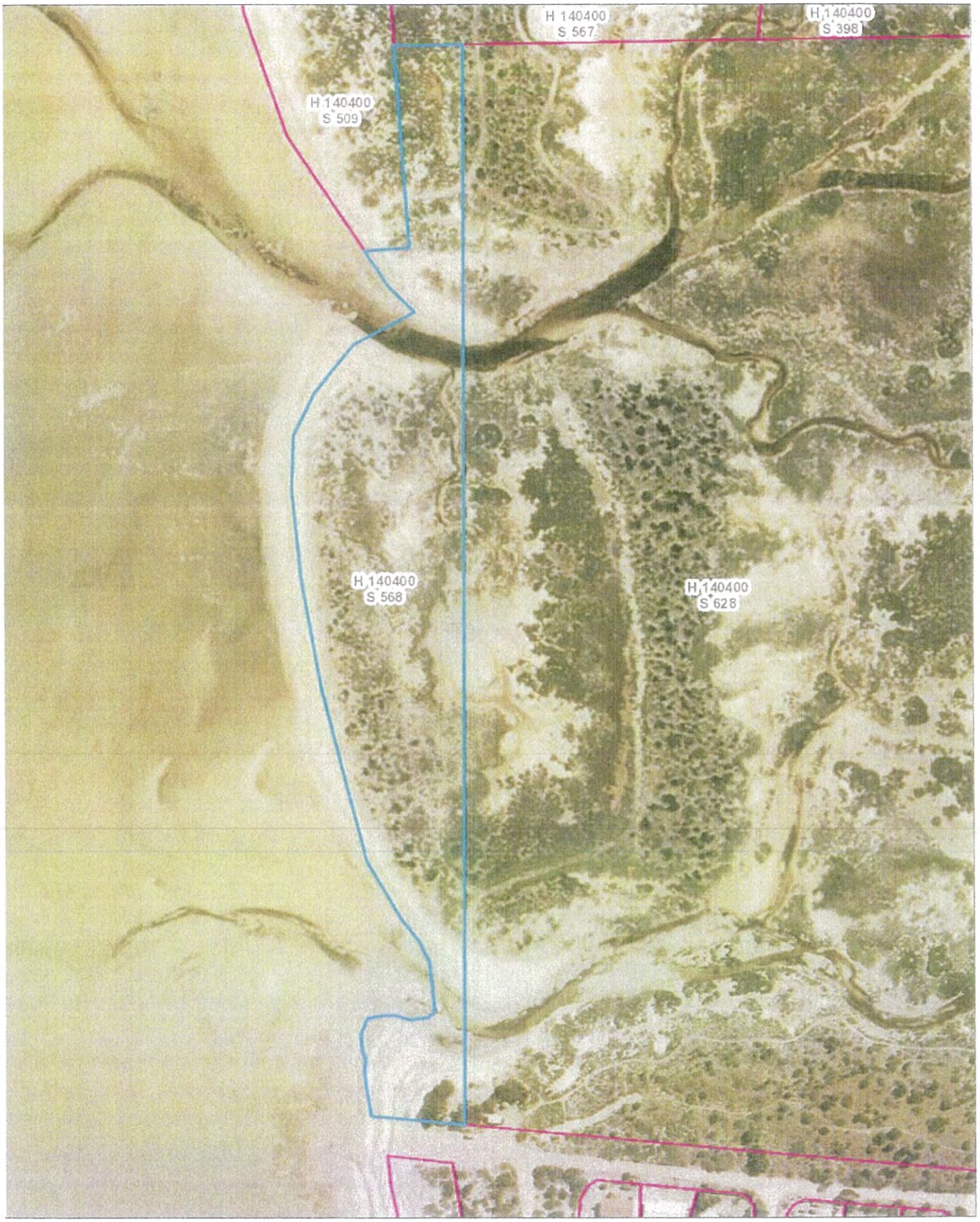
0 230 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

S 568 Hd Dublin



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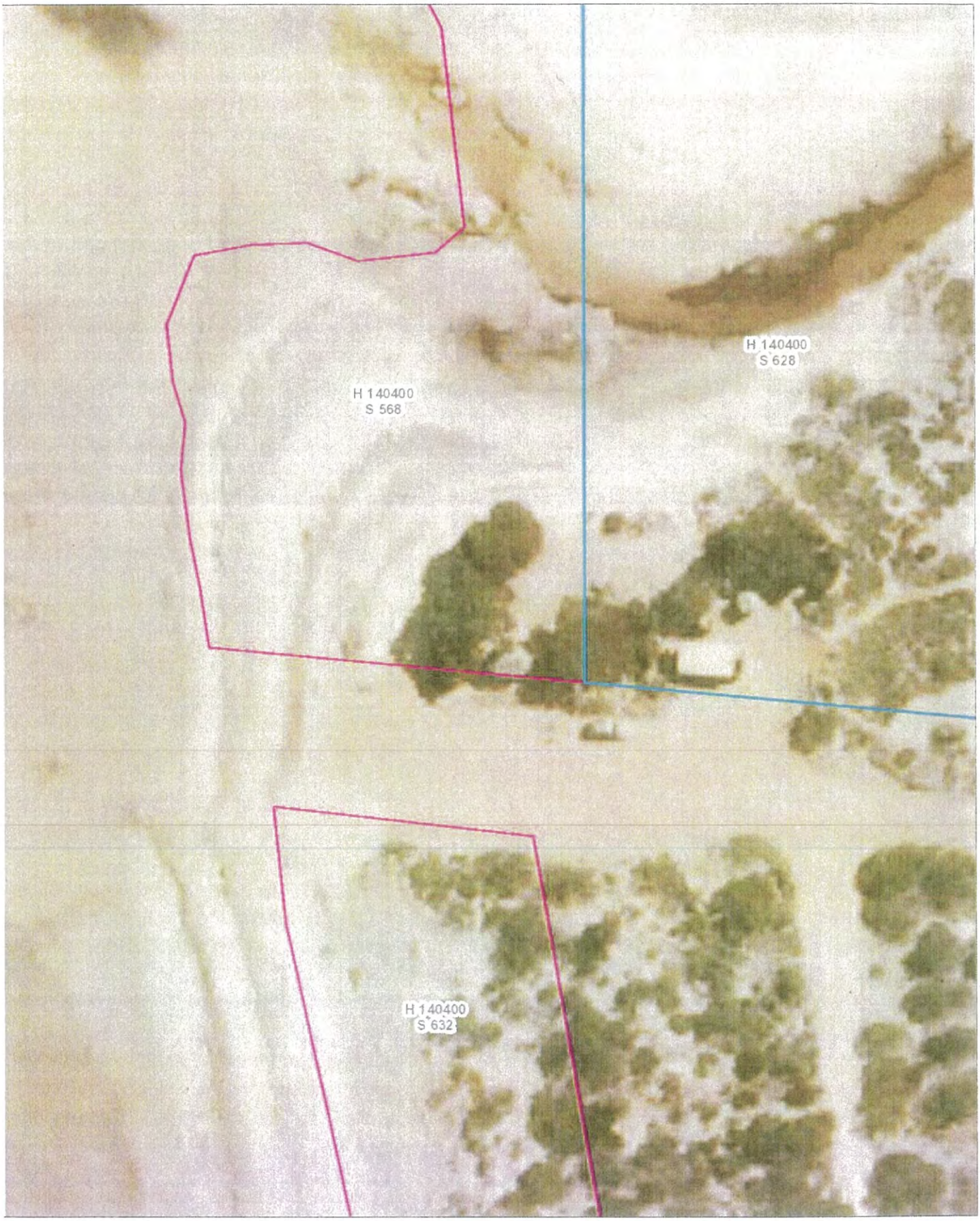
N

0 115 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

S 568 & S 628 Hd Dublin Enlargement - Infrastructure



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0 33 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

S 628 Hd Dublin

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0 230 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

A 1 DP 29502 (Sml Cadastral shift required)

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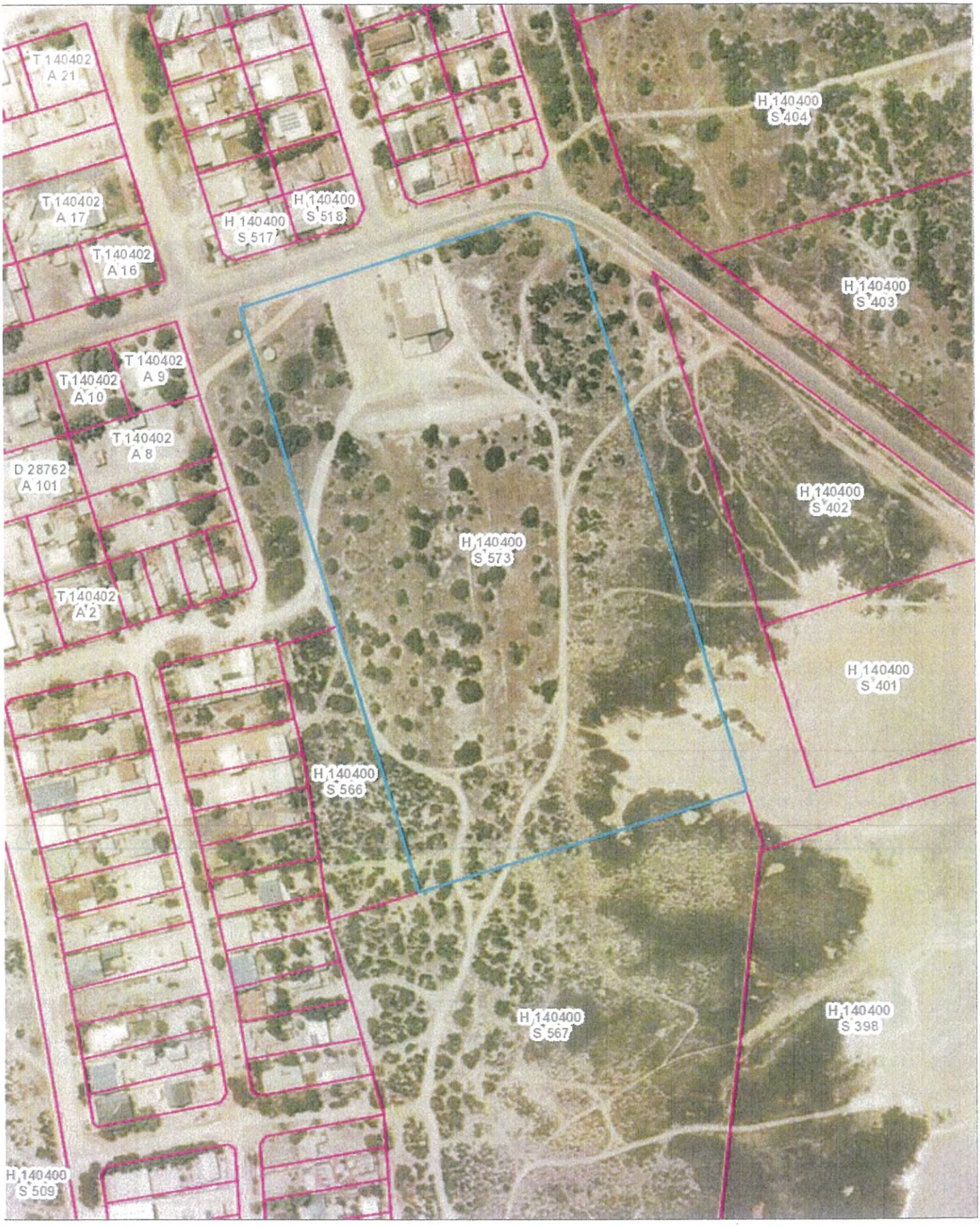
N

0 115 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 573 Hd Dublin (Sth portion)



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0 115 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 566 Hd Dublin (sml cadastral shift required)

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0 57 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 627 Webb Beach Rd Encroachment

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0 115 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 627 (sth part) & Enlargement Rd Encroachments

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0 115 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 627 Hd Dublin (nth part)

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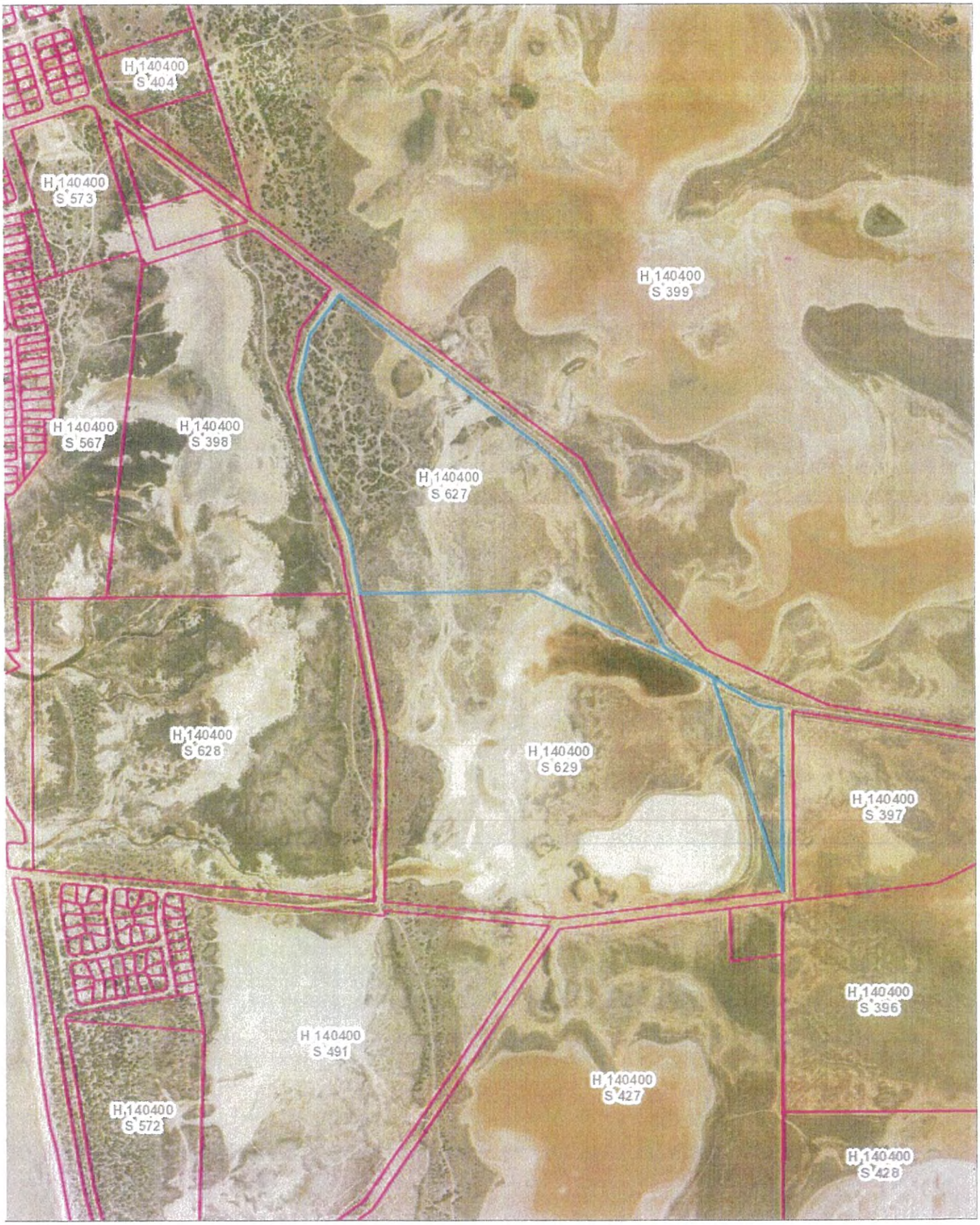
0 230 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 627 Hd Dublin (two parts)



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0 467 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 629 Hd Dublin

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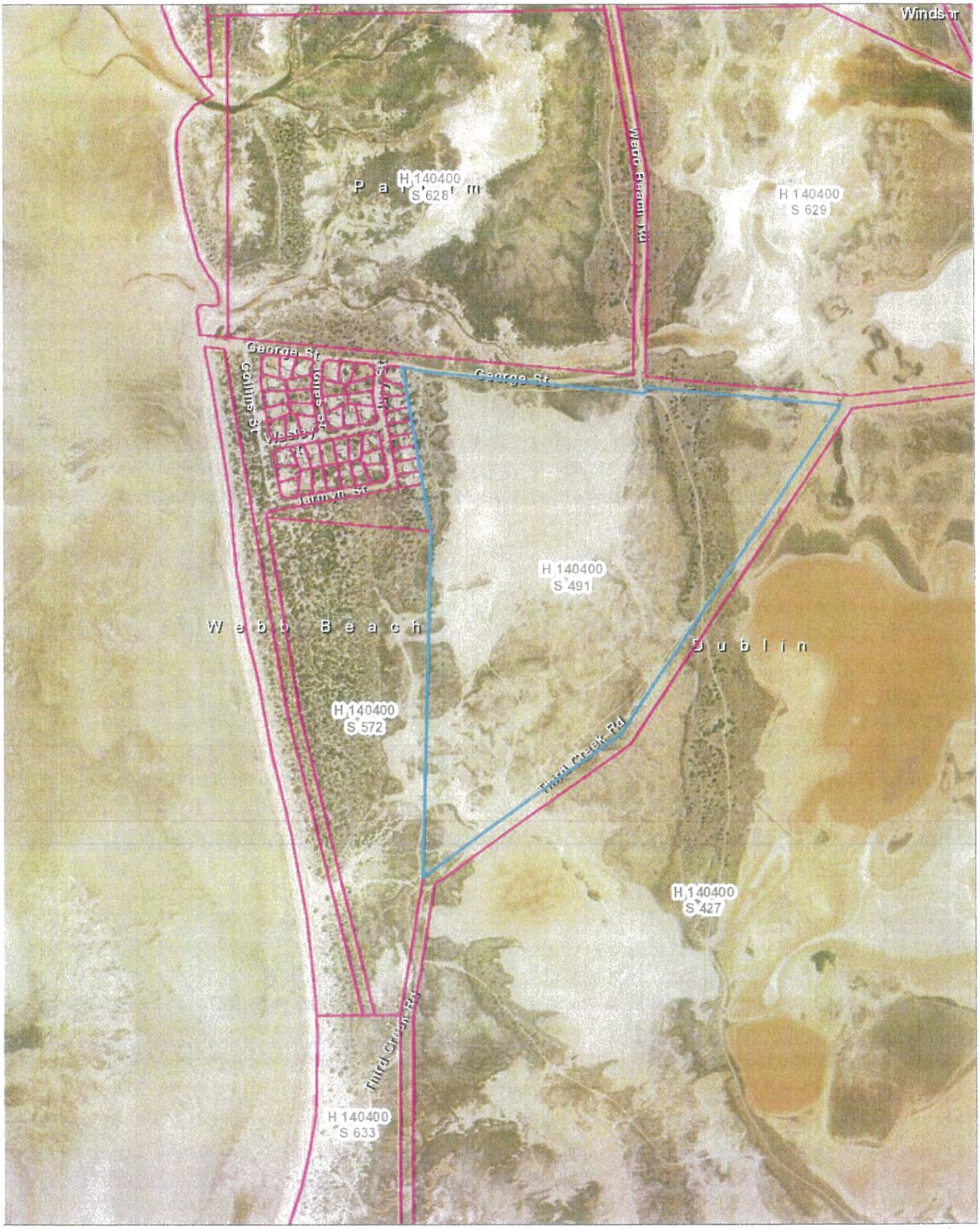
0 230 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 491 Hd Dublin



