THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA WILL BE HELD IN THE COUNCIL CHAMBERS, RED BANKS ROAD, MALLALA ON TUESDAY 10 MARCH 2015, COMMENCING AT 7:00PM

Peter Sellar
ACTING CHIEF EXECUTIVE OFFICER

AGENDA

1. ATTENDANCE
   1.1 Present
   1.2 Councillors Apologies
   1.3 Councillors Absent

2. CONFIRMATION OF MINUTES
   2.1 Council Meeting held on Monday 23 February 2015 (MB Folios 12931 to 12938, inclusive).

3. BUSINESS ARISING
   3.1

4. DECLARATION OF MEMBERS’ INTEREST
   4.1

5. OPEN FORUM
   5.1 Speakers

6. BRIEFINGS
   6.1 Zone Emergency Management Committee ZEMC – Regional Risk Planning for the Barossa Zone – Bridgett Leopold (SAFE COM)
7. MINUTES AND/OR RECOMMENDATIONS

7.1 Facilities and Infrastructure Advisory Committee
7.1.1 Minutes from meeting held 17 February 2015 (CON12/1102)

7.2 Environmental Management Advisory Committee
7.2.1 No Minutes

7.3 Strategic Planning and Development Policy Committee
7.3.1 No Minutes

7.4 Council Development Assessment Panel
7.4.1 No Minutes

7.5 Gawler River Floodplain Management Authority
7.5.1 Minutes from meeting held 18 February 2015 (CON12/314)

8. QUESTIONS WHICH NOTICE HAS BEEN GIVEN

8.1 Questions on Notice
8.1.1 Compliance - Officer and Inspectorate Role (CON12/537)
8.1.2 Category 3 Application – 210 Hayman Road (CON12/537)

8.2 Notice of Motion
8.2.1 No Notice of Motion

9. QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN

Rules from Local Government Act 1999 Regulations:-

* Questions and replies are not entered in the minute book unless expressly required by resolution.

* No debate shall be allowed on any question or reply to any question.

10. PETITIONS
10.1 No Petitions
11. DEPUTATIONS
11.1 No Deputations

12. ITEMS FOR NOTING / INFORMATION / ACTIVITY REPORTS
12.1 Items for Information / Noting
12.1.1 No Items for Information / Noting
12.2 Activity Reports
12.2.1 Infrastructure Services Activity Report (CON12/1191)
12.2.2 Planning Services Activity Report (CON12/1191)
12.2.3 Development Plan Amendment Activity Report (CON12/248)

13. ITEMS FOR DECISIONS
13.1 Gawler River Floodplain Management Authority – Amendment to Charter (CON12/314)
13.2 Section 41 Council Committee Terms of Reference Review (CON12/1199)
13.3 Strategic Planning and Development Policy Committee (CON14/35)
13.4 Local Emergency Risk Management Project Funding (CON12/593)
13.5 Dog Registration - Fee Schedule 2015-2016 (CON12/1204)

14. URGENT BUSINESS
14.1

15. CONFIDENTIAL ITEMS
15.1 Mallala Community Hospital Incorporated (CON15/2)

16. CLOSURE
2. CONFIRMATION OF MINUTES

TUESDAY 10 March 2015

Items:

2.1 Council Meeting held on Monday 23 February 2015 (MB Folios 12931 to 12938, inclusive).
MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA
HELD IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON
MONDAY 23 FEBRUARY 2015, COMMENCING AT 7:00 PM

1. ATTENDANCE

1.1 Present
Mayor D Kennington (Mayor), S Strudwicke, K McColl, S Jones, T Keen,
E Stubing, P Daniele, B Summerton, M Lawrence, A Picard (from 7.08 pm) and
Messrs G Mavrinac (General Manager, Infrastructure and Planning Services),
and Mrs A Humphrys (Minute Secretary).

1.2 Councillors Apologies
Nil

1.3 Councillors Absent
Nil

2. CONFIRMATION OF MINUTES
Moved Cr Summerton Seconded Cr McColl
“that the minutes of meeting held on Monday 9 February 2015 (MB Folios
12924 to 12930, inclusive), be accepted as read and confirmed.”
CARRIED (2015/041)

3. BUSINESS ARISING

3.1 No Business Arising

4. DECLARATION OF MEMBERS’ INTEREST

4.1 No Declaration of Members’ Interest
5. **OPEN FORUM**

The Mayor sought leave of the meeting to suspend Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 for ‘Open Forum’. The meeting was suspended at 7.01 pm.