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0 394 Metres

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Sec 632 Hd Dublin

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0 394 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 634 Hd Dublin (southern section)

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0 787 Metres

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Government of South Australia
Department of Environment, Water and Natural Resources

Sec 634 Hd Dubllin (central portion)

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N

0 394 Metres

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Government of South Australia
Department of Environment, Water and Natural Resources

Sec 634 Hd Dublin (nth portion)

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N

0 394 Metres

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Department of Environment, Water and Natural Resources

Sec 634 Hd Dublin

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N

0 2.2 Kms

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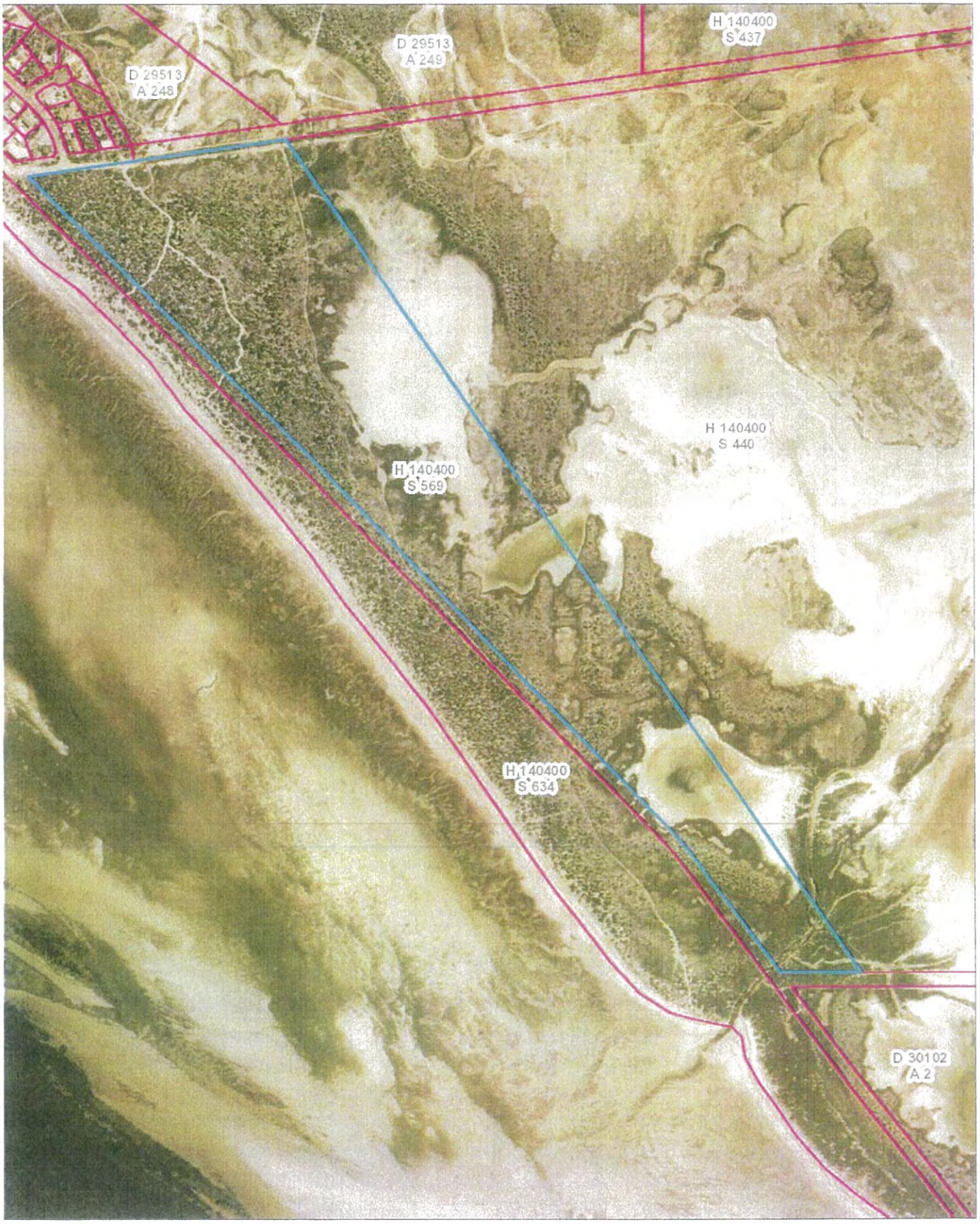
Government of South Australia
Department of Environment, Water and Natural Resources

Sec 569 Hd Dublin



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0 344 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

S 704 Hd Pt Gawler - encroachment of Middle Beach Rd

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N

0 172 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Sec 704 Hd Port Gawler

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0 385 Metres

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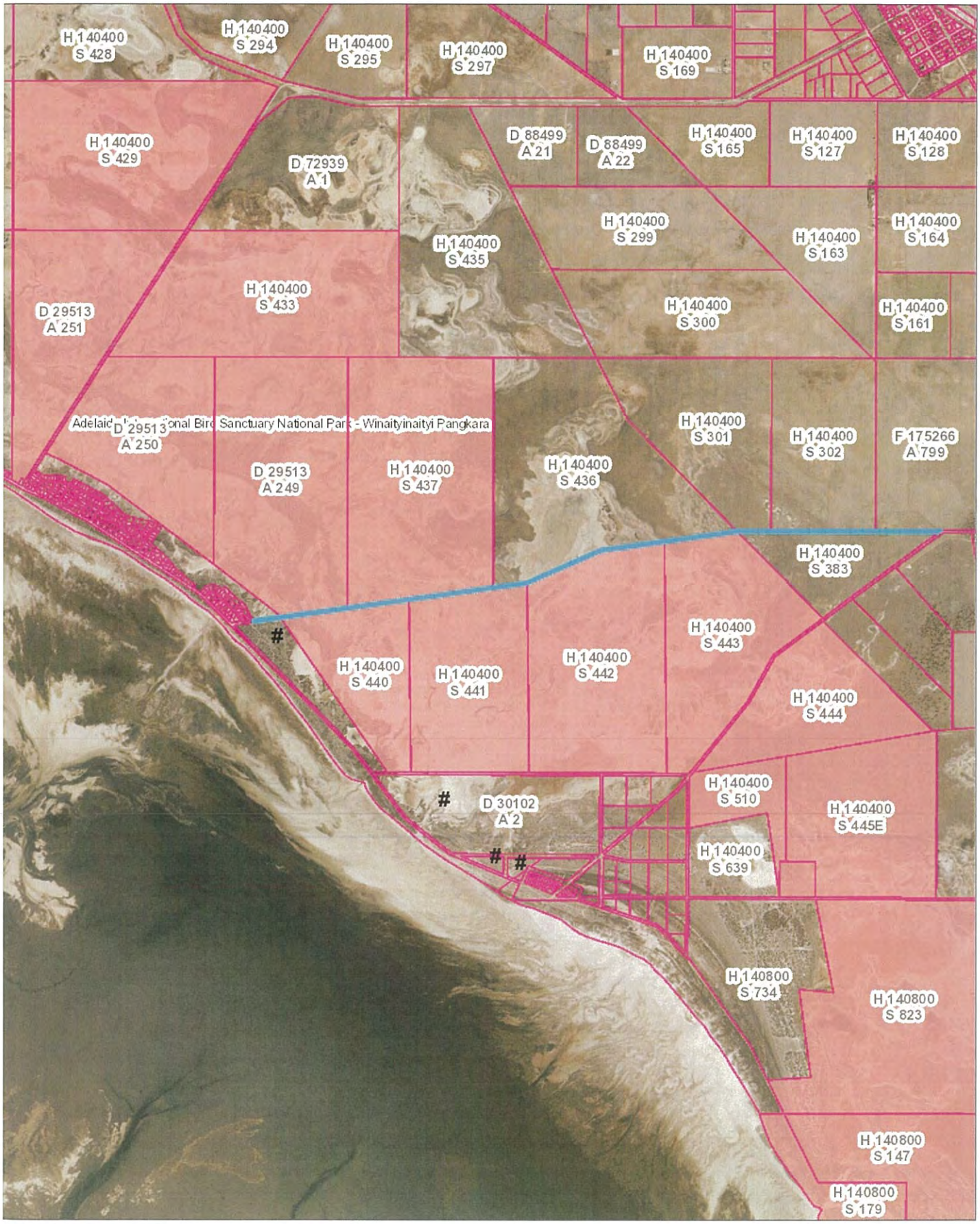
Government of South Australia
Department of Environment, Water and Natural Resources

Closed Rd Ex Thompson Rd , A 10 DP 94967



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N

0 1.87 Kms

Government of South Australia
Department of Environment, Water and Natural Resources

Potential Rd Closure Sth Thompson Beach

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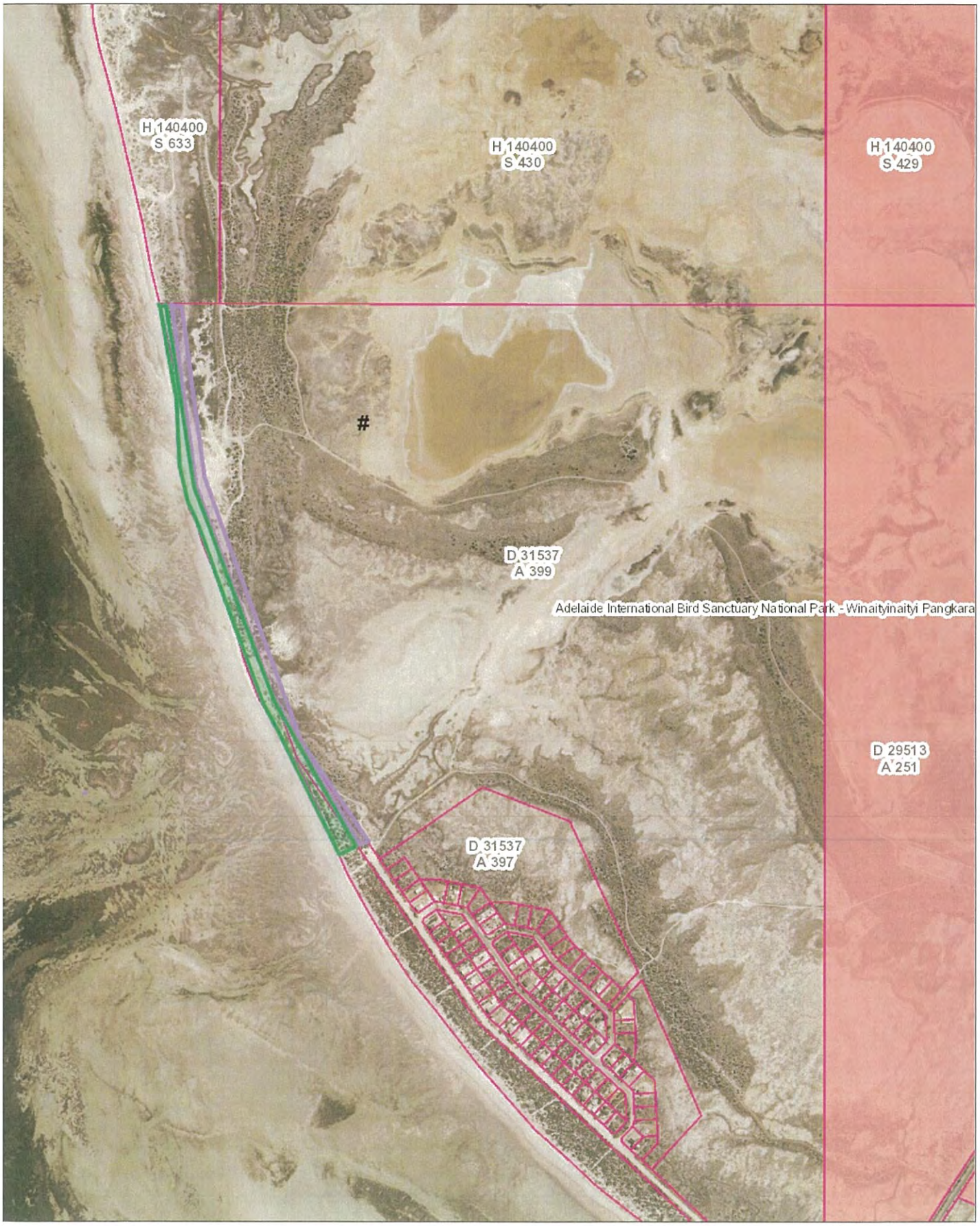
N

0 935 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Potential Rd Closure Nth Thompson Beach



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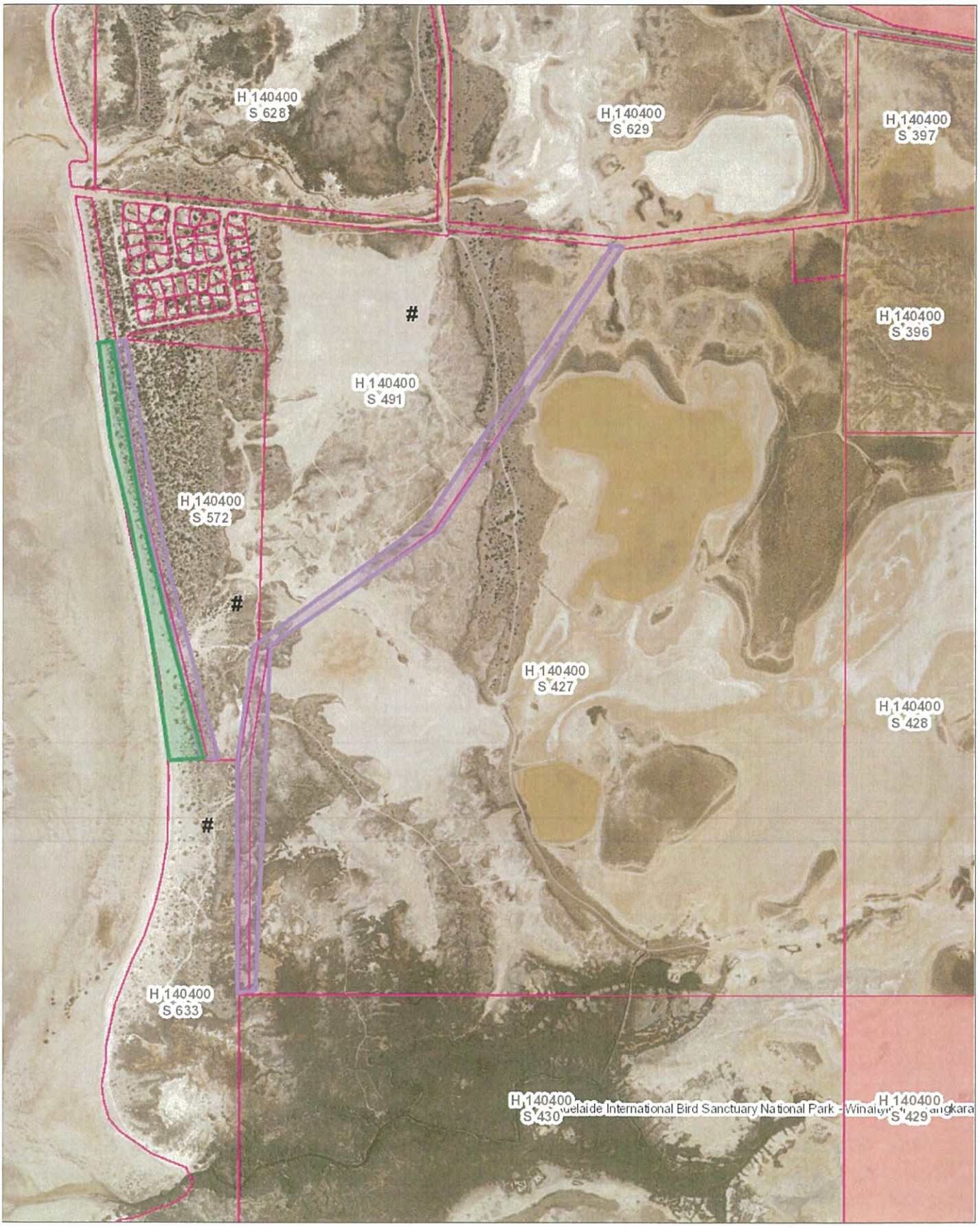
Datum:	Geocentric Datum of Australia, 1994
Projection:	Web Mercator (Auxiliary Sphere)

N

0 467 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Potential Rd Closures Sth Webb Beach



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N

0 467 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Potential Road Closure

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N

0 787 Metres

Government of South Australia
Department of Environment, Water and Natural Resources

Adelaide Plains Council	**14.9**	**Mallala CWMS Communication and Service Fee Rebate Strategy**
	Department:	**Infrastructure**
	Report Author:	**Strategic Infrastructure Coordinator**
Date: 17 July 2017	**Container No:**	**Con12/334-2**
	Document No:	**D17/13821**

EXECUTIVE SUMMARY

- Provide options for consideration on the Communication strategy to inform the identified residents that may require an additional pump or the lowering of their property sewer connection.
- Seeking approval for reimbursement of the CWMS service fee for those who are eligible.
- Information and legislation in reference to properties connecting to the scheme.
- Further report to be presented on the future management and responsibilities of the installed domestic pump stations from a financial and operational position

RECOMMENDATION(S)

"that Council, having considered Item 14.9 – *Mallala CWMS Communication and Service Fee Rebate Strategy*, dated 17 July 2017, receives and notes the report and in doing so:-

1. **adopts the Communication strategy to inform the residents that will either require a new domestic pump or to lower the connection on Council land; and**
2. **approves the rebate of the CWMS annual service fee of $586 from the date of issuing the first service fee charge 1 July 2015 until the system is fit for purpose. Applicable only to those eligible with a non fit for purpose connection which would otherwise require a grade less than 1.45% to achieve connection.**
3. **approves the installation and connection of the required domestic pump stations, including all electrical and monitoring components."**

BUDGET IMPACT

Estimated Cost:	Subject to tender
Future ongoing operating costs:	Existing pump electricity cost rebate to property owner. Ongoing pump maintenance and replacement by Council under a specific service agreement yet to be tendered.
Is this Budgeted?	No

All civil works and the engagement of a qualified engineering consultant to undertake the specifications and Tender procurement process as per Council's Procurement Policy. The same consultants to superintend the rectification and reinstatement projects, this will be at no cost to Council with the funding commitment of the Local Government Association (LGA).

RISK ASSESSMENT

Charging for a service that is not fit for purpose is contrary to Consumer Law.

Council in conflict with the ESCOSA Licence agreement.

Should properties not connect there is potential for a public health risk if the old septic system fails.

Community perception that the system is not operational.

Attachments

1. **Water Industry Act 2012-1.7.2016 48-Requirment to connect to infrastructure**
2. **South Australian Public Health (Waste Water Regulations) 2013-1.7.2015 Part 2 Section 9 - Connection to community wastewater management system**
3. **Norman Waterhouse Lawyers Letter dated 14 September 2012. (Failure of Septic Tanks)**
4. **Three example letters:**
    a. **pump installation**
    b. **difficult access**
    c. **lowering of connection point**

DETAILED REPORT

Purpose

To provide Council with a planned communication strategy to inform the property owners that physically cannot make connection to the new system advising how Council Administration will go about managing the rectifications and the reimbursements of the service charge.

Background/History

At the formal Council meeting held 19 June 2017 a report was presented to inform Council of the commitment of the (LGA) to ensure the completion of the Mallala CWMS is fit for purpose prior to final certification being issued by the designers HDS Australia and Council. The report talked about the current issues administration has identified during the defect liability period and emphasised the delaying of the handover of the scheme and final completion certification.

A resolution was passed to investigate the legislation for connecting to the new system to be brought back to Council for information.

"That a report be brought back to Council outlining the legislative requirements for connecting to the Community Wastewater Management System"

There are a total of 32 properties identified from the recent connection survey audit report in March 2017 that will require either their sewer connection points lowered or a pump station installed on their properties in order to connect to the scheme. This audit was conducted by a qualified plumber who inspected the 140 remaining properties that had not yet connected to the new scheme. These properties will require either a new onsite domestic pump station, or the lowering of the connection point in the streets to make minimum grade required.

- 20 New domestic pumps
- 12 lowering of the connection point (2 have already been lowered, 10 remaining)

Discussion

Legislative requirements for connecting to the Community Wastewater Management System

Council as the water industry entity with the approval from the Minister from Health may issue by notice to the owner of the property to connect to the CWMS infrastructure under the South Australian Water Industry Act 2012 section 48 – Requirement to connect to infrastructure and the South Australian Public Health (Wastewater) Regulations Part 2 Section 9 - Connection to community wastewater management system.

(Attachment 1 and 2)

Where it is identified by Council's Environmental Health Officer that the properties waste water system is deemed to be insanitary, a notice will be issued to the owner of the property under the appropriate delegations and the owner must connect to the CWMS infrastructure.

Legal advice was sought by Council's Environmental Health Officer in September 2012 seeking advice on the appropriate approach that Council should undertake to address non compliant septic tank systems in its district. The letter talks about the appropriate delegations from the Minister for Health required by Council to undertake enforcements for non compliance of a waste control system under Regulations 19,23,24 of the Public and Environmental Health (Waste Control) Regulations 2010. **(Attachment 3)**

Considerations taken into account for the service charge rebate

The Audit Survey discovered that there were 38 properties that could not make the minimum 1.65% plumbing grade fall to the provided connection point or were identified as a 'difficult' connection. Australian standards for sewer gradient are 1.65% however allows 1.25% dependant on the amount of sanitary house fixtures. The risks associated with allowing a 1.25% grade is blockages with the new low flow water saver devices, for example dual flush systems and water saving shower heads that do not generate sufficient water to flush low graded pipes. However it was later determined that a gradient of 1.45% was acceptable as a reasonable baseline grade which brought the numbers of effected properties down to 32.

Properties that were identified as having narrow access for excavation near footings against the Australian Standards Installation Guidelines but could still make fall of 1.45% or greater to the main sewer drain will not eligible for the rebate as the system is fit for purpose. Other matters that need to be considered are:

- Australian Consumer Law clearly states that if a service is provided it automatically guarantees that it will work and must be fit for purpose.
- Council is not meeting the requirements under ESCOSA licence agreement under the Water Industry Act by not providing a fit for purpose system.

- Council is in breach of its own Customer Service Charter for sewerage removal by not providing a fit for purpose system.

The reimbursement of the CWMS service fee already charged will be eligible will be invoiced to the (LGA) resulting in no cost to the Council.

Communication Strategy

Administration has contacted the (LGA) media team to update them on the current situation and has discussed the process of the proposed communication strategy.

In the case of the need to lower a sewer connection

- An information letter (**Attachment 4**) to be posted to all the properties identified where the connection points are to be lowered.
- Contact details of a dedicated officer of Council will be included in the letter to further discuss the process and timing.
- CWMS service fee charge to be reimbursed to these as they have not been able to connect to the scheme.
- On certification the property owner will be notified and provided with an application form to connect to the scheme.

In the case of the need to install a pump station

- An information letter (**Attachment 4**) will be posted to the indentified properties that require an onsite domestic pump station to first make contact.
- Contact details of a dedicated officer of Council will be included in the letter to further discuss the details, process and timing.
- Council administration will personally meet all property owners individually to discuss the process and to provide the opportunity to have the pumps installed in the location of the property owner's request.
- Property access for the installation of the pumps to be approved by the resident.
- CWMS service fee charge to be reimbursed to these as they have not been able to connect to the scheme.
- On certification and commissioning of the pumps the property owner will be notified and provided with an application form to connect to the scheme.

Media Release

Administration will prepare in consultation with the LGA a media release to advise generally of the status of the scheme.

Conclusion

It will be important to explain to the community and to those directly affected, the process so far to ensure a good outcome for the residents with as little disruption caused as possible to allow for a successful connection to the new CWMS facility.

In light of this project and difficulties encountered, it is recommend that only the properties that are identified to be not fit for purpose having no ability to achieve a connection with minimum 1.45% gravity fall to the CWMS system is to be reimbursed the full service charge of $586 from the date of first issuing the charge on 1 July 2015.

Administration will provide a further report to Council for consideration with options to facilitate the future management and responsibilities of the installed domestic pump stations from a financial and operational position.

References

Legislation

South Australian Public Health (Wastewater Regulations 2013 Part 2 – Establishment of Community wastewater management systems.

South Australian Water Industry Act 2012 section 48 – Requirement to connect to infrastructure

On-site Wastewater Systems Code 2013

ESCOSA Licence Agreement under the water industry act

CWMS Accounting Principles

Local Government Act and Regulations

Australian Standards Installation Guidelines

Council Policies

Community Consultation Policy

Customer Service Charter

48—Requirement to connect to infrastructure

(1) This section applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as ***prescribed infrastructure*** under this section).

(2) A water industry entity to which this section applies may apply to the Minister for the approval of a scheme under this section.

(3) A scheme to which an application relates will be a scheme—

(a) that provides for the supply of sewerage services through the use of prescribed infrastructure; and

(b) that proposes that any owner of land adjacent to land where a designated part of the prescribed infrastructure is situated (other than owners (if any) excluded from the scheme) be required to connect to the prescribed infrastructure so as to become a customer of the water industry entity with respect to the sale and supply of the sewerage services under the scheme; and

(c) that has, in relation to the prescribed infrastructure, been approved by a prescribed body as being fit and adequate for the provision of services that are proposed to be offered under the scheme; and

(d) that complies with any other requirements prescribed by the regulations.

(4) A scheme under this section may—

(a) provide that any connection made by a person under the scheme comply with any requirements specified by the water industry entity after consultation with the Technical Regulator and the Health Department; and

(b) provide other requirements relating to the establishment, operation or management of the scheme that must be complied with by any owner of land adjacent to land where any prescribed infrastructure is situated; and

(c) provide for other matters specified by the water industry entity and approved by the Minister under this section.

(5) The Minister may, after taking into account such matters as the Minister thinks fit, determine whether or not to approve a scheme under this section.

(6) If the Minister approves a scheme, the water industry entity may, by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.

(7) If a notice is served on an owner of land under subsection (6)—

(a) the owner must comply with the notice in accordance with the requirements of the notice; and

(b) any drains, equipment or works used for the purposes of making the connection must comply with specifications approved by the Technical Regulator or the Health Department for the purposes of this section (if any); and

(c) the costs incurred by the owner in complying with the notice will be borne by the owner.

(8) The following owners of land will be excluded from a scheme under this section:

(a) any owner, or owner of a specified class, excluded by the Minister from the scheme at the time that the Minister approves the scheme;

(b) any owner of land where it is not reasonably practicable to connect to the prescribed infrastructure;

(c) any owner of a class excluded from the operation of this section by the regulations (if any) or otherwise excluded under the terms of the scheme itself.

(9) If the requirements of a notice under this section are not complied with, the relevant water industry entity may take any action required by the notice.

(10) Action taken by a water industry entity under subsection (9) may be taken on the entity's behalf by a water industry officer or another person authorised by the water industry entity for the purpose.

(11) A person taking action under subsection (10) may enter any relevant land at any reasonable time.

(12) The reasonable costs and expenses incurred by a water industry entity in taking action under subsection (9) or (10) may be recovered by the water industry entity as a debt from the person who failed to comply with the requirements of the notice.

(13) A water industry entity may from time to time, with the approval of the Minister, vary a scheme under this section.

Part 6—Protection and use of infrastructure, equipment and water and powers in relation to installations

Division 1—Protection of infrastructure, equipment and services

49—Encroachments

(1) A person must not, without lawful authority—

(a) construct or place a building, wall, fence or other structure on or over any water/sewerage infrastructure, or create some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or

(b) create any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or

(c) obstruct, fill in, close up or divert any water/sewerage infrastructure; or

(d) excavate or alter any land or structure supporting any water/sewerage infrastructure,

Part 2—Establishment of community wastewater management systems

7—Interpretation

In this Part—

prescribed details, in relation to a community wastewater management system, means the following details:

(a) details of the nature and type of system;

(b) a description of any land that would be benefited by the system;

(c) an estimate of the costs of the system;

(d) particulars of the manner in which the system would be financed, including the manner in which the capital and operating costs would be recovered;

(e) details of any plans and specifications relating to the system that are available for public inspection.

8—Public notification of proposed community wastewater management system

(1) If a council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, the council must give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.

(2) The council must consider any submissions made in response to the notice and may abandon the proposal or proceed with it with such modifications as it thinks fit.

(3) If the council resolves to proceed with the community wastewater management system, it must obtain a wastewater works approval from the Minister in accordance with these regulations.

9—Connection to community wastewater management system

(1) On obtaining a wastewater works approval for a community wastewater management system, a council may, by written notice, require the operator of an on-site wastewater system—

(a) to connect the system to the community wastewater management system; and

(b) for that purpose, to complete and submit an application to the relevant authority, within the period specified in the notice, for a wastewater works approval for—

(i) the connection; and

(ii) if necessary, consequential alterations to the on-site wastewater system.

Norman Waterhouse
LAWYERS

By Email: <ken.savage@mallala.sa.gov.au>
Ref: 277182\DZM02190083

14 September 2012

Mr K Savage
Environmental Health Officer
District Council of Mallala
PO Box 18
MALLALA SA 5502

Dear Ken

Failure of Septic Tank Systems

We refer to previous communications in relation to this matter.

You have sought advice regarding the approach that the District Council of Mallala (**the Council**) can take to address failing septic tank systems in its area.

Executive Summary

If it is not already the case, the Council can obtain appropriate delegations from the Minister for Health to issue notices under Regulation 19 of the *Public and Environmental Health (Waste Control) Regulations 2010* (**the Waste Regulations**). The Council should further ensure it has appropriate delegations to issue expiations under Regulation 23 of the Waste Regulations.

Where waste control system failures are observed, the Council can (subject to receipt of the appropriate delegated authority from the Minister) issue notices to property owners/ occupiers under Regulation 19 of the Waste Regulations requiring them to take action to repair or replace the system. In the absence of delegated authority from the Minister, the Council can use warning letters and notices under Regulation 24 of the Waste Regulations to similar effect. The Council could, alternatively, seek that the Minister undertake these tasks, at first instance.

Failure to comply with a Notice issued under Regulation 19 or 24 of the Waste Regulations is an offence. Further, if a Notice is not complied with, the Council can cause the requirements of the Notice to be carried out. This includes entering onto the relevant land and carrying out the work. We consider that any incidental actions that are necessary, including the excavation of the land and (in the most extreme cases) alterations to existing buildings on the land to accommodate the required works are authorised under Regulations 19 and 24 of the Waste Regulations.

The failure by an owner or occupier to maintain their waste control system in good order and condition is an offence against Regulation 23 of the Waste Regulations. The Council should

consider issuing Expiation Notices or commencing prosecution proceedings in appropriate circumstances.

In the event the Council observes the discharging of waste into public or private places, the Council can utilise various powers under Sections 15, 16, or 18 of the *Public and Environmental Health Act 1987* (**the PEH Act**) and/or Regulation 23 of the Waste Regulations, as the case requires.

Background

The Council is proposing to install Community Waste Water Management System (**the CWMS**) infrastructure in its area. Final approval for the system is yet to be provided.

A number of properties within the Council's area are serviced by septic tank systems. You instruct that some 10%-15% of systems within the Council's area are failing. The Council is concerned with this failure rate from a public and environmental health perspective.

Pending final approval of the CWMS infrastructure, you have sought advice on the appropriate mechanisms to enable failing systems to be repaired, and to address these concerns going forward.

General Duties of the Council

The Waste Regulations incorporate the legislative controls for the day to day management and maintenance of waste control infrastructure.

These controls stem from the Council's general duty to take adequate measures to ensure that the protection of public health is maintained in its area, pursuant to Section 12A(2)(b) of the PEH Act. As part of that general duty to maintain public health, the Council is required to ensure that premises are not kept in an insanitary condition and that waste is not discharged into public or private places.

Section 3 of the PEH Act defines 'waste control systems' as including, amongst other things:

> *'any system that provides for the collection, treatment or disposal of human, commercial or industrial waste through:*
>
> ...
>
> *(b) a system of pipes, pumps, appliances, plant or storage treatment facilities that deals with the waste in solid or liquid form, or in a combination of both; or*
>
> *(c) a system that incorporates the use of biological, chemical or artificial means, or any combination of such means, to collect, treat or dispose of the waste, or any residues,*
>
> *and includes any fixture, fitting, appliance, plant or process associated with any such system but does not include any system of a class excluded by regulation from the ambit of this definition.'*

The individual septic tanks and CWMS infrastructure therefore fall within this definition.

We note that the *South Australian Public Health Act 2011* has commenced operation. That Act repeals the PEH Act in its entirety. However, it should be noted that the various parts of the PEH Act and Waste Regulations referred to in this advice remain operational, by

proclamation, at the time of writing. Their ultimate cessation is imminent, although the timeframes for that cessation are yet to be finalised.

Repair and Replacement

Regulation 19

Notice

Regulation 19 of the Waste Regulations provides the 'relevant authority' with the power to issue maintenance orders requiring the owner or occupier of premises where a waste control system is located to take specified action:

> '*(a) to alter, repair or replace a fixture, fitting, appliance, plant, drain or other item associated with a waste control system;*
>
> *(b) to remove sludge or other material from a waste control system;*
>
> *(c) to service, maintain or cleanse a waste control system (or a fixture, fitting, appliance, plant, drain or other item associated with a waste control system);*
>
> *(d) if a waste control system is defective, inadequate or inappropriate - to replace the waste control system, or a fixture, fitting, appliance, plant, drain or other item associated with the waste control system.'*

As such, (and relevantly for the purposes of this advice) the relevant authority has the capacity to specifically require that parts of a waste control system be repaired to a satisfactory condition, or require that a defective inadequate or inappropriate waste control system be replaced. It would be for the recipient of the Notice to then undertake the relevant steps to give effect to the Notice.

If the requirements of a Regulation 19 Notice are not complied with, then the relevant authority may cause the requirements to be carried out, and may recover the costs and expenses reasonably incurred in carrying out that work from the person who failed to comply with the Notice, as a debt. The relevant authority is therefore empowered to undertake all necessary steps to ensure that the Notice is complied with, which can include entering the property, excavating and altering the property to the extent necessary to give effect to the Notice.

Furthermore, a person who fails to comply with a Notice without reasonable excuse commits an offence which attracts a maximum fine of $4,000, or an expiation fee of $100.

We note that where an owner or occupier of premises has failed to maintain a waste control system in good order and condition, that person commits an offence against Regulation 23(2) of the Waste Regulations. In appropriate circumstances, the Council may wish to issue expiations (or in the alterative consider prosecutions) for such contraventions. The mere threat of such action may spur certain property owners into action to repair or replace the systems.

Relevant Authority

Regulation 6(4) of the Waste Regulations provides that the 'relevant authority' for the purpose of issuing Notices under Regulation 19, is the Minister for Health. At first instance therefore, the responsibility for issuing Notices under this Regulation rests with the Minister.

In this case therefore, the Council could, conceivably, inform the Minister of its concerns with individual waste control systems and request that the Minister take action to issue Notices and ensure compliance. In this way the Minister would bear the costs of ensuring compliance.

While this option may present as the most attractive financial approach, it may ultimately be that the Minister fails or refuses to take action requested by the Council. The Minster may, instead, indicate that such a responsibility rests with the Council.

Section 6 of the PEH Act provides that the Minister may delegate, by instrument in writing, any of the Minister's powers under the PEH Act (or Regulations) to the Council. The Council can therefore approach the Minister seeking delegation of the power to issue Notices under Regulation 19. We note that such an approach requires the concurrence of the Council, by resolution (or, if this power is delegated to the CEO or other officer, the CEO or that officer), under Section 6(3) of the PEH Act.

As such, in the alternative, the Council could (subject to the appropriate delegations being obtained) issue Notices under Regulation 19 of its own initiative. In that case, the Council would exercise all the powers and functions of the Minister and could equally take action on Notices and recover its costs of doing so from owners or occupiers.

Regulation 24

Regulation 24 of the Waste Regulations provides the Council with the power to issue Notices requiring the owner or occupier of premises where a waste control system is located to take specified action to disconnect or cease to use a waste control system.

As with a Notice issued under Regulation 19, where a person fails to comply with the requirements of a Notice issued under this Regulation, the Council may cause the requirements of the Notice to be carried out and a person authorised by the Council may enter the land for that purpose. Similarly, the Council may recover the costs and expenses reasonably incurred in carrying out that work from the person who failed to comply with the Notice, as a debt.

Again, a person who fails to comply with a Regulation 24 Notice without reasonable excuse, commits an offence which attracts a maximum fine of $4,000, or an expiation fee of $100.