5.1 **Margaret Tiller** *Mallala*
- Community Consultation - Open Space Community Land Management - concerns relating to the consultation methods, information available, accuracy of information, gazetted reserves, record keeping and techniques of information gathering that will be used during the consultation.

**Barbara Reid** *Parham*
- Parham Camping ground and request for Council regarding maintenance of the taps within the grounds as installed by a community group.

**John Drexel** *Middle Beach*
- Presentation to seek support for a Sea-level Gauge in Upper Gulf of St Vincent. Proposal to work with neighbouring three coastal councils to advocate and put forward project.

Meeting resumed at 7.55 pm

The Mayor sought leave of Council to move item 14.2 – Sea Level Rise Issues Paper: Submission to the LGA to after Open Forum. Leave granted.

14.2 **Sea Level Rise Issues Paper: Submission to the LGA (CON12/337)**

Moved Cr McColl Seconded Cr Summerton

“that Council having considered Item 14.2, *Sea Level Rise Issues Paper; Submission to the LGA*, dated 23 February 2015, endorse the Critique of ‘Defining the Sea Level Rise Problem in South Australia’ Submission to the Local Government Association of South Australia.”

**CARRIED** *(2015/042)*

Moved Cr Strudwicke Seconded Cr McColl

“that Council having considered Item 14.2, *Sea Level Rise Issues Paper; Submission to the LGA*, dated 23 February 2015, authorise the Acting Chief Executive Officer to provide a submission as provided at Attachment 2 as amended to the report to the Local Government Association of South Australia on the *Defining the Sea Level Rise Problem in South Australia: Issues Paper.*”

**CARRIED** *(2015/043)*
6. **BRIEFINGS**

6.1 Section 41 Council Committee Review – Gary Mavrinac

7. **MAYOR’S REPORT**

7.1 Meetings Attended and / or Discussions Held (CON12/1199)

- **Tuesday 27 January 2015**
  Ordinary Council Meeting

- **Friday 30 January 2015**
  CEO and Mayor Briefing

- **Monday 2 February 2015**
  Environmental Management Advisory Committee

- **Friday 6 February 2015**
  CEO and Mayor Briefing

- **Sunday 8 February 2015**
  Bush Fire Fundraiser – Two Wells

- **Monday 9 February 2015**
  Ordinary Council Meeting

- **Tuesday 10 February 2015**
  Future Directions Review of the Central Local Government Region

- **Tuesday 17 February 2015**
  Reading Awards – Two Wells

- **Thursday 19 February 2015**
  CEO Appointment Panel

- **Friday 20 February 2015**
  Central Local Government Region

- **Saturday 21 February 2015**
  Vietnamese New Year Celebration - Virginia
8. MINUTES AND/OR RECOMMENDATIONS