Discharge of Waste

Offences

Section 18(1) of the PEH Act provides that a person who discharges waste into a public place is guilty of an offence. Further, Section 18(2) of the PEH Act provides that a person who, without lawful permission, discharges waste into premises of which he or she is not the owner, is also guilty of an offence. These offences are not expiable, but a maximum penalty of $30,000 is prescribed.

Where, because of waste control system failure, or on account of a person failing to comply with a Regulation 24 Notice, waste is discharged into a public or private place, the Council could consider taking prosecutorial action under this Section.

Section 16 of the PEH Act provides that if premises are in an insanitary condition, the person responsible for causing the condition or allowing the condition to occur is guilty of an offence. An expiation fee of $300 is payable, or a maximum penalty, in the case or prosecution proceedings, of $8,000 is prescribed.

In our view, where premises contain overflowed effluent or wastewater from a waste control system on account of a failure or unauthorised continued use of a waste control system, the premises are likely to be in an insanitary condition as defined by 3(2) of the PEH Act. In that case, the Council could take action under this Section to expiate or prosecute the offender.

Notices and Compliance

Both Sections 18(3) and 15(1) of the PEH Act enable the Council to issue Notices to remedy illegal discharges of waste, or insanitary conditions respectively.

The Notices can require the recipient to take action to remedy the condition and, if not complied with, authorise the Council to take its own action to remedy the condition. With respect to Notices issued under Section 18(3), the Council can require immediate compliance. In cases where the Council is required to break into premises to give effect to the Notice, it can only do so on the authority of a Warrant issued by the Justice of the Peace.

The Council can recover the costs of undertaking the action in default from the recipient of the Notice as a debt, and the costs will also be a charge against the land, and may be recovered as if they were rates in arrears.

We note that appellate mechanisms exist for the recipient of such Notices (to the Public and Environmental Health Council at first instance) to enable them to challenge the Council's decision.

Proposed Approach

Delegations

The Council can obtain delegated authority from the Minister to issue maintenance orders under Regulation 19 of the Regulations. Such orders are a valuable tool in assisting the Council to manage CWMS infrastructure and septic tanks on an ongoing basis.

The Council can also obtain delegations under other regulations under the Waste Regulations to enable it to issue other Notices and Expiations, or commence prosecution proceedings, as required.

If appropriate delegations are not already in place, we would be pleased to liaise with the Department of Health on the Council's behalf to secure them.

System Failure

Where the Council's observes waste control system failures, the Council can (subject to outcomes of discussions with the Department of Health we foreshadow above, and receipt of the appropriate delegations), serve notice on the property's owner or occupier under Regulation 19(1) requiring them to take action to repair or replace the waste control system.

Where such a Notice is not complied with, the Council can cause the requirement of the Notice to be carried out (ie repair the systems or replace the system), and recover the costs of so doing from the recipient of the Notice as a debt. The recipient of the Notice would also be committing an offence, and can be prosecuted or expiated.

Obviously, such an approach has cost implications for the Council in carrying out works if a large number of property owners fail to act upon receipt of their Notices. As such, an alternative may be that the Council attempt to have the Minister (through the Department for Health) undertake the issuing of Notices at first instance. However, if the Minister refuses to act, then we consider it will be incumbent on the Council to undertake these works.

We note that, in the most extreme cases (or in the event that the Council does not receive appropriate delegations from the Minister under Regulation 19), the Council can use Notices under Regulation 24 of the Waste Regulations to similar effect.

In that case, the process would be somewhat different, as the Council should first advise the property owner of the system failure and the fact that if they fail to take action to rectify it, that the Council will be issuing the owner/occupier a Notice under Regulation 24 requiring them to cease to use the system.

Where a Notice under Regulation 24 is served, and is not complied with, the Council can give effect to the disconnection or alter the system to prevent its use by the owner/occupier.

Regardless of the process adopted, property owners/occupiers should be reminded of the penalties for non-compliance and the Council should expiate and enforce, as it deems appropriate.

As noted above, where a waste system has not been maintained in good order or condition, the owner or occupier of premises where the system is located is guilty of an offence against Regulation 23(2) of the Waste Regulations. An expiation fee of $100 is payable, or a maximum penalty, in the case or prosecution proceedings, of $1,000 is prescribed. It may be that in cases of severe failures of waste control systems, the Council determines to expiate property owners or occupiers under this regulation.

We note that our proposed approach above requires the use of a number of statutory documenters to enable the Council to issue Notices, Expiations and Orders as required. We would be pleased to prepare any such documentation, if required.

We trust this information meets your requirements. Please do not hesitate to contact the writer if you wish to discuss any aspect of this matter.

Yours faithfully
Norman Waterhouse

Dale Mazzachi
Associate
Direct Line: (08) 8210 1221
e-mail: dmazzachi@normans.com.au

277182\DZM02190083

Our Reference: CON12/334-2

00 July 2017

Name
Company
Address
Suburb

Dear [Name],

Re: Community Wastewater Management Scheme (CWMS) Pump Installation

The Adelaide Plains Council recently engaged an independent contractor to conduct a depth survey at properties that have not yet been connected to Council's Community Wastewater Management Scheme.

The survey identified that the sewer drains on your property are lower than the street connection; therefore your property is unable to connect to the scheme via gravity in accordance with Australian Standards.

Council has explored a number of options including lowering the connection point in the street. Unfortunately the street connection is unable to be lowered and therefore the only option for your property is the installation of a pump chamber.

As the system installed is considered UNFIT FOR PURPOSE a full rebate on your CMWS service fee will be refunded up until the date the new pump station is installed and commissioned.

Further to the above rebate you will also be given a yearly rebate to assist with power consumption.

In order to proceed with the installation of a pump chamber please contact Paul Cleghorn or David Cowell on 8527 0200, to arrange an onsite meeting. During the meeting Council staff will be able to explain the options and location of the pump chamber. We will also assist with your approval to connect and answer any questions you may have.

Yours Sincerely

Martin Waddington
General Manager - Infrastructure

Our Reference: CON12/334-2

00 July 2017

Name
Company
Address
Suburb

Dear [Name],

Re: Community Wastewater Management Scheme (CWMS) Property Connection

The Adelaide Plains Council recently engaged an independent contractor to conduct a depth survey at properties that have not yet been connected to Council's Community Wastewater Management Scheme.

The survey has identified that the drains in your property are difficult to access therefore your property has not been able to connect to the scheme in accordance with Australian Standards.

Council staff have explored a number of options and would like to arrange an onsite meeting with you to explain the options for your property to connect and answer any questions you may have.

Please contact Paul Cleghorn or David Cowell on 8527 0200 to arrange a suitable time.

Yours Sincerely

Martin Waddington
General Manager - Infrastructure

Our Reference: CON12/334-2

00 July 2017

Name
Company
Address
Suburb

Dear [Name],

Re: Community Wastewater Management Scheme (CWMS) Property Connection

The Adelaide Plains Council recently engaged an independent contractor to conduct a depth survey at properties that have not yet been connected to Council's Community Wastewater Management Scheme.

The survey has identified that the drain in your street has been installed too high and therefore your property has not been able to connect to the scheme in accordance with Australian Standards.

As a result, the street connection will be lowered in the near future and you will be advised when it is possible to connect your property to the scheme.

As the system installed is considered UNFIT FOR PURPOSE a full rebate on your CMWS service fee will be refunded up to the date the drain is lowered and you've been advised that your property can now connect.

Once the work to lower the drain is completed Council will be back in contact with you to finalise the rebate amount and facilitate your application to connect to the scheme.

Should you require any further information please contact Paul Cleghorn on 85270200.

Yours Sincerely

Martin Waddington
General Manager - Infrastructure

Adelaide Plains Council	**14.10**	**Short Stay Accommodation Policy Review**
	Department:	**Infrastructure**
	Report Author:	**GM Infrastructure**
Date: 17 July 2017	**Container No:**	**CON12/233**
	Document No:	**D17/11781**

EXECUTIVE SUMMARY

RECOMMENDATION(S)

"that Council, having considered Item 14.10 – *Short Stay Accommodation Policy Review*, dated 17 July 2017, receives and notes the report and in doing so endorses the amended Camping and Short Stay Accommodation policy as attached to this report."

BUDGET IMPACT

Parham only

Estimated Cost:	$32,000 income from ticket sales. Ticket machine $12,000. Cost to install RV dump point $3,000
Future ongoing operating costs:	Maintenance of facilities $8,500 new RV dump point $300. Ticket machine management system fee $50 per annum
Is this Budgeted?	Partially

RISK ASSESSMENT

Adopting the Short Stay Accommodation policy helps mitigate risks by providing clear direction and expectations for visitors.

Attachments

1. **Amended Short Stay Accommodation Policy**

DETAILED REPORT

Purpose

The purpose of this report is to advise on the outcome of the public consultation process with regard to the Short Stay Accommodation policy and to propose amendments as a result of analysis of comments submitted by members of the public.

Background/History

- Council last reviewed its Camping and short stay accommodation policy in December 2016.
- At the 19 April 2017 adjourned Ordinary meeting, Council resolved the following:

That Council, having considered Item 12.5.2 – Camping Reserves, dated 18 April 2017, receives and notes the report.

And in recognition of the public risk in allowing campers to dwell at the Mallala Oval, not being a formal camp ground, that the area be sign posted as "No Camping Permitted" and actively policed as such."

Seek to commence discussions with interested parties to further develop an enhanced camping ground or caravan park at the new Mallala camp ground, and operate the facility into the future."

requests that a report be brought back to Council with the view of reviewing the Short Stay Accommodation Policy."

Charge a fee of $10 per site per night applied to both Parham and the new Mallala camp ground and a coin operated timer be retrofitted to the existing shower at the Mallala oval set at $2 for a 7 minute shower."

- At the 15 May 2017 Ordinary Meeting, Council resolved the following (Item 18.1):

That the next Short Stay Accommodation Policy Review be brought forward to June 2017 in conjunction with community and stakeholder consultation with view to include any changes or issues identified from community and stakeholder consultation updated into forward review.

- Community consultation commenced soon after and submissions closed on Wednesday 7 June 2017. During this time a number of submissions were received together with a petition on the subject matter.
- Council received a report at the June Ordinary Council Meeting to advise that there has been insufficient time to properly assess all the correspondence and formulate

appropriate recommendations (if any) to the Short Stay Accommodation policy for Council's consideration at its June 2017 ordinary meeting.

Discussion

Community Consultation Outcomes

Respondent	Point(s) objection / support
Michael Trussell Dublin	• Objects to limited stay times (too short). • 14 days would give people time to set up and enjoy area boosting local economy
Barbara Reid Two Wells Represented by 88 signatures.	• Lack of consultation on policy. • Historical local involvement. • Loss of income to club. • Prefer stay to be set at 14 days at all times. • Urging flexibility for exceptional circumstances. • Camping fees to be consulted. • Advocating an RV dump point.
Carolyn Wyatt Virginia	• Objects to limited stay times (too short). • Community have played a caretaker role in the past as volunteers. • Flexibility for those with exceptional circumstances. • Club and local stores are losing out if town doesn't make money.
APRatepayers & Residents Association Inc	• Lack of by-laws • Mallala new area available and welcome. • Supports tourism and AIBS. • Advocating an RV dump point. • No to providing a system that can be abused. • Flexibility for those with exceptional circumstances.
Alvin Jenkins	• Objects to limited stay times (too short). • Caused a negative economic impact. • Recommends 14 days at all times. • Flexibility for those with exceptional circumstances. • No return part of policy is supported. • Charging a nominal fee for using the camp ground is supported but consult first.

Respondent	Point(s) objection / support
	• Advocating an RV dump point.
Lisa Bryant	• Objects to limited stay times (3 days for peak period is too short). • No issue with 14 days but happy if peak was limited to 5 or 7 days • Longer stay would potentially benefit the local communities.
Bill Brady	• Fee should be low or zero so as to attract Freedom Campers • Charging for shower is supported • Do everything to attract visitors as they will benefit the local economy.
Anonymous Parham resident	• Happy with changes made to campground • Areas atmosphere has changed for the good
Chris and Janine Starrs	• Owners of Middle Beach Education and Resource Centre • Camping grounds are an unfair competition to their business. Would prefer Council establish a level playing field, address financial inequity and not be a competitor.
Petition	• Lack of consultation on policy. • Policy is unreasonable and not to the benefit of the travelling public, local community and local businesses.

Analysis

Most points made by the respondents relevant to the policy focussed on the following key issues:

<u>Objection to limited stay times</u>

The current policy defines a short stay as follows "a period of no longer than three (3) consecutive nights during peak periods and no longer than seven (7) consecutive nights off peak, unless otherwise signed." Most respondents found this to be too short, offering little time for the visitor to settle in and take advantage of the local tourist attractions and purchase goods and services from the local traders. Council's intent when imposing a time limit was to dissuade those who would stay long periods of time without the need to pay for the privilege. Council began a permit system (free of charge at the present time) recently to monitor visitor numbers and durations of stay. In the time between 21 April 2017 to 16 June 2017, 292 permits have been issued. The average length of stay has been 1.84 nights which equates to 537 permit days. Interestingly enough the policy allows flexibility to the length of

stays in so far as it provides “unless otherwise signed” If Council so chose to alter the length of stay times then technically there is no reason this could not occur with simple authorised signage. Although there is public support for extending the timeframe to 14 days, to do so would detract from the original objective of the short stay policy which is to discourage lengthy stays. Instead an all year round limit of 7 days is recommended which strikes a good balance between providing enough time for visitors to dwell and enjoy what the area has to offer but not ‘hog’ the camp ground at the expense of others that want to come and enjoy the area equally. Another factor is that providing a 7 day limit lessens the impact on nearby private owned camp grounds. The attached policy reflects this change for consideration.

Flexibility for those with exceptional circumstances.

Many respondents felt sympathy for those visitors from country areas with circumstances that required them, or their family members, to attend extensive medical appointments. Often these people are socio economically disadvantaged and unable to meet the cost of accommodation in Adelaide while undertaking lengthy treatment which at times may exceed 14 days. In these cases they have used the camping grounds to dwell on these extended visits. If Council agreed that these cases should be looked upon sympathetically, then a suitable clause in the Policy could be included to give the Councils Authorised Officer the flexibility to extend their stay times. The proposed policy attached provides such a clause for consideration.

Loss of economic benefit to local clubs and traders

This is a point raised by most respondents and is expressed in terms of peoples concerns that limiting stays (particularly only 3 days) will result in visitors not having the best chance of discovering the local attractions and purchase goods and services from the local traders. The proposed attached policy provides for a longer stay time and if Council considered this appropriate would in turn provide the opportunity timeframe for visitors to engage with the local community.

Advocating more facilities – RV Dump Point

Some respondents mentioned that a dump point would be a worthwhile addition. There is currently only one Dump point in the Adelaide Plains area at Dublin. Dump point units are available for free from Campervan and Motorhome Club of Australia but the cost of installation these units are borne by the facility operator. This would be Council in the case at Parham and potentially the new operators of the Mallala Camp ground. Cost to install is estimated to be $3,000 and ongoing maintenance is $300. The fees collected are ideal to fund these sorts of improvements.

Lack of consultation on policy.

Council last reviewed the Short Stay Accommodation policy in December 2016. It is true that there was no public consultation carried out as part of this process. Council’s Public Consultation policy is currently under review and in itself undergone public consultation.

Lack of By-Law

Council does have a By-law that covers off on camping within the Adelaide Plains Council area to the extent necessary for what is required. Specifically this is By-law number 2 of 2012, Section 2.5 is applicable.

Fees

Council has also provided within its policy an ability to charge a fee and at its April 2017 ordinary meeting chose to pursue this by introducing a $10 per night per site camping fee. However, this has not been progressed at this time due to discussions regarding Mallala Camp ground with Mallala Lions Club and also pending the outcome of the public consultation on the policy.

No respondent objected to the imposition of the fee seeing it as a fair and reasonable expectation of the average visitor and necessary to fund maintenance and improve facilities. However one respondent found that by Council not imposing a fee or even a low fee presents an inequitable situation with regard to unfair competition to his business in close proximity to the Parham camp ground.

Council has considered a number of methods for collecting fees. One method is an envelope system, similar to the method used by National Parks. Further research has been carried out and found that a credit card / cash ticket dispensing vending machine has been recently installed by the Mid Murray Council with great success. This system provides a flexible and convenient method for customers to purchase tickets for their stay. The cost of installing such a machine at Parham (Mallala is subject to discussions with Lions) is in the order of $12,000 each plus $50 per month management system fee. This could be easily funded through the sale of tickets themselves. As discussed above there have been 537 permit days issued in little under two months which equates to $5,370 income over this time meaning the ticket machine could be paid for in less than a year. Thereafter the income will help cover the cost of maintenance and improvements.

Conclusion

Following feedback gained through public consultation process, It is recommended that Council adopt the attached draft Short Stay Accommodation Policy which includes the following adjustments.

- Adjusted stay time, flat 7 days
- Flexibility provisions for visitors with extenuating circumstances
- Introducing a ticket dispensing machine option for processing fees.

References

Legislation

Local Government Act 1999

Council Policies

Short Stay Accommodation Policy

Public Consultation Policy

	Short Stay Accommodation Policy	
	Version Adoption by Council: 19 December 2016 **Resolution Number:** 2016/386 **Current Version:** V1.0	
	Administered by: General Manager Development & Community	**Last Review Date:** 2016 **Next Review Date:** 2019~~8~~
TRIM CON: CON12/233 **DOC ID:** D17~~6~~/136959~~348~~	**Strategic Outcome 2.4:** A growing tourism industry	

1. Objective

1.1 Council is committed to providing short stay accommodation areas for public use. This policy is intended to outline the conditions of use for Council's local government land designated as camping reserves.

2. Scope

2.1 This policy applies to any community land or road reserve owned by, or in the care and control of Council, which by Council resolution has been designated as a camping reserve in line with *By-law 2 - Local Government Land*. This policy also aligns with *By-law 3 – Roads* and Council's *Major Sport and Recreation Precincts Community Land Management Plan*.

3. Definitions

Authorised Officer – means a person appointed by a Council as an authorised person under Chapter 12, Part 3 of the *Local Government Act 1999*.

Camp - includes setting up a camp, or causing a tent, camper trailer, caravan, motor home or makeshift structure to remain on land whether or not any person is in attendance or sleeps on the land.

Camping Reserve - any land vested in or under the control of Council which the Council has set aside as a camping reserve and is identified by one (1) or more signs bearing the words "camping reserve" with or without other words.

Camping Site - a designated area within a camping reserve where a camp can be set up.

Exceptional Circumstances – A circumstance where a visitor is themselves or accompanying a person who is dwelling at a campsite for reasons of extended hospital or medical treatment requiring them to exceed the number of allowable "Short Stay" days.