8.1 Economic Development Advisory Committee
8.1.1 No Minutes

8.2 Community Development Advisory Committee
8.2.1 Minutes of meeting held 12 February 2015 (CON12/1100)

8.8 Audit Committee
8.3.1 No Minutes

8.4 Mallala and Districts Historical Committee
8.4.1 No Minutes

8.5 Mallala and Districts Homes Committee
8.5.1 No Minutes

9. QUESTIONS WHICH NOTICE HAS BEEN GIVEN

9.1 Questions on Notice
9.1.1 Compliance - Officer and Inspectorate Role (CON12/537)

<table>
<thead>
<tr>
<th>Preamble</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In the Council Agenda of 9 February 2015, 12.2.1 Infrastructure</td>
<td>Services Activity, graph report under heading Compliance, shows</td>
</tr>
<tr>
<td>column ERD Court from July 2014 to January 2015, a total of 28</td>
<td>referrals, approximately one per week.</td>
</tr>
<tr>
<td>referrals, approximately one per week.</td>
<td></td>
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<tr>
<td>Question 1: What costs to Council have been incurred over the last 12</td>
<td></td>
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<tr>
<td>months in regard to these actions?</td>
<td></td>
</tr>
<tr>
<td>Answer:  Information to be provided next meeting</td>
<td></td>
</tr>
<tr>
<td>Question 2: What percentage increase do these actions represent</td>
<td></td>
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<tr>
<td>compared from 2010 calendar year?</td>
<td></td>
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<tr>
<td>Please give percentage overview of differing nature of what these</td>
<td></td>
</tr>
<tr>
<td>actions represent.</td>
<td></td>
</tr>
<tr>
<td>Answer:  Information to be provided next meeting</td>
<td></td>
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<tr>
<td>Question 3:</td>
<td>Could any of these actions have been resolved negating the ERD Court referral?</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Answer:</td>
<td>Information to be provided next meeting</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 4:</th>
<th>Is it correct the Compliance Officer duties consist of 90% compliance and 10% planning?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Answer:</td>
<td>Information to be provided next meeting</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 5:</th>
<th>Could the Compliance Officer role include a coastal inspectorate role eg: illegal off road use on Council lands, in particular coastal area under Council control and care?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Answer:</td>
<td>Information to be provided next meeting</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 6:</th>
<th>If the Compliance Officer role could include a coastal inspectorate role, in respect of all illegal activity on all lands under Council care and control, how could that be initiated, could by-laws be enforced and fines imposed in respect of illegal off road use?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Answer:</td>
<td>Information to be provided next meeting</td>
</tr>
</tbody>
</table>

9.2 Notice of Motion
9.2.1 No Notice of Motion

10. QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN

Rules from Local Government Act 1999 Regulations:-

* Questions and replies are not entered in the minute book unless expressly required by resolution.

* No debate shall be allowed on any question or reply to any question.

11. PETITIONS
11.1 No Petitions
12. DEPUTATIONS

12.1 No Deputations

13. ITEMS FOR NOTING / INFORMATION / ACTIVITY REPORTS

13.1 Items for Information / Noting

13.1.1 Finance Report (CON12/491)

Moved Cr Summerton  Seconded Cr Keen
“that Council, having considered Item 12.6.1 Finance Report, dated 23 February 2015, recommends to Council that it notes and receives the Finance Report as at 31 January 2015.”

CARRIED (2015/044)

13.2 Activity Reports

13.2.1 Corporate and Community Services Status Report (CON12/1199)

Moved Cr Summerton  Seconded Cr Daniele
“that the Council, having considered Item 13.2.1 Corporate & Community Services Status Report dated 23 February 2015, receive the report.”

CARRIED (2015/045)

14. ITEMS FOR DECISIONS

14.1 Section 41 Council Committee Review (CON12/1096)

Moved Cr McColl  Seconded Cr Keen
“that the Council having considered Item 14.1, Section 41 Council Committee Review, dated 23 February 2015, support the following Committees continuing as they are:

- Animal Management Plan Advisory Committee
- Audit Committee
- CEO Appraisal Committee
- Mallala & Districts Homes Committee

with a review of their terms of reference at a future meeting and to authorise staff to call for expressions of interest from interested members of the community to fill the vacant community positions on the Animal Management Plan Advisory Committee and the Mallala & Districts Homes Committees.”

CARRIED (2015/046)
Moved Cr Summerton Seconded Cr Stubing
“that the Council having considered Item 14.1, Section 41 Council Committee Review, dated 23 February 2015, endorses the following Section 41 Advisory Committee Structure Option Four, of joining Facilities and Infrastructure Advisory Committee and Economic Development Advisory Committee, and retaining Environmental Management Advisory Committee and Community Development and Advisory Committee.”
CARRIED (2015/047)

Moved Cr Keen Seconded Cr McColl
“that the Council having considered Item 14.1, Section 41 Council Committee Review, dated 23 February 2015, authorise staff to submit reviewed terms of reference for the newly endorsed Section 41 Advisory Committees and to call for expressions of interest from interested members of the community to fill vacant community positions on these Committees.”
CARRIED (2015/048)

14.3 Elected Members Mandatory Training – LGA Online Modules (CON12/561)
Moved Cr Strudwicke Seconded Cr Keen
“that the Council having considered Item 14.3 Elected Members Mandatory Training – LGA Online Modules, dated 23 February 2015, agree to purchase an Annual License Fee as per Option 1 from the LGA for a cost of $500 to provide elected members and staff unlimited access to the training modules for a twelve (12) month period.”
CARRIED (2015/049)

14.4 2015/16 Draft Annual Business Plan and Budget Timetable (CON12/1151)
Moved Cr Summerton Seconded Cr Daniele
CARRIED (2015/050)

15. **URGENT BUSINESS**

15.1 No Urgent Business
16. CONFIDENTIAL ITEMS

16.1 No Confidential Items

17. CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.18 pm.

Confirmed as a true record.