Short Stay - a period of no longer than ~~three~~ seven (7~~3~~) consecutive nights~~ during peak periods and no longer than seven (7) consecutive nights off peak, unless otherwise signed~~.

~~**Special Event** – an event designated by Council by resolution or approved by the Chief Executive Officer as a special event for the purposes of this Policy.~~

~~**Peak Period** – public holidays, school holidays and special events.~~

4. Policy Statement

4.1 The core components of the Short Stay Accommodation Policy are to:

- set parameters around the use, times of stay, activities and management of the amenity of the site; and,
- address ongoing health, safety and welfare issues with designated short stay accommodation sites.

5. Terms of Use

5.1 Camping Reserves

Camping is permitted on any appropriately signed land and is subject to the conditions detailed on the sign within the following parameters which users must abide:

5.1.1 Where no ticket machine is available, u~~U~~sers are required to obtain and complete a self-registration permit and must provide the following information:

a. Name
b. Address
c. Contact phone number
d. Type of vehicle and vehicle registration number
e. Number of people camping
f. Mode of camping (caravan, tent or motor home)
g. Camping site number (if applicable)
h. Length of stay
i. Confirmation of fee paid (if applicable) payable using an deposit box located within the camping reserve

5.1.2 Where a ticket machine is available the user must purchase a ticket for the number of days desired

~~5.1.2 Where a fee is required for staying within a camping reserve, this will be payable using an honesty box located within the camping reserve.~~

5.1.3 Campers must only camp within a designated camping site (if applicable) and must not camp or park their vehicle on any prohibited areas within the camping reserve.

5.1.4 Campers must display a valid camping permit or ticket at their camp at all times.

5.1.5 The maximum length of stay at any camping reserve is seven (7) ~~three (3)~~ consecutive nights ~~during peak periods and no longer than seven (7) consecutive nights off peak, unless otherwise sign posted~~ unless under exceptional circumstances an Authorised Officer has granted an extension of time.

5.1.6 An extension of time will only be granted where a person can clearly demonstrate that they (or accompanying a person) require the additional time in order to attend continuous and extended medical treatment.~~.~~

~~5.1.5~~5.1.7 No return to the same camping reserve is permitted for a period of seven (7) consecutive days.

~~5.1.6~~5.1.8 The camp reserve must be kept clean and tidy at all times.

~~5.1.7~~5.1.9 Campers must not deface, foul, damage or inappropriately use any public amenity provided for use.

~~5.1.8~~5.1.10 Campers must dispose of black or grey water only at designated disposal points ie RV dump points~~.~~

~~5.1.9~~5.1.11 Generators must not be used between the hours of 10:00pm and 08:00am at permitted sites.

~~5.1.10~~5.1.12 Dogs must be kept on a leash at all times within the camping reserve and any dog waste must be disposed of appropriately.

~~5.1.11~~5.1.13 Campers must be considerate of other camping reserve users, visitors and local residents. Any activity that disturbs the quiet enjoyment of others is not permitted.

~~5.1.12~~5.1.14 Campers must pack up and leave the camping reserve by 11am on their day of departure.

~~5.1.13~~5.1.15 Campers must follow any lawful direction or instruction given by an Authorised Officer.

5.2 **Permitted Vehicles**

5.2.1 The following vehicles are not permitted;

- Commercial trucks; and
- Cars without additional camping provisions (e.g. tent, camper trailer, caravan or motor home).

5.2.2 Due to manoeuvring limitations within some camping reserves, restrictions on vehicle size will be sign posted as necessary within the reserves.

6. Breaches of this Policy

Council reserves the right to refuse or deny access to camping reserves on Council land. Failure to leave Council land at the instruction of an Authorised Officer is deemed to be in breach of *By-law 2 - Local Government Land* or *By-law 3 - Roads* and an expiation notice may be issued and police contacted, if deemed necessary by the Authorised Officer.

7. Maps

Areas of Local Government land/roads designated by Council as camping reserves are shown on the maps in Appendix 1.

8. Related Documents

By-law 2 – Local Government Land

By-law 3 – Roads

Major Sport and Recreation Precincts Community Land Management Plan

9. Records Management

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

10. Document Review

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

11. References

Local Government Act 1999

12. 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, Development and Community.

Map 1: Mallala Oval Camping Reserve

Map 2: Parham Camping Reserve

Adelaide Plains Council	**14.11**	**Allocation of Rural Addressing to Old Port Wakefield Road, Two Wells**
	Department:	**Finance and Economic Development**
	Report Author:	**Rates Officer**
Date: 17 June 2017	**Container No:**	**CON12/809**
	Document No:	**D17/11306**

EXECUTIVE SUMMARY

- Properties north of Halstead Road East/Hayman Road intersection with Old Port Wakefield Road have urban street numbering starting with number 1 on the western side and number 8 on the eastern side, this numbering sequence stops at the Mallala-Two Wells Road.
- Properties south of Halstead Road East/Hayman Road intersection with Old Port Wakefield Road have no street numbering as urban street numbering can not be introduced because of the existing number sequence in place. Residents have been requesting street numbering in this vicinity for some time.
- The Department of Planning, Transport and Industry have recommended the introduction of Rural Addressing for these properties.
- The introduction of Rural Addressing for these properties will be in accordance with Council Rural Property Addressing Policy.

RECOMMENDATION(S)

"that Council, having considered Item 14.11 – *Allocation of Rural Addressing to Old Port Wakefield Road, Two Wells*, 17 July 2017:

1. **receives and notes the report , and**
2. **approves the introduction of Rural Addressing on Old Port Wakefield Road for properties south of Halstead Road East/Hayman Road intersection with Old Port Wakefield Road, Two Wells to Councils southern boundary as advised by the Department of Planning, Transport and Industry (DPTI)."**

BUDGET IMPACT

Estimated Cost:	$ 1,900.00 (new sign for dwelling)
Future ongoing operating costs:	$
Is this Budgeted?	To be included in the 2017/18 budget estimates

RISK ASSESSMENT

By failing to adopt the recommendation Council may be exposed to criticism and negative publicity in the event of emergencies and situations involving emergency and essential services.

Purpose

To provide residents the necessity of rural street numbering.

Background

On 21 December 2009 Council resolved to implement the Rural Addressing System within the District Council of Mallala within the following guidelines:

Each property within the District Council of Mallala will comply with either the Urban/Town Address System or the Rural Addressing System.

Where a clearly defined area within the District already has a compliant addressing system the majority of properties within the Council will continue with this system and undertake a strategy to align remaining properties with the system already in place. Areas not considered to require implementation of the Rural Addressing System are:

- Mallala Township and Mallala Rural Living Zone
- Two Wells Township
- Dublin Township
- Parham, Webb Beach, Thompson Beach and Middle Beach settlements (note – Middle Beach not yet urban addressed but does not support rural addressing due to narrow frontages)
- Lewiston
- Redbanks
- Windsor

Where the majority of properties do not align with a compliant addressing system, Council will adopt either the Urban/Town Addressing System or the Rural Addressing System depending on the specifics of the area under review.

Council will consult with the Department of Transport, Energy and Infrastructure on areas to be excluded from the Rural Addressing System.

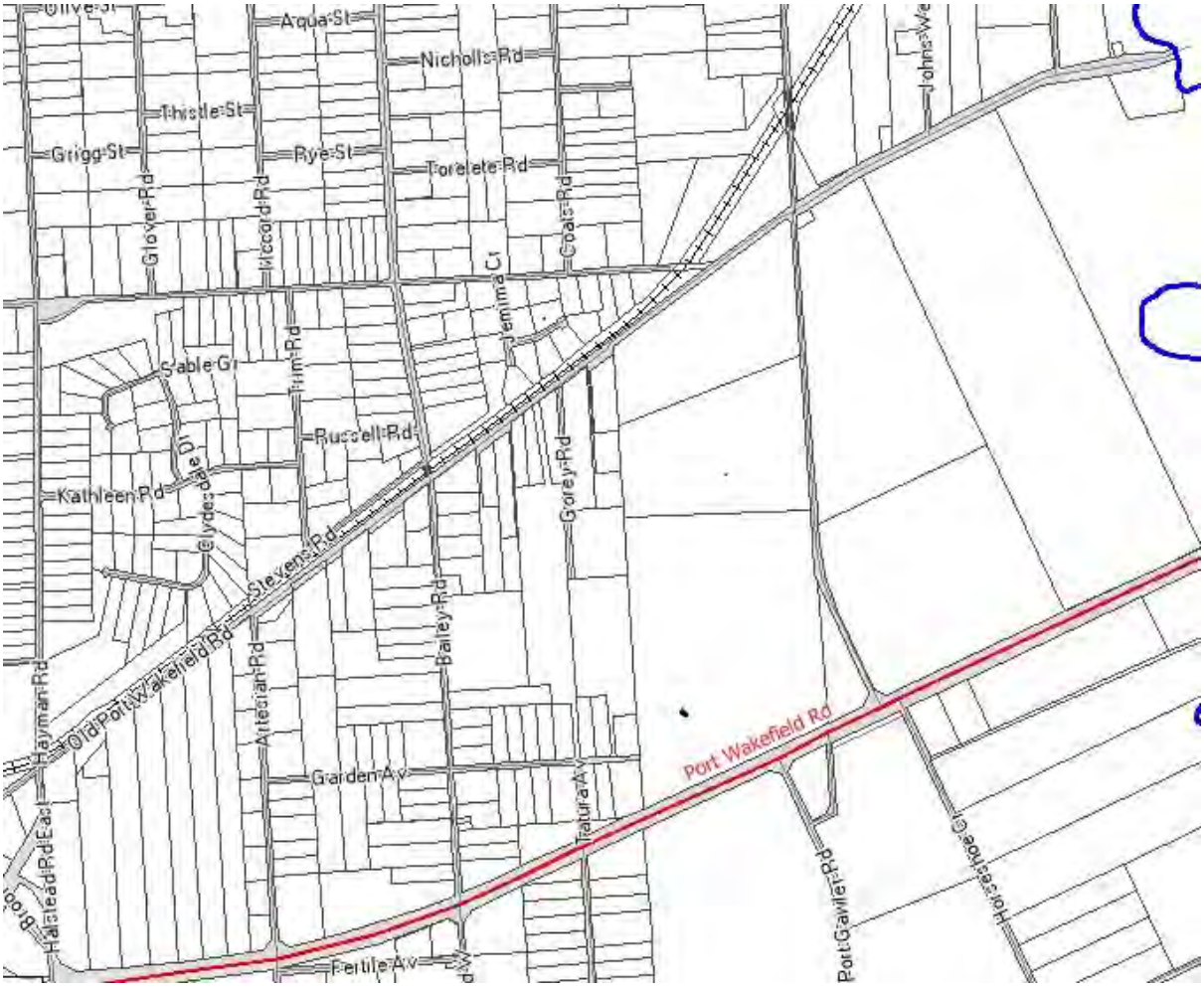
Subject to the outcomes of the consultation process, a draft implementation plan will be developed aligned to the objective to have an address for all rural properties by 2011."

Discussion

Properties north of the Halstead Road East/Hayman Road intersection with Old Port Wakefield Road, Two Wells have urban street numbering starting with number 1 on the western side and number 8 on the eastern side, this numbering sequence continues north finishing at the Mallala-Two Wells Road.

Properties south of the Halstead Road East/Hayman Road intersection with Old Port Wakefield Road, Two Wells (as per location plan below) have no street numbering as urban street numbering cannot be introduced because of the existing number sequence in place to the north.

Location Plan – Rural Property Addressing – Old Port Wakefield Road, Two Wells



Over the years Council administration has received a number of requests from residents living in this section of Old Port Wakefield Road requesting the allocation of street numbers as the uncertainty of this has resulted in emergency services such as Ambulance, Police and CFS having difficulty in locating their premises. Tradespeople and delivery drivers have also reported difficulty in locating properties in this vicinity.

The Department of Planning, Transport and Industry (DPTI) who administer the allocation of Rural Addressing have asked that Council introduce Rural Addressing for residents in this vicinity in accordance with Standard AS/NZS 4819:2011.

Furthermore there is a legislative requirement in accordance with Section 220 of the Local Government Act 1999 for Council to supply street numbering to premises and allotments.

The starting point for the distance calculation used to assign rural addresses is from the beginning of the road at Mallala Rd/Old Port Wakefield Road intersection.

The first possible address would be 168 Old Port Wakefield Rd and this would not compete with existing allocated urban numbers, as the rural addressing is separate from the urban numbers.

The numbers will continue south along the road and join with the existing rural addresses across our boundary.

The Addressing Standard does not preclude the assigning of rural addressing along a road in an otherwise urban numbered area.

The area in question is outside the Two Wells township and the properties are of large rural living type.

There would be approximately 20 properties along the eastern side and 7 properties along the western side of Old Port Wakefield Road that would benefit from Rural Addressing.

Council will need to purchase and install approximately 27 rural addressing signage, estimated cost at $1,900.00 in total which is to be included in the 2017/18 budget estimates.

Conclusion

Council administration is seeking Council endorsement for the introduction of Rural Addressing south of the Halstead Road East/Hayman Road intersection with Old Port Wakefield Roads, Two Wells to council's southern boundary allowing residents the necessity of a street number as required under the Act.

References

Legislation

Section 220 1(a) of the Local Government Act (1999)

Council Policy

Rural Property Addressing

From: Scott, Zena (DPTI)
To: [redacted]
Cc: [redacted]
Subject: RE: Street numbering Two Wells
Date: Tuesday, 23 May 2017 4:27:27 PM

Hi Peter,

Looking at the situation I see that there is no other option than to assign rural addressing to this section of Old Port Wakefield Rd.

The starting point for the distance calculation used to assign rural addresses is from the beginning of the road at Mallala Rd intersection.
The first possible address would be 168 Old Port Wakefield Rd and this would not compete with existing allocated urban numbers.
The numbers will continue south along the road and join with the existing rural addresses.

The addressing standard does not preclude the assigning of rural addressing along a road in an otherwise urban numbered area.
The area in question is outside the Two Wells township and the properties are large rural living type.

I have consulted with Mark Morse (Rural Addressing) and he fully agrees with this solution and would be happy to assign the numbers.

If I can be of further assistance please contact me.

Kind regards
Zena Scott
Data Quality Officer
Ph: 8226 4156

From: Peter Buchmann [mailto:PBuchmann@apc.sa.gov.au]
Sent: Tuesday, 23 May 2017 12:37 PM
To: Scott, Zena (DPTI) <Zena.Scott@sa.gov.au>
Subject: Street numbering Two Wells

Hi Zena,

Not sure if you are the person to ask, however I'm trying to sort out the street numbering on Old Port Wakefield Road, Two Wells.

The street numbers start from Halstead Road East, running north along Old Port Wakefield Road, with number 1 being on the northern corner of Halstead Road East and Old Port Wakefield Roads and number 8 being across the road.
There is no street numbering running south from Halstead Road East along Old Port Wakefield Road.

Any suggestions on how I can introduce numbering on the southern side if all the numbering has been taken up on the northern side?

Kind regards,

Peter Buchmann | **Rates Officer**
Finance and Economic Development | **P:** (08) 8527 0200 | **E:** pbuchmann@apc.sa.gov.au
PO Box 18, Mallala SA 5502 | www.apc.sa.gov.au

Adelaide Plains Council

Celebrating 80 unique years of history as the District Council of Mallala –
Embracing our future prosperity as Adelaide Plains Council.

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Adelaide Plains Council	**15.1**	**Council Resolutions/Action Report**
	Department:	**Executive Office**
	Report Author:	**Executive Assistant**
Date: **17 July 2017**	**Container No:**	**CON12/1199**
	Document No:	**D17/14587**

OVERVIEW

To provide for Council's information and monitoring, the status of actions that are currently being processed **(Attachment 1).**

This report provides the status of Council Resolutions that have not yet been closed out (finalised) for the period *April 2015 to May 2017*. However, those previously outstanding matters that have been finalised since the last report to Council are also included for the sake of completeness.

The Council Resolutions for *June 2017* are provided in full for Council Members' information.

Administration acknowledges the efficiencies afforded the Council Members monitoring their performance and the confidence built using transparent control measures.

RECOMMENDATION(S)

1. **"that Council, having considered Item 15.1 – *Council Resolutions/Action Report*, dated 17 July 2017, receives and notes the report."**

Attachments

1. **Resolution Status Report**

References

Legislation

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Council Policies

N/A

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
27-Apr-15	17.2	Lewiston Community Focal Point Study - Phase 2: Cost Benefit Analysis (CON13/8)	"that the Council, having considered Item 17.2 - *Lewiston Community Study Phase 2: Cost Benefit Analysis,* dated 27 April 2015, request that a report be brought back to Council to include costs, flooding concerns, native vegetation issues, identified community club and group participation and minimum cost infrastructure requirements for Hams Park, Clara Harniman Reserve and 210 Hayman Road."	**2015/129**	Ongoing - Staff are continuing negotiations with community groups interested in relocation	Development & Community
21-Dec-15	14.2	Long Term Financial Plan (CON12/537)	"that Council undertake a substantial and complete review of its Long Term Financial Plan in good time for the next Budget."	**2015/328**	Completed - Agenda - adjourned Special Meeting 10/7/17	CEO Finance & Economic Development
18-Jan-16	14.2	Dedicated car parking facilities (CON12/537)	"that the Chief Executive Officer be instructed to bring a report back to council that provides suitable options for the provision of dedicated car parking facilities at Webb Beach, Parham and Thompson Beach. Further, that in undertaking this research, the CEO be instructed to commence discussions with agencies such as Fisheries, Coast Protection Branch, Native Vegetation Council, Natural Resources Management Board, DPTI, and the Northern Adelaide International Bird Sanctuary with a view of obtaining their position and the prospect of securing funding for this initiative."	**2016/005**	Agenda 21/8/17	Infrastructure
16-May-16	8.5	Environmental Management Advisory Committee Recommendation - EMAC and Working Party	**Formal Motion** "that this matter lay on the table" ***Committee Recommendation - EMAC and Working Party Membership – Release of Expression of Interests*** *"that Council endorses the recommendation of the Environmental Management Advisory Committee, having considered Item 6.5 - EMAC and Working Party – Expression of Interests, dated 16 March 2016, to advertise for community membership to both the Environmental Management Advisory Committee and the Native Vegetation Marker System Working Party."*	**2016/143**	Deferred - laying on the table	Development & Community
20-Jun-16	14.4	Future Annual Staff Costs (CON12/537)	**Formal Motion:** "that this motion lay on the table until after the next meeting of the SPDPC meeting in July 2016." *"that Council adopt and ensure future annual staff cost do not exceed fifty percent Council Rate Revenue income including 2016-17 financial year."*	**2016/181**	Deferred - laying on table	CEO Development & Community

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
20-Jun-16	16.6	Parham – Horse Activity Management (CON12/131)	“that Council endorses the continued use of Main Street between the Esplanade and East Terrace at Parham as a horse float parking area until the end of 2016, prior to a further report being brought back to Council on establishing a more permanent horse float parking option.”	**2016/202**	Ongoing - formal Public Consultation to occur followed by a report back to Council	Development & Community
15-Aug-16	16.3	Regulation of Off Road Trail Bike Riding (CON12/202)	“that Council considers the possible introduction of a new bylaw to regulate trail bike riding activity on both private and public land into the next substantive bylaw review to take effect in 2017.”	**2016/254**	Ongoing - by-law review 2018	Development Services Coordinator
15-Aug-16	16.5	Camping Grounds By-Laws and Length of Stay (CON12/961)	“that Council considers the possible introduction of a new bylaw to regulate length of stay matters associated with short term camping grounds into the next substantive bylaw review to take effect in 2017.”	**2016/257**	Ongoing - by-law review 2018	Development & Community
19-Sep-16	15.1	Middle Beach Revegetation Protection (CON12/573)	“that Council investigate the possibility by way of report, of reinstating/raising dune to suitable or pre development height, behind the length of the rear row of dwellings at Middle Beach, so as to help protect revegetation efforts from salt water rise and prevent wetland damage caused by off road 4 wheel drive vehicle activity.”	**2016/289**	Deferred - Refer Item 17.7 - 17/10/16 - Resolution 2016/337 re: current policy position.	Development & Community
19-Sep-16	15.1	Middle Beach Revegetation Protection (CON12/573)	“that Council following the inspection, investigate by way of a report, the raising of that section of low lying access road into and out of Middle Beach which is subject to regular inundation by storm surge and rain events.”	**2016/290**	Deferred - Refer Item 17.7 - 17/10/16 - Resolution 2016/337 re: current policy position.	Infrastructure
19-Sep-16	15.2	Parham and Webb Beach Culverts (CON12/573)	“that Council investigate by way report the installation of a culvert suitably sited under road into and out of Parham with intention of possible mitigation of pressure and depth of tidal storm surge waters in lagoon at back of Township.”	**2016/291**	Deferred - Refer Item 17.8 - 17/10/16 - Resolution 2016/338 re: current policy position.	Infrastructure
19-Sep-16	15.2	Parham and Webb Beach Culverts (CON12/573)	“that Council investigate by way report raising and placing culvert under suitable section of low lying road into and out of Webb Beach.”	**2016/292**	Deferred - Refer Item 17.8 - 17/10/16 - Resolution 2016/338 re: current policy position.	Infrastructure
19-Sep-16	16.5	Request for the Mallala Chamber Refurbishment (CON12/953)	“that Council, having considered Item 16.5 - Request for the Mallala Chamber Refurbishment, dated 19 September 2016, and further that Council adopts option 1 appended to the report with an imminent focus of upgrading the visual equipment in the 2016-2017 financial year with the maximum budget expenditure of $50,000, with a subsequent focus to be on upgrading the audio equipment and chamber furniture in the 2017-2018 financial year.”	**2016/298**	Ongoing - part 1 of upgrade is complete, part 2 yet to commence	Infrastructure

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
19-Sep-16	16.6	Suicide Prevention Network (CON12/1040)	"that Council, having considered Item 16.6 - Suicide Prevention Network dated 19 September 2016, that staff arrange a network proposal meeting with the Office of the Chief Psychiatrist and invite Rod McKenzie from Gawler Suicide Prevention Network, the Hon John Dawkins, Minister Leesa Vlahos, Local Member for Goyder Steven Griffiths, the Mallala Ratepayers Association along with representatives from local SAPOL, CFS, Ambulance, Lions Clubs, sporting clubs, RSL Branches, Elected Members and Staff".	**2016/300**	Ongoing - registration of interests from community members received and currently being assessed	Community Development Officer
19-Sep-16	16.6	Suicide Prevention Network (CON12/1040)	"that Council, having considered Item 16.6 - Suicide Prevention Network dated 19 September 2016, that staff arrange a network proposal meeting with the Office of the Chief Psychiatrist and invite Rod McKenzie from Gawler Suicide Prevention Network, the Hon John Dawkins, Minister Leesa Vlahos, Local Member for Goyder Steven Griffiths, the Mallala Ratepayers Association along with representatives from local SAPOL, CFS, Ambulance, Lions Clubs, sporting clubs, RSL Branches, Elected Members and Staff".	**2016/300**	Ongoing - registration of interests from community members received and currently being assessed	Development & Community
19-Sep-16	17.8	Two Wells Football & Netball Sporting Clubs Inc – Ground Lease (CON12/912)	"that Council, having considered Item 17.8 - Two Wells Football and Netball Sporting Clubs Inc – Ground Lease, dated 19 September 2016, authorises the Chief Executive Officer to negotiate and finalise any outstanding terms of the lease as provided for in Attachment 2 appended to report – Item 17.8."	**2016/320**	Ongoing - awaiting response from Crown Lands Unit of Department of Environment, Water & Natural Resources	Development & Community Governance & Communications
19-Sep-16	17.8	Two Wells Football & Netball Sporting Clubs Inc – Ground Lease (CON12/912)	"that Council, having considered Item 17.8 - Two Wells Football and Netball Sporting Clubs Inc – Ground Lease, dated 19 September 2016, and subject to Ministerial consent, authorises, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute under the common seal of Council, the lease agreement between the Adelaide Plains Council and Two Wells Football and Netball Sporting Clubs Inc."	**2016/321**	Ongoing - awaiting response from Crown Lands Unit of Department of Environment, Water & Natural Resources	Development & Community Governance & Communications
17-Oct-16	16.1	Hard Waste Voucher (CON12/573)	"that administration by way of report Council, investigate all options, costs, notify etc the possibility of a once a year voucher for bona fide residents hard waste by definition delivered to council transfer station."	**2016/330**	Agenda 17/7/17	Infrastructure

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
17-Oct-16	18.2	Kerbside Collection - Waste Truck Replacement (CON12/498)	"that Council, having considered Item 18.2 – Kerbside Collection - Waste Truck Replacement, dated 17 October 2016, endorses the CEO to allow administration to seek external quotations, prior to the scheduled replacement vehicle, to provide the Adelaide Plains Council's kerbside collection services through the Barossa Procurement Group with a further report to Council on the evaluation".	**2016/343**	Agenda 17/7/17	Infrastructure
21-Nov-16	15.3	Salt Creek Remediation engagement of hydrological engineer	"that Council instructs its CEO to bring back report which outlines indicative costs to engage an independent hydrological engineer to provide options for remediating a short stretch of Salt Creek at Middle Beach adjacent to boat ramp."	**2016/352**	Completed	Infrastructure
21-Nov-16	15.5	Independent Review of Coastal Settlements Adaptations Study	"that Council instructs the CEO to bring back a report on the cost of an independent and comprehensive review of Council's Coastal Settlement Adaptation Study inclusive of and not restrictive of all further relevant data, information historical or otherwise."	**2016/354**	Agenda 17/7/17 (including briefing)	Development & Community
21-Nov-16	17.4	Donation of Water Tanks for Pinery Fire Area	"that Council, having considered Item 17.4 – Donation of water tanks for Pinery fire area dated 21 November 2016, • Instructs the CEO to continue with the investigations of supporting the implementation of the proposal for one (1) donated tank to be located at Moquet Lee Reserve described as Lot 675, FP 17542 comprised in CT 5776/435."	**2016/364**	Ongoing - Development Application for Moquet Lee Reserve approved	Infrastructure

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
21-Nov-16	17.8	Two Wells Golf Club Inc – Ground Lease	"that Council, having considered Item 17.8 – Two Wells Golf Club Inc – Ground Lease, dated 21 November 2016, receive and note the report, and in dong so:- A. Authorises the Chief Executive Officer to negotiate and finalise any outstanding terms of the lease, B. Subject to Ministerial consent, authorises, pursuant to Section 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute under the common seal of Council, the lease agreement between the Adelaide Plains Council and Two Wells Golf Club Inc, C. In accordance with Section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the land comprised in Crown Record 5764/757, Assessment 40451, is being used by an organisation which, in the opinion of Council , provides a benefit or service to the local community, grants a discretionary rebate of 100 percent (%) of the rates imposed, effective from the 2017/18 rating year."	**2016/369**	Ongoing - awaiting response from Crown Lands Unit of Department of Environment, Water & Natural Resources	CEO Governance & Communications
19-Dec-16	15.1	Rescind Motion (2016/133) Sea Level Gauge	"that Council resolution 2016/133 which provides:- "that prior to any current or future coastal protection infrastructure works or policy being undertaken/adopted, such works or policy be subject to further peer review based on local data obtained from modern Sea Level Gauge." be rescinded".	**2016/379**	N/A (motion lost) *motion to the same effect cannot be brought for at least 12 months	Executive
19-Dec-16	16.5	Control Options for Colomba Daisy and other Declared Plants	"that the matter lay on the table." "that *Council, having considered Item 16.5 - Control Options for Calomba Daisy and other Declared Plants, dated 19 December 2016, receives and notes the report."* *"that Council, having considered Item 16.5 - Control Options for Calomba Daisy and other Declared Plants, dated 19 December 2016, endorses administration to continue with the chemical control of Calomba Daisy in consultation with Adelaide and Mt. Lofty NRM Board."* *"that Council, having considered Item 16.5 - Control Options for Calomba Daisy and other Declared Plants, dated 19 December 2016, endorses administration to research methods to introduce some form of competition from other vegetation which is not affected by the chemicals used to control Calomba Daisy."*	**2016/384**	Ongoing - lying on table	Infrastructure

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
19-Dec-16	17.5	Adelaide Plains Equestrian Club – Proposed Licence	"that Council, having considered Item 17.5 – Adelaide Plains Equestrian Club - Proposed Licence dated 19 December 2016, and subject to Development Approval being granted and remnant vegetation being adequately fenced off, authorises, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the Licence Agreement between Council and the Adelaide Plains Equestrian Club Inc, and to execute the licence agreement as amended."	**2016/394**	Ongoing - Staff are continuing negotiations with APEC and other community groups	Development & Community Governance & Communications'
19-Dec-16	17.7	The Light and Wakefield Rivers Monitoring and Alert System	"that Council, having considered Item 17.7 - The Light and Wakefield Rivers Monitoring and Alert System, dated 19 December 2016, support the Department of Environment Water and Natural Resources preparation of an application in to the 2015-2017 National Disaster Relief Program. A project that implements a flood monitoring and warning system for the Light and Wakefield River catchments."	**2016/397**	Ongoing	Infrastructure
19-Dec-16	17.7	The Light and Wakefield Rivers Monitoring and Alert System	"that Council, having considered Item 17.7 - The Light and Wakefield Rivers Monitoring and Alert System, dated 19 December 2016, In providing support for a 2015-2017 National Disaster Resilience Program project application, reserves its right to commit to funding and proceed with the project subject to considering a cost sharing model for the project ."	**2016/398**	Ongoing	Executive Infrastructure
19-Dec-16	17.8	Rededication of Crown Land – Two Wells Bowling Club	"that Council, having considered Item 17.8 – Rededication of Crown Land – Two Wells Bowling Club, receive and note the report and authorise the Chief Executive Officer to make application to Department of Environment, Water & Natural Resources (DEWNR) to have Section 144 Two Wells, comprised in CR 5755/735, rededicated for both a Recreation Reserve to accommodate the Two Wells Bowling Club and a Reserve for a Soldiers Memorial Garden to accommodate the War Memorial and the Playground area."	**2016/399**	Ongoing - letter sent to Crown Lands Unit of DEWNR requesting a rededication of the land	Governance & Communication
19-Dec-16	17.8	Rededication of Crown Land – Two Wells Bowling Club	"that Council, having considered Item 17.8 – Rededication of Crown Land – Two Wells Bowling Club, amend the Club's existing lease over Section 144 comprised in CR 5753/647 to include portion of Allotment 103 comprised in CR 5753/647."	**2016/400**	Ongoing - awaiting legal advice	Governance & Communication

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
16-Jan-17	4.1	Independent Structural Report – Recommendations for Wasleys Bridge Maintenance	"that Council, having considered Item 17.4 – Independent Structural Report - Recommendations for Wasleys Bridge Maintenance, dated 19 December 2016, undertake consultation in relation to either closure or reduced load limit/local traffic only on Wasleys Bridge and that management bring a subsequent report back to Council for consideration."	**2017/003**	Ongoing - load limit satisfactory and external funding being sourced for possible upgrades.	Infrastructure
16-Jan-17	17.1	Strategic Plan Update	"that Council, having considered Item 17.1 – Strategic Plan Update, dated 16 January 2017, endorses the commencement of the comprehensive review of its strategic management plan and delegates to the Chief Executive Officer the scoping and timeframe for the review and letting of the tender for the successful consultant; with further advice to be presented to Council at the first workshop."	**2017/009**	Ongoing - Public Consultation process has started	Development & Community
20-Feb-17	17.4	Section 270 Review – Hayman Road Playground	"that Council, having considered Item 17.4 – Section 270 Review – Hayman Road Playground, dated 20 February 2017, notes that the Chief Executive Officer will give consideration to what action, if any, is required with respect to the investigator's additional recommendations contained at paragraph 5.5 of the investigator's report, and take such action as deemed appropriate."	**2017/042**	Ongoing	Executive Office Governance & Communications
18-Apr-17	10.2	Audit Committee	"that the Council, endorses the recommendation of the Audit Committee and recommends endorsement of the attached: 1. Risk Management Policy; 2. Risk Management Procedure; 3. acknowledges that the Risk Register will be available to the committee June or July 2017; and that a progress report will be presented to the first Audit Committee meeting for the 2017-2018 financial year."	**2017/077**	Completed	Governance & Communications
18-Apr-17	10.6	Governance Advisory Panel	"that the Council endorses the recommendation of the Governance Advisory Panel and requests that administration undertake an urgent review of the current Meeting Procedures, particularly in relation to current unsatisfactory Public Open Forum provisions."	**2017/082**	Ongoing - Meeting Procedures Workshop held Monday 5 June 2017, report to presented to the August meeting	Governance & Communications
18-Apr-17	10.6	Governance Advisory Panel	"that the Council endorses the recommendation of the Governance Advisory Panel and requests that administration commence the immediate review or creation of a policy that requires all communications from Elected Members be addressed to a single point of entry to be determined by the Chief Executive Officer."	**2017/083**	Agenda - 21/8/17	Governance & Communications

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
18-Apr-17	12.1.1	Northern Food Bowl Projection Areas Development Plan Amendment	"that Council, having considered Item 12.1.1 – Northern Food Bowl Protection Areas Development Plan Amendment, 18 April 2017, receives and notes the report and in doing so instructs the Chief Executive Officer to immediately advance as a priority the preparation of the Development Plan Amendment."	**2017/084**	Agenda 17/7/17	Development & Community
18-Apr-17	12.2.1	Proposed Road Closure and Disposal – Portion of Old Port Wakefield Road Two Wells	"that Council, having considered Item 12.2.1- Proposed Road Closure and Disposal – Portion of Old Port Wakefield Road Two Wells dated 18 April 2017 receives and notes the report; and a) authorises Council staff to commence the Road Process pursuant to the Roads (Opening and Closing) Act 1991 to close portion of Old Wakefield Road, Two Wells adjacent Allotment 179 FP 162528 comprised in Certificate of Title Volume 5306 Folio 163; and b) Maloney Field Services be engaged to assist Council with the required Road Process pursuant to Part 3 of the Roads (Opening and Closing) Act 1991."	**2017/087**	Ongoing - public consultation commenced	Governance & Communications
18-Apr-17	12.3.2	Two Wells Stormwater Management Plan – Final Version	"that Council, having considered Item 12.3.2 – Two Wells Stormwater Management Plan for Two Wells – Final version, dated 18 April 2017, receives and notes the report and in doing so: 1. Adopts the Two Wells Stormwater Management Plan (April 2017) as presented in Attachment 1 to this Report" 2. Authorises the General Manager Development & Community to submit the Two Wells Stormwater Management Plan (April 2017) to the Adelaide and Mount Lofty Ranges Natural Resources Management Board and Stormwater Management Authority for approval and subsequent gazettal".	**2017/090**	Ongoing - awaiting SMA Board approval August 2017	Development & Community
18-Apr-17	12.5.2	Camping Reserve	"that Council, having considered Item 12.5.2 – Camping Reserves, dated 18 April 2017, seek to commence discussions with interested parties to further develop an enhanced camping ground or caravan park at the new Mallala camp ground, and operate the facility into the future."	**2017/098**	Ongoing - in discussions with Executive of Mallala and Districts Lions Club	Infrastructure / Finance & Economic Development
18-Apr-17	12.5.2	Camping Reserve	"that Council, having considered Item 12.5.2 – Camping Reserves, dated 18 April 2017, 1. Charge a fee of $10 per site per night applied to both Parham and the new Mallala camp ground and a coin operated timer be retrofitted to the existing shower at the Mallala oval set at $2 for a 7 minute shower."	**2017/099**	Ongoing	Infrastructure / Finance & Economic Development

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
18-Apr-17	12.5.2	Camping Reserve	“that Council, having considered Item 12.5.2 – Camping Reserves, dated 18 April 2017, 1. requests that a report be brought back to Council with the view of reviewing the Short Stay Accommodation Policy.”	**2017/100**	Ongoing	Infrastructure / Governance & Communications
15-May-17	18.1	Short Stay Accomodation Policy	"that the next Short Stay Accommodation Policy Review be brought forward to June 2017 in conjunction with community and stakeholder consultation with view to include any changes or issues identified from community and stakeholder consultation updated into forward review."	**2017/115**	Agenda 17/7/17	Executive Office - Notice / Development and Community
15-May-17		Public Consultation Policy	"that administration undertake a review of Council’s Public Consultation Policy and bring a report back to the June 2017 meeting, with a focus of viewing the activities that form part of appendix one and align with the various levels of consultation."	**2017/116**	Completed	Governance and Communications
15-May-17	12.1	Audit Committee - meeting held 10 April 2017	“that Council endorses the recommendations of the 10 April 2017 Audit Committee meeting, by consideration of the application of a special rate to finance Council’s contractual obligations with Hickinbotham Group associated with Eden and Liberty development in Two Wells applicable only to properties in those two developments subject to consideration of the Long Term Financial projections of revenue and expenses associated with the development.”	**2017/118**	Ongoing	Finance and Economic Development
15-May-17	13.1	Gawler River Floodplain Management Authority – minutes of meeting held 28 April 2017	“that Council staff immediately initiate the appropriate procedures to allow Adelaide Plains Council to withdraw from Gawler River Floodplain Management Authority.”	**2017/121**	Ongoing - Management investigating financial impact and risk modeling by withdrawing from the Authority Agenda 21/8/17	Infrastructure / Finance & Economic Development
15-May-17	14.1	Waiving Development Application Fees – Dublin History Group Inc.	“that Council, having considered Item 14.1 – Waiving Development Application Fees – Dublin History Group, dated 15 May 2017, receives and notes the report and in doing so:- 1. endorses the Chief Executive Officer to authorise and waive Council Development Application Fees, inclusive of the DEWNR (Heritage Branch) Application Fee.”	**2017/122**	Completed	Development and Community
15-May-17	14.2	Asset Management Plan	“that Council, having considered Item 14.2 - Asset Management Plan, 15 May 2017, receives and notes the report and in doing so adopts the Asset Management Plan as presented in Attachment 1 to this Report.”	**2017/123**	Completed	Infrastructure