Mayor: .................................................................

Date: __/__/___
7. MINUTES AND/OR RECOMMENDATIONS

TUESDAY 10 MARCH 2015

Items:

7. MINUTES AND/OR RECOMMENDATIONS

7.1 Facilities and Infrastructure Advisory Committee
7.1.1 Minutes from meeting held 17 February 2015 (CON12/1102)

7.2 Environmental Management Advisory Committee
7.2.1 No Minutes

7.3 Strategic Planning and Development Policy Committee
7.3.1 No Minutes

7.4 Council Development Assessment Panel
7.4.1 No Minutes

7.5 Gawler River Flood Management Authority
7.5.1 Minutes from meeting held 18 February 2015 (CON12/314)
<table>
<thead>
<tr>
<th>7.1 Facilities and Infrastructure Advisory Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TUESDAY 10 March 2015</strong></td>
</tr>
</tbody>
</table>

**Items:**

7.1 Facilities and Infrastructure Advisory Committee

7.1.1 Minutes of meeting held 17 February 2015 (CON12/1102)
MINUTES OF THE MEETING OF THE FACILITIES AND INFRASTRUCTURE ADVISORY COMMITTEE HELD IN THE COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON TUESDAY 17 FEBRUARY 2015, COMMENCING AT 6.00PM

1. ATTENDANCE
1.1 Members Present
B Summerton (Chairman), P Daniele, L Seccafien, C Mason

Staff in attendance
G Mavrinac (General Manager – Infrastructure and Planning Services), P Cleghorn (Strategic Infrastructure Coordinator), and A Humphrys (Minute Secretary)

1.2 Members Apologies
D Standley

1.3 Members Absent
Nil

2. CONFIRMATION OF MINUTES
Moved L Seccafien Seconded P Daniele
“that the minutes of meeting held on Monday 21 October 2014 (MB Folio 50 to 52, inclusive) be carried with amendment to item 5.3 - Open Space / Community Land Management Plan – Public Consultation and Engagement, to include Oval Precinct Master Plans.”

CARRIED (2015/001)

3. BUSINESS ARISING
Nil
4.  **REPORTS**

4.1  Four Year Action Plan 2015-2019 (CON12/1102)

Moved  L Seccafien  Seconded  P Daniele

“that the Facilities and Infrastructure Committee, having considered the Four Year Action Plan 2015-2019 recommends that the;

- Emergency response for Middle Beach, as identified by the Coastal Settlement Adaptation Study
- Levee upgrade for Parham, as identified by the Coastal Settlement Adaptation Study,
- Planning and design work for the Civic Office Accommodation,
- Wasleys Road Heritage Bridge upgrade,
- Gawler Road Drew Street Intersection (basin) investigation and capital works, be presented as a bid for Council consideration as part of the 2015-16 budget process.”

CARRIED (2015/002)

4.2  Infrastructure Activity Report (CON12/1102)

Moved  L Seccafien  Seconded  C Mason

“that the Facilities and Infrastructure Committee, having considered Item 4.2 *Infrastructure Services Activity Report* dated 17 February 2015, receive the report.”

CARRIED (2015/003)

4.3  Open Space Community Land Management Plan (Verbal Report)

Verbal update provided by Gary Mavrinac, General manager, Infrastructure and Planning Services, on progress of the Community Engagement Strategy.

5.  **GENERAL BUSINESS**

5.1  No General Business

6.  **NEXT MEETING**

6.1  6.00 pm – Tuesday 17 March 2015

7.  **CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 8.18 pm.
Confirmed as a true record.

Chairperson: .................................................................

Date: ___/___/___
### 7.5 Gawler River Floodplain Management Authority

#### TUESDAY 10 March 2015

**Items:**

- **7.5** Gawler River Floodplain Management Authority
- **7.5.1** Minutes of meeting held 18 February 2015 (CON12/314)
1. **WELCOME**

Dr Bruce Eastick formally welcomed Board Members, Deputy Board Members and opened the seventy ninth meeting of the Board.