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
15-May-17	15.3	Draft Adelaide International Bird Sanctuary Management Plan Consultation	"that Council, having considered Item 15.3 – Draft Adelaide International Bird Sanctuary Management Plan Consultation, dated 15 May 2017, receives the report and in doing so, endorses the proposed feedback to DEWNR."	**2017/131**	Completed	Executive Office
15-May-17	15.5	Regional Bus Youth Project	"that Council, having considered Item 15.5 – Regional Youth Bus Project, dated 15 May 2017, receives and notes the report and that the Chief Executive Officer writes to Barossa Light North Futures and member Councils associated with the Regional Youth Bus Project and advise them that the Adelaide Plains Council will not be entering into another Agreement."	**2017/133**	Completed	Development and Community
15-May-17	15.6	Lewiston Playground - 210 Hayman Road	"that Council, having considered Item 15.6 – Lewiston Playground - 210 Hayman Road, Monday May 2017, receives and notes the report and in doing so:- 1. Endorses $10,000 to the 2016/2017 budget to complete the remaining upgrade of the playground as per the Local Government Stimulation funding signed agreement deed."	**2017/135**	Ongoing upgrade to be completed	Infrastructure
22-May-17	2.1	Mallala Camping Grounds – Mallala Lions Club Proposal	"that Council, having considered Item 2.1 – Mallala Camping Ground – Mallala Lions Club Proposal, dated 22 May 2017, receives and notes the report and in doing so: - 1. instructs the Chief Executive Officer to continue to liaise with the Mallala Lions Club Executive with a view of negotiating appropriate terms and conditions for the advancement of a more permanent camping ground solution at Mallala."	**2017/144**	Ongoing	Finance and Economic Development

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
22-May-17	2.2	Konzag Grains – Proposed Lease	"that Council, having considered Item 2.2 – Konzag Grains – Proposed Lease dated 22 May 2017, receives and notes the report; and:- 1. authorises the Chief Executive Officer to seek the assistance of Norman Waterhouse Lawyers and to negotiate and finalise the Lease Agreement between Council and Konzag Grains Trust (ABN 81138435749) for the leasing of portion of Allotment 1 DP 21725, Limerock Road, Lower Light, comprised in Certificate of Title Volume 5443 Folio 710, for an initial term of two years; 2. authorises, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and Konzag Grains Trust; 3. that subject to Konzag Grains Trust agreeing to the additional terms and conditions as detailed in the report, Council permit them to occupy the land prior to the lease agreement being executed to allow them to commence seeding for the 2017 season; and 4. that Konzag Grains Trust be advised that they will be responsible for all legal costs incurred for the drafting of lease agreements."	**2017/145**	Completed - signed and sealed	Governance and Communications
22-May-17	2.3	Cemeteries Policy Review	"that Council, having considered Item 2.3 – Cemeteries Policy Review, dated 22 May 2017, receives and notes the report and in doing so:- 1. adopts the amended Cemetery Policy as identified in Attachment 1 to this report."	**2017/146**	Completed	Infrastructure
22-May-17	2.3	Cemeteries Policy Review	"that Council, having considered Item 2.3 – Cemeteries Policy Review, dated 22 May 2017, instructs the Chief Executive Officer to commence a process reviewing the capacity of all cemeteries with a view to identifying appropriate land for future burials."	**2017/147**	Ongoing	Infrastructure / Finance & Economic Development

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
19-Jun-17	2.1	Confirmation of Minutes	"that the minutes of the Ordinary Council meeting held on Monday 15 May 2017 (MB Folios 13526 to 13539, inclusive), be accepted as read and confirmed."	**2017/149**	Completed	Executive Office	C
19-Jun-17	2.2	Confirmation of Minutes	"that the minutes of the Special Council meeting held on Monday 22 May 2017 (MB Folios 13540 to 13543, inclusive), be accepted as read and confirmed."	**2017/150**	Completed	Executive Office	C
19-Jun-17	4.1	Australian Local Government Association National General Assembly	"that Council, having considered Item 4.1 – Australian Local Government Association National General Assembly, dated 19 June 2017, receives and notes the report and in doing so:- 1. acknowledges that Mayor Flaherty's was not able to attend the ALGA National General Assembly to be held in Canberra on 18 – 21 June 2017; and 2. acknowledges that Mayor Flaherty can not be the Council Delegate with voting rights at the ALGA National General Assembly."	**2017/151**	Completed	Executive Office	C
19-Jun-17	4.2	Audit Committee meeting 5 June 2017 Recommendation – Gawler River Floodplain Management Authority	"that Council having considered Item 4.2 – Audit Committee meeting 5 June 2017 Recommendation – Gawler River Floodplain Management Authority, dated 19 June 2017, endorses the Audit Committee resolution number 2017/021 and in doing so, resolves that in order to progress the actions associated with Council Resolution 2017/121:- 1. a report be provided to the Council outlining the financial costs and risk associated with proceeding with membership with the GRFMA or alternatively withdrawing from the GRFMA; and 2. in consideration of the above, Council duly considers its position in respect of activating Clause 20 of the GRFMA Charter (Dispute Resolution) in regard to the GRFMA's apparent unwillingness to review Council contributions."	**2017/152**	Ongoing	Executive Office / Governance and Communications	C
19-Jun-17	4.3	Gawler River Floodplain Management Authority – Draft 2017-2020 GRFMA Business Plan and the 2017/18 Draft GRFMA Budget	"that Council, having considered Item 4.3 – Gawler River Floodplain Management Authority - Draft 2017- 2020 GRFMA Business plan and the 2017/18 draft GRFMA budget, dated 19 June 2017, receives the report and in doing so:- 1. notes the Draft 2017- 2020 GRFMA Business Plan and GRFMA Budget 2017 – 2018; 2. notes that the GRFMA Executive Officer's 2017/18 draft budget report to the GRFMA proposes that; • The preferred 2017/18 draft GRFMA Budget provision is Scenario 1 which provides a revenue increase of 4% with further consideration of 2016/17 extraordinary road access cost of $60,000 to be met from reserves; and • Councils be advised to note the impending $27 Million Northern Floodway project proposal in 2017/18 in their budget discussion and that a separate consultation process at the relevant time, will be undertaken by the GRFMA on the solution designs, costings and funding mechanisms required by Local, State and Federal Governments and other funding partners. Councils and the GRFMA should then subsequently agree the most appropriate process to recognise and achieve required council contributions; and 3. acknowledges that Adelaide Plains Council has missed the opportunity to provide feedback on the relevant considerations regarding the proposed draft Business Plan and Draft Budget, as proposals and advice were to be presented to the 15 June 2017 GRFMA meeting."	**2017/153**	Completed	Executive Office	C
19-Jun-17	4.4	Gawler River Floodplain Management Authority – Audit Committee	"that Council, having considered Item 4.4 - Gawler River Flood Management Authority – Audit Committee dated 19 June 2017, receives and notes the report and in doing so:- 1. approves the proposed membership of the GRFMA Audit Committee; and 2. authorises administration to provide the resolution of Council to GRFMA."	**2017/154**	Ongoing	Executive Office	C
19-Jun-17	11.1	Petition	"that the petition be noted and received."	**2017/155**			C

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
19-Jun-17	12.1	Audit Committee – minutes of meeting held 5 June 2017	"that Council receives and notes the minutes of the Audit Committee meeting held 5 June 2017."	**2017/156**	Completed	Executive Office	C
19-Jun-17	12.1	Audit Committee – minutes of meeting held 5 June 2017	"that Council endorses the recommendation of the Audit Committee, and instructs its Chief Executive Officer to undertake further financial analysis in relation to the application of a separate rate for the Liberty and Eden residential developments. Upon conclusion of the said body of work, a further report is presented to the Audit Committee for consideration."	**2017/157**	Ongoing	Executive Office	C
19-Jun-17	12.1	Audit Committee – minutes of meeting held 5 June 2017	"that Council endorses the recommendation of the Audit Committee, and receives and notes the 2017/2018 Annual Budget and 2018/2027 Long Term Financial Plan and commends the document to Council for adoption at its June 2017 Ordinary Meeting."	**2017/158**	Agenda 19 June 2017	Finance and Economic Development	C
19-Jun-17	12.1	Audit Committee – minutes of meeting held 5 June 2017	"that Council endorses the recommendation of the Audit Committee, that the Draft Debt Management Policy as presented in Attachment 1, with the inclusion of minor amendments adopted at the meeting, to this report for adoption at its June 2017 ordinary meeting".	**2017/159**	Agenda 19 June 2017	Finance and Economic Development	C
19-Jun-17	13.1	Legatus Group – minutes of meeting held 19 May 2017	"that Council receives and notes the minutes of the Legatus Group meeting held 19 May 2017."	**2017/160**	Completed	Executive Office	C
19-Jun-17	14.6	Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018	"that Council, having considered Item 14.6 – Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018, dated 19 June 2017, receives and notes the report and in accordance with the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 and in respect to the Financial Year ending 30 June 2018 Council resolves the below-mentioned resolutions."	**2017/161**	Completed	Finance and Economic Development	L
19-Jun-17	14.6	Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018	"that Item 14.6 – Adoption of 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan and Declaration of Rates for 2017/2018, dated 19 June 2017, be adjourned and that a Special Meeting to consider the suite of recommendations and include a workshop by suspending the standing orders for a period to be determined by the Mayor, be called and held on or before Friday 23 June 2017 to reconsider the item."	**2017/162**	Ongoing	Executive Office	C
19-Jun-17	14.1	Gawler River Floodplain Management Authority – Board Proxy Membership Appointment	"that Council, having considered Item 14.1 – Gawler River Floodplain Management Authority – Board Membership Appointment, dated 19 June 2017, receives and notes the report, and in doing so instructs its Chief Executive Officer to advise the GRFMA that it wishes to nominate Mr Martin Waddington, General Manager – Infrastructure, in the position of Proxy Member for the Administration Membership position on the Authority."	**2017/163**	Completed	Executive Office	C
19-Jun-17	14.2	Policy Review – Public Consultation Policy	"that Council, having considered Item 14.2 – Policy Review – Public Consultation Policy, dated 19 June 2017, receives and notes the report and in doing so authorises Council's administration to undertake public consultation and invite submissions on the revised Public Consultation Policy document with 7.2 dot point 3 include The Bunyip for consideration and adoption at a subsequent Council meeting."	**2017/164**	g - Public consultation com	Governance and Communications	C
19-Jun-17	14.3	Event Management Policy Introduction	"that Council, having considered Item 14.3 – Event Management Policy Introduction, dated 19 June 2017, receives and notes the report and in doing so endorses the Event Management Policy as presented in Attachment 1 to this Report."	**2017/165**	Ongoing - to upload to website and distribute	Governance and Communications	C

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
19-Jun-17	14.4	Pinery Fire – Development Application Fees	“that Council, having considered Item 14.4 – Pinery Fire – Development Application Fees, dated 19 June 2017, receives and notes the report and in doing so revokes the Development Application and Waste Control Application fee waivers in place for applications lodged by landowners whose property is situated within the defined fire ground foot print area of the Pinery Fire, as of 31 December 2017.”	**2017/166**	Completed	Development and Community	C
19-Jun-17	14.5	Draft Strategic Plan 2017-2020 for Public Consultation	“that Council, having considered Item 14.5 – Draft Strategic Plan 2017-2020 for Public Consultation, dated 19 June 2017:- 1. Receives and notes the report; 2. Endorses the draft Strategic Plan 2017-2020; and 3. Authorises the Chief Executive Officer to proceed with public consultation on the draft Strategic Plan 2017-2020 in accordance with Council’s Public Consultation Policy.”	**2017/167**	Ongoing - out for public consultation	Development and Community	C
19-Jun-17	15.1	Council Resolutions /Actions Report	“that Council, having considered Item 15.1 – Council Resolutions/Action Report, dated 19 June 2017, receives and notes the report.”	**2017/168**	Completed	Governance and Communications	C
19-Jun-17	15.2	Mallala Heritage War Memorial Upgrade – Grant Application	“that Council, having considered Item 15.2 – Mallala Heritage War Memorial Upgrade – Grant Application, 19 June 2017, receives and notes the report.”	**2017/169**	Completed	Executive Office	C
19-Jun-17	15.3	Mallala CWMS update	“that Council, having considered Item 15.3 – Mallala CWMS update, dated 19 June 2017, receives and notes the report and in so doing recognises the diligence of staff in bringing about a very satisfactory solution to difficult issues encountered during the construction and commissioning of the Mallala CWMS project.”	**2017/170**	Completed	Infrastruture	C
19-Jun-17	15.3	Mallala CWMS update	“that a report be brought back to Council outlining the legislative requirements for connecting to the Community Wastewater Management System.”	**2017/171**	ngoing - July/August meeti	Infrastruture	C
19-Jun-17	15.4	Short Stay Accommodation Policy update	“that Council, having considered Item 15.4 – Short Stay Accommodation Policy update, dated 19 June 2017, receives and notes the report.”	**2017/172**	Agenda 17/7/17	Executive Office / Development and Community	C
19-Jun-17	15.5	2017-2020 Regional Strategic Tourism Plan for the Yorke Peninsula	“that Council, having considered Item 15.5 – 2017-2020 Regional Strategic Tourism Plan for the Yorke Peninsula, dated 19 June 2017, receives and notes the report.”	**2017/173**	Completed	Development and Community	C
19-Jun-17	15.6	Northern Food Bowl Protection Areas Development Plan Amendment – Status Update	“that Council, having considered Item 15.6 – Northern Food Bowl Protection Areas Development Plan Amendment – Status Update, dated 19 June 2017, receives and notes the report.”	**2017/174**	Completed	Development and Community	C
19-Jun-17	15.7	CDAP Annual Report to Council - 2016	“that Council, having considered Item 15.7 – CDAP Annual Report to Council - 2016, dated 19 June 2017, receives and notes the report.”	**2017/175**	Completed	Development and Community	C
19-Jun-17	18.1	Rescind Motion 2015/281 – Proposed Relocation of Council’s Principal Office to Two Wells	"that the below resolution (2015/281) be rescinded:- “that Council, having considered Item 2.1 – Proposed Relocation of Council’s Principal Office to Two Wells, dated 9 November 2015, resolves not to proceed with the proposed relocation of Council’s Principal Office or administration staff to Two Wells during the current term of Council."	**2017/176**	Completed	Executive Office	L
19-Jun-17	18.2	Sealing of Coats Road, Two Wells	"that Coats Road, Two Wells be sealed in the 2017/2018 budget."	**2017/177**	Completed	Executive Office	L

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department	Carried/ Lost
19-Jun-17	19.1	Correction to Council Minutes dated 22 October 2012	"that the minutes of the Ordinary Council meeting 22 October 2012 be amended to accept and confirm the minutes for the Ordinary Council meeting held on Monday 24 September 2012 (MB Folios 12520 to 12528, inclusive) having no mover and seconder recorded, and Special Council meeting held on Wednesday 3 October 2012 (MB Folios 12529 to 12530, inclusive) having been omitted from the minutes."	**2017/178**	Ongoing - will correct once 19/6/17 minutes are confirmed	Executive Office	C
19-Jun-17	21.1	Development – Assessment Panels Memberships and Delegations	"that, under the provisions of Section 90(2) of the Local Government Act 1999, an order be made that the public with the exception of General Manager – Development and Community, General Manager – Infrastructure, Governance Support Officer, Administration Support – Governance and Communications, Minute Secretary be excluded from attendance at the meeting of the Council in order to consider in confidence this item. *21.1 – Development – Assessment Panels Memberships and Delegations:* The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting: • on the grounds provided by Section 90(3)(a), information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and • on the basis that information within the report and attachments: o contains information about the personal affairs of person, constituting information relevant to their potential appointment and suitability for appointment to a Council Development Assessment Panel and/or Council Assessment Panel; and o it would be unreasonable to disclose this information as part of the confidential recruitment process. Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential."	**2017/179**	Completed	Executive Office	C
19-Jun-17	21.1	Development – Assessment Panels Memberships and Delegations	Confidential	**2017/180**			
19-Jun-17	21.1	Development – Assessment Panels Memberships and Delegations	"that, in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item No. 21.1 – Development – Assessment Panels Memberships and Delegations for the meeting of the Council held on 19 June 2017, was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the Local Government Act 1999, this meeting of the Council, does order that: (a) the agenda item, report and attachment 2 in relation to the matter remain confidential and not available for public inspection until further order of the Council; (b) the minutes in relation to the matter remain confidential and not available for public inspection until the applicants for positions on the Council Development Assessment Panel and Council Assessment Panel have been advised of the success or otherwise of their applications; and (c) the confidentiality of the matter be reviewed once in each 12 months; and (d) the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and be directed to present a report to the Council containing the item for which the confidentiality order has been revoked."	**2017/181**	Completed	Executive Office	C

	15.2	**Resignation of Council Member and Notice of Supplementary Election**
	Department:	**Governance and Communications**
	Report Author:	**General Manager – Governance and Communications**
Date: 17 July 2017	**Container No:**	**CON12/568**
	Document No:	**D17/14111**

OVERVIEW

By letter received on 26 June 2017, Councillor Anne Picard notified the Chief Executive Officer of her resignation from the office of a member of Council, effective from 30 June 2017.

While members have been notified by email the purpose of this report is to notify the members of the Council in accordance with Section 54(6) of the *Local Government Act 1999.*

Council has now engaged the Electoral Commission of South Australia (ECSA) to manage and conduct a supplementary election for the vacant Council Member position for the Lewiston Ward of the Adelaide Plains Council. Attached to this report is the election timetable received from ECSA **(Attachment 1)**.

Public advertisement will be place in the Government Gazette and distributed throughout the various local and state newspaper outlets. Further reports will be brought back to the Chamber over the course of the ensuing months with updates.

Key dates for the election period are as follows:

- 31 July 2017 – close of Voters Roll
- 24 August 2017 – nominations open
- 7 September 2017 (12 noon) – nominations close
- 19-25 September 2017 – post out of ballot packs to electors
- 9 October 2017 – polling day (scrutiny and count)

Ballot boxes shall be located at both the Mallala and Two Wells offices.

RECOMMENDATION(S)

1. **"that Council, having considered Item 15.2 – *Resignation of Council Member and Notice of Supplementary Election,* dated 17 July 2017, receives and notes the report."**

BUDGET IMPACT

Estimated Cost:	$ 11,500
Future ongoing operating costs:	$ N/A
Is this Budgeted?	No

Attachments

1. **Supplementary Election Timetable**

References

Legislation

Local Government Act 1999

Local Government (Elections) Act 1999

Council Policies

Nil

Local Government Supplementary Election Timetable For 09 October 2017

31/07/2017 Monday	7/08/2017 Monday	28/08/2017 Monday	24/08/2017 Thursday	24/08/2017 Thursday	7/09/2017 Thursday (12:00 noon)	14/09/2017 Thursday	14/09/2017 Thursday	19/09/2017 to 25/09/2017	28/09/2017 Thursday	9/10/2017 Monday (12:00 noon)	2/11/2017 Thursday	2/11/2017 Thursday
Close of Rolls S. 15(7)(b)	Latest date E.C. has to provide rolls of H/A electors S. 15(10)	Revision of voters roll to be completed S. 15(13)	Latest date for public notice to be given inviting nominations S. 18	Earliest date upon which nominations may be received S. 19(4)	Nominations close S. 23(b) Draw for position on the ballot paper S. 29(2)(3)	Latest date for public notice and writing to candidates of nominations received S. 26(1)(2)	Latest date for public notice advising that the election to be conducted by postal ballot S. 38	Post out of ballot packs to electors S. 39(1)	Latest date for public notice advising the time and location for the count of ballot papers S. 30(2)	Close of the election with ballot papers returned no later than 12.00 noon S. 6 (6) (8)	Latest date for the completion of the election returns S. 51(1)	Latest date for public notice of the election result S. 50(3)(b)

Adelaide Plains Council	**15.3**	**Update on Current Event Applications**
	Department:	**Governance and Communications**
	Report Author:	**Health and Safety Officer**
Date: **17 July 2017**	**Container No:**	**CON12/193-2**
	Document No:	**D17/14498**

OVERVIEW

Council recently adopted an Event Management Policy on 19 June 2017. Council's administration has developed a suite of Event Management templates to support the Event Management Policy with a view of improving Council's event management processes. These templates were distributed to all Elected Members on 6 July 2017.

Provided below is a list of events that Council is aware of, including the current status:-

- Levis MCC Reliability Motorbike Trial – 12 August 2017
  Council has provided the Event Application Form, Stall Holders Permit and Temporary Event Food Notification Form to the event organiser via email on 31 May 2017. Council is waiting for the event application to be completed and returned with supporting documentation for review and potential approval.
- Northern Food Festival – Two Wells – 21 October 2017
  Council provided an Event Application Form, Stall Holders Permit and Temporary Event Food Notification Form to the event organiser via email on 31 January 2017. Council is waiting for the event application to be completed and returned with supporting documentation for review and potential approval.
- Devine Ripe Festival – Mallala – 14 October 2017
  Council has provided an Event Application Kit to the event organiser (in person) on 29 June 2017. Council is waiting for the event application to be completed and returned with supporting documentation for review and potential approval.

RECOMMENDATION(S)

1. **"that Council, having considered Item 15.3 – *Update on Current Event Applications*, dated 17 July 2017, receives and notes the report."**

Attachments

Nil

References

Legislation

Local Government Act 1999

WHS Act and Regulations 2012

Council Policies

Event Management Policy

Adelaide Plains Council	**15.4**	**Coastal Fencing**
	Department:	**Infrastructure**
	Report Author:	**Coastal Conservation Officer**
Date: 17 July 2017	**Container No:**	**CON12/1192**
	Document No:	**D17/13669**

OVERVIEW

Purpose

This report is to provide information on the wire mesh fencing along the Esplanade at Thompson Beach.

Background

On the 28th May 2017 Councillor Jones reported that an echidna was observed on the road at Thompson Beach and was obstructed from accessing the vegetation on the foreshore due to the fencing. This raised concerns regarding wildlife on the roads and the impact that the current fencing is having on the coastal fauna at Thompson Beach.

Discussion

The Metropolitan and Northern Coastal Action Plan (MANCAP) 2009 identified a significant deficiency in records of reptiles and small mammals in the coastal environments north from Outer Harbour to Parham..Therefore, as part of the Adelaide and Mount Lofty Ranges Natural Resource Management Board program, with support from the nationally funded Samphire Coast Icon Project, an intensive biological survey of the area was undertaken over two periods in November 2014 and October 2015.

Looking at the draft report the main species whose movement may be impacted on by the current fencing along the Esplanade due to their size include the echidna, western blue tongue lizard, eastern blue tongue lizard, sleepy lizard, bearded dragon and sand goanna. From these species sub regionally, the western blue tongue is rated as vulnerable, eastern blue tongue rare and the echidna vulnerable.

There are many differing opinions on fencing design for wildlife protection to reduce entanglement but unfortunately peer reviewed scientific papers that specifically relate to the species of concern along our coastal area are limited. There are however a number of resources that provide good suggestions and tips that could be adapted to or considered to improve our fencing. For further information you can visit

http://www.wildlifefriendlyfencing.com/WFF/Home.html From this web resource the main actions that could be considered that are relevant to Thompson Beach include;

1. Allow wildlife to go under the fence by leaving a gap of approximately 30-50cm.
2. Create 'gateways' in your fencing at the place where the wildlife generally cross the fence line
3. Check your fences regularly to ensure no wildlife has become entangled.
4. Remove fencing

The length of the rabbit proof style fencing is roughly 3.3km long and in some places animals can already get under the fencing.. As this is an exclusion style of fence there are great benefits for wildlife that are in the vegetation but due to the fence design not so good if they are on the road It has been documented that sleepy lizards and snakes can get caught in chicken mesh wire fencing but it isn't considered a common occurrence. It is also important to note the fencing in the Arid Recovery program utilises 30mm diameter chicken wire for the bottom section of their fencing. This program centres around a 123km^2 fenced reserve dedicated to the restoration of Arid Lands. Arid Recovery unit is based at Roxby Downs and has become a leader in ecosystems restorations through the use of exclusion feral animals, reintroducing threatened species and controlling feral animals. The current fencing installed at Thompson Beach has a diameter of 40mm.

The current fencing also plays an important function by corralling people to existing access tracks and therefore protecting habitat, promoting natural regeneration and other important functions such as dune and infrastructure protection. For these reasons alone the removal of this fencing would not be recommended.

Another consideration includes the speed limit along the Esplanade. The current speed limit is 40km/hr. This speed provides a stopping distance of between 26 and 30 meters. A stopping distance of 30 meters is sufficient for animals such as sleepy lizards, Blue Tongue, and Echidnas to be safely avoided if observed on the road. Further to this many South Australian National Parks have a speed limit of 40km/hr to reduce the risk of vehicles killing native wildlife.

A recent week long survey was undertaken recording the speeds of vehicles travelling along the Thompson Beach Esplanade. The table below show that the majority of vehicles are travelling at or below the speed limit. Although 29% of vehicles were travelling between 40-50km/hr it is important to keep in mind that this is a speed range and includes cars travelling at 41km/hr and 50 km/hr. Vehicles travelling at 50 km/hr have a stopping distance between 35-41meters. Some drivers would argue that this still provides suitable stopping distance for a driver to see and stop for reptiles such as the sleepy lizard.

Speed Range	Thompson Beach (26/4/2017 to 04/05/2017)
10-20km/hr	2.6%
20-30km/hr	15.5%
30-40km/hr	40.2%
40-50km/hr	28.9%
50km/hr and above	12.8%
Total Cars	1317

Current signage at Thompson Beach also needs to be considered to protect our coastal fauna. A signage audit undertaken by DEWNR in 2016 showed a large amount of signage within our coastal area highlighting the need to consolidate signage to effectively inform visitors and avoid an overload of information. In line with this recommendation Council Administration have recently requested for future Adelaide International Bird Sanctuary signage to include a 'look out for wildlife' symbol on their signage. Further traffic counts will be recorded for a longer period over time to monitor the driving behaviours on the esplanade and if there is a noticeable issue identified, the report will be provided to SAPOL to monitor and action during those peek times.

Summary

At this point in time there is insufficient data to understand what the impact of the current rabbit proof style fencing is having on local fauna at Thompson Beach. As such the precautionary principle should be adopted until fauna movement is better understood within the township to reduce the risk of introducing another risk by removing the fence.

If the bottom 30-50cm was to be removed from the entire 3.3km of fence there is a real possibility of an increase in the number of reptiles warming up on the Esplanade and being at a greater risk of road kill..There is also insufficient data on the best places to install fauna 'gateways' to assist animal movement.

Due to the lack of information a fence checking and reporting procedure of fauna movement and road kill along the Esplanade would be required to obtain information required for a well informed decision.

Due to current Council resources this would need to be a community driven process with support council administration to develop a suitable reporting procedure. This could be as simple as residents undertaking a morning and nightly check of the fence line to check for any caught animals, photo evidence, specific location of animals, date and time of the incident etc.

RECOMMENDATION(S)

1. **"that Council, having considered Item 15.4– *Coastal Fencing*, 17 July 2017, receives and notes the report."**

Adelaide Plains Council	**15.5**	**Kerbside Waste Pickup Service Update**
	Department:	**Infrastructure**
	Report Author:	**General Manager, Infrastructure**
Date: **17 July 2017**	**Container No:**	**CON12/1126**
	Document No:	**D17/14039**

OVERVIEW

This report provides an update on the tender process for Kerbside Collection Services which will be compared to Councils current methodology for delivering these services and outlines a public consultation process to gauge the community's feedback and attitude towards introducing a kerbside hard waste pickup service.

Tender Status.

Requests for Tenders were called on 3rd of July 2017 for Kerbside Waste services by the Barossa Regional Procurement Group (BRPG) on behalf of four of its constituent Councils (Barossa Council, Light Regional Council, Mid Murray Council and Adelaide Plains Council).

The scope of the tender includes kerbside waste, recycling and organics pick-up services and also hard waste pick –up services, both as separable portions of the contract (in other words Councils can choose one or the other or both if desired). The tender calls for new bins to be issued in lid colours that accord with KESAB standard colours.

As a member of the BRPG, Adelaide Plains Council wished to participate in the tender process in order to gauge the effectiveness of contracting out these services and comparing that to its historical 'in-house' method. Each of the three other Councils have contracted these services out in the past.

Tenders are due to close on the 31st of August 2017 and a significant assessment process of all tenders will then take place. There is no obligation for any Council to engage a contractor at the end of this process. However, if Council were to accept any tender, then the contractor will be required to commence on the 1st of February 2018.

Current Methodology

Council has historically provided kerbside waste, recyclables and organic pick-up services utilising its own staff and two garbage trucks. The trucks are now at an age where they are effectively worn out and frequently breaking down. In 2016/17 the cost of repairs for the

two garbage trucks combined (not including routine maintenance) was $67,941. While these trucks were being repaired and effectively off the road, Council were forced to hire replacement garbage trucks which cost $7,447. At times there were no trucks readily available for hire.

Public Consultation

Prior to the closure of tenders on the 29th of August, a period of public consultation will take place to gauge community's opinions on the following:

1. The community's appetite for a kerbside hard waste pick-up service acknowledging this is not a service currently offered and as such would come at an additional cost if implemented.
2. Would the community currently provided a two bin service (outside Two Wells, Mallala and Dublin) prefer a three bin service acknowledging this is not a service currently offered and as such would come at an additional cost if implemented.
3. There will be a section for general comments provided.

The survey will be primarily via a survey monkey on-line process that can be accessible through a link on Councils website. Alternatively there will be hard copy forms available at the Councils service centres for those wishing to participate that way.

Following the public consultation process a further report will be presented to Council in August to consider the responses received and to decide whether any amendments to the tender specification are required prior to tenders closing on the 31st of August.

Council will receive a further report in September or October on the outcomes of the tender assessment process and comparing those results with continuing to deliver these services in-house with renewed assets.

RECOMMENDATION(S)

1. "that Council, having considered Item 15.5 – *Kerbside Waste Pickup Service Update* , dated 17 July 2017, receives and notes the report."

Attachments

1. **Questionnaire**

References

Legislation

Local Government Act 1999

Council Policies

Nil

Kerbside Waste Collection

Council is currently looking at its kerbside waste pick up service to see where improvements can be made and also to see if the community are in favour of supporting a kerbside hard waste pick up service.

By spending a little time filling in our survey Council will be able to better understand the community's opinions about these services and whether further improvements can be made.

* 1. Where in the Adelaide Plains Council do you live?

- Mallala, Two Wells and Dublin townships (currently a three bin service)
- Lewiston
- Barabba
- Long Plains
- Redbank
- Parham
- Web Beach
- Thompsons Beach
- Middle Beach
- Rural areas

* 2. Council is considering introducing a hard waste pick up service from the kerbside at an additional fee. Would you be in favour of this?

- Yes
- No

3. If Yes, how much extra would you be willing to pay for this service per pickup

- ◯ $20
- ◯ $40
- ◯ $60
- ◯ $80
- ◯ $100

* 4. Council is considering introducing organic waste recycle service across the Council area. If you currently do not have access to this service (because you are located outside Mallala, Two Wells and Dublin townships), would you be in favour of this even though the garbage bin size would shrink from 240 litre to 140 litre and there may be an additional overall cost?

- ◯ Yes
- ◯ Yes, but only if no additional cost
- ◯ No

5. Additional Comments

Adelaide Plains Council	**15.6**	**Legatus Group – Board Membership Nominations**
	Department:	**Executive Office**
	Report Author:	**Administration Support Officer**
Date: 17 July 2017	**Container No:**	**CON12/1199**
	Document No:	**D17/14944**

OVERVIEW

The Legatus Group (the Group) consists on 15 member councils, and is a regional subsidiary established under the *Local Government Act 1999*. The purpose of the group is to undertake the coordination, advocacy and representation of the constituent councils at a regional level.

By correspondence dated 4 July 2017, the Legatus Group Chief Executive Officer, Simon Millcock gave notice of the Annual General Meeting (AGM) on 25 August 2017 and issued a call for Office Bearers (**Attachment 1**). The Group required office bearers to be elected at the AGM, and so are accepting nominations from constituent councils for the positions of Chair and 2 Deputy Chairs. Nominations are to be received in writing to the Legatus Group Chief Executive Officer no later than 27 July 2017.

RECOMMENDATION(S)

1. **"that Council, having considered *Item 15.6 – Legatus Group – Board Membership Nominations*, dated 17 July 2017, receives and notes the report."**

Attachments

1. **Notice of AGM and call for office bearers – 4 July 2017**

References

Legislation

Nil

Council Policies

Nil

LEGATUS GROUP

4 July 2017

ABN: 34 728 242 315

Chairman:
Mayor Peter Mattey

Chief Executive Officer:
Simon Millcock

Address:
155 Main North Road
CLARE SA 5453
PO Box 419
CLARE SA 5453

Telephone:
0407 819 000

Email:
ceo@legatus.sa.gov.au

Website:
www.legatus.sa.gov.au

Member Councils:

Adelaide Plains Council

Clare and Gilbert Valleys Council

District Council of Barunga West

District Council of Mount Remarkable

District Council of Orroroo Carrieton

District Council of Peterborough

District Council of the Copper Coast

Light Regional Council

Northern Areas Council

Port Pirie Regional Council

Regional Council of Goyder

The Barossa Council

The Flinders Ranges Council

Wakefield Regional Council

Yorke Peninsula Council

To: Legatus Group Constituent Councils

RE: NOTICE OF AGM AND CALL FOR OFFICE BEARERS

1. NOTICE OF AGM – 25 AUGUST 2017

Notice is hereby given that the Annual General Meeting (AGM) of Legatus Group will be held on **Friday 25 AUGUST 2017**, commencing 10.00am, hosted by the District Council of the Copper Coast at the Kadina Football & Netball Clubrooms, 1 Doswell Terrace, Kadina.

This will be followed by the Legatus Group Ordinary Meeting of the Board at the same location. Please note that this meeting date has been changed from that outlined in the minutes of board meeting 19 May 2017 following consultation with the Chair and all board members.

Please provided to me in writing before 27 July 2017 any other business that may require consideration at the AGM. Agenda papers including annual reports will be distributed in due course.

2. CALL FOR OFFICE BEARERS – 2017/18

The Legatus Group charter requires office bearers to be elected at the AGM by and from the Board Members appointed by the Constituent Councils. The appointees shall hold office from the AGM at which they are elected until the next AGM.

Accordingly, nominations from Constituent Councils for the positions of Chair and 2 x Deputy Chairs are now sought and are to be received in writing by the Legatus Group Chief Executive Officer no later than 27 July 2017.

Nominations for the two additional board members to the Legatus Executive Committee are to be called from board members at the AGM, after the election of the Chair and Deputy Chairs. Appointments for other committees and representatives to other organisations will also occur after the election of the Chair and Deputy Chairs.

Following the close of nominations, a list of nominees will be immediately provided to all Councils. Should you have any queries regarding the forthcoming AGM please contact me by email: ceo@centralregion.sa.gov.au or phone: 0407 819 000.

Kind regards

Simon Millcock
Chief Executive Officer

Adelaide Plains Council	**21 CONFIDENTIAL ITEMS**
Monday 17 July 2017	

Items:

21.1 Rubble Raising and Crushing

21.2 Sale of Land for Non-Payment of Rates

21.1 Rubble Raising and Crushing

Council Recommendation

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

21.1 – *Rubble Raising and Crushing*:

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

- **on the grounds provided by Section 90(3)(d), commercial information of a confidential nature (not being a trade secret) the disclosure of which-**

  (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on the third party; and

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

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

  - **contains information about the commercial information, constituting information relevant to the potential appointment and suitability for being awarded the Rubble Raising & Crushing Services 2017 - 2022**

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

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

Council Recommendation

"that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 21.1 – Rubble *Raising and Crushing* for the meeting of the Council held on 17 July 2017, was received, discussed and considered in confidence pursuant to Section 90(3)(d) of the *Local Government Act 1999*, this meeting of the Council, does order that:

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

(b) the minutes in relation to the matter remain confidential and not available for public inspection until the Raising & Crushing Services 2017 – 2022 contract is awarded and notified, noting that the tender process affects The Barossa Council as well as Adelaide Plains Council; and

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

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

21.2 Sale of Land for Non-Payment of Rates

Council Recommendation

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

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

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

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

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

Council Recommendation

"that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 21.2 – *Sale of Land for Non-Payment of Rates* for the meeting of the Council held on 17 July 2017, was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the *Local Government Act 1999*, this meeting of the Council, does order that:

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

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

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