2. **PRESENT**

Dr Bruce Eastick AM, AMLRNRMB Appointee, Board Member, Chair
Cr Anne Picard, District Council of Mallala, Board Member
Mr. Gary Mavrinac, District Council of Mallala, Board Member
Mr. Marc Salver, Adelaide Hills Council, Deputy Board Member
Mr. Sam Dilena, Town of Gawler, Board Member
Cr Carol Muzyk, City of Playford, Deputy Board Member
Mr. Harry Pitrans, City of Playford, Deputy Board Member
Mayor Bob Sloane, The Barossa Council, Board Member
Mr. Andrew Philpott, Light Regional Council, Deputy Board Member
Mr. Ian Baldwin, The Barossa Council, Board Member
Mr. Dean Gollan, Executive Officer
Mr. Keith Earl, District Council of Mallala, Observer
Mr. Michael Picard, Observer

3. **APOLOGIES**

Cr John Kemp, Adelaide Hills Council, Board Member
Cr Denis Davey, City of Playford, Board Member
Mr. Tim Jackson, City of Playford, Board Member
Cr Adrian Shackley, Town of Gawler, Board Member
Mr. Brian Carr, Light Regional Council, Board Member
4. **MINUTES OF THE PREVIOUS MEETING**

4.1. *Board Meeting – 16 October 2014*

Confirmation of the Minutes of the previous Gawler River Floodplain Management Authority meeting held on 16 October 2014.

<table>
<thead>
<tr>
<th>GRB 15/0001 Confirmation of the Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved: Mr. Pitrans  Seconded: Mr. Philpott</td>
</tr>
<tr>
<td>That the Minutes of the previous Gawler River Floodplain Management Authority Board meeting held on 16 October 2014 as per copies supplied to members be confirmed as a true and correct record of that meeting.</td>
</tr>
<tr>
<td>CARRIED</td>
</tr>
</tbody>
</table>

4.2. *Audit Committee*

No meeting for the period.

4.3. *Technical Assessment Panel*

Receive the Minutes of the Technical Assessment Panel meeting held on Wednesday, 17 November 2014.

<table>
<thead>
<tr>
<th>GRB 15/0002 Confirmation of the Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved: Mr. Baldwin  Seconded: Mr. Pitrans</td>
</tr>
<tr>
<td>That the Minutes of the GRFMA Technical Assessment Panel meeting held on 17 November 2014 be received.</td>
</tr>
<tr>
<td>CARRIED</td>
</tr>
</tbody>
</table>

5. **PRESENTATION**

Mr. Geoff Fisher, Australian Water Environments, gave a presentation to members on the draft Findings Report on the Gawler River Flood Mitigation Scheme.

6. **EXECUTIVE OFFICER’S REPORT**

6.1. *Financial Report*

<table>
<thead>
<tr>
<th>GRB 15/0003 Financial Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved: Mr. Philpott  Seconded: Mr. Mavrinac</td>
</tr>
<tr>
<td>That the financial report as at 31 January 2015 showing a balance of total funds available of $255,429.20 be received.</td>
</tr>
<tr>
<td>CARRIED</td>
</tr>
</tbody>
</table>
6.2. Appointment – Audit Committee Members
Registrations of interest have recently been sought from suitable individuals with skills, interest and relevant experience to become members of the GRFMA Audit Committee as the current members’ term of office expired at the conclusion of the Local Government elections in November 2014.

GRB 15/0004
Board Meeting Schedule

Moved: Mr Philpott        Seconded: Mr Mavrinac
That subject to the endorsement of the constituent councils that the members of the Audit Committee be:

a) Mr. Peter Brass - independent person with financial experience relevant to the functions of an audit committee and experienced audit committee member
b) Cr Des Ellis – Light Regional Council.
c) Mr. Sam Dilena – Manager, Infrastructure & Engineering Services, Town of Gawler, GRFMA Board Member.

That the term of office of Committee Members be for a period of two years.
That the presiding member of the Audit Committee be Mr. Peter Brass.

CARRIED

6.3. Executive Officer Performance Review Committee

GRB 15/0005
Performance Review Committee

Moved: Mr Philpott        Seconded: Mr Mavrinac
That the membership of the Executive Officer Performance Review Committee comprise the Chairman (Dr Bruce Eastick), Marc Salver and Ian Baldwin.

CARRIED

There are two changes recommended to the budget since the last budget review in October 2014, due to variations to the Findings Report.

<table>
<thead>
<tr>
<th>Variation</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>GRFMA and Council Briefing</td>
<td>$5,500</td>
</tr>
<tr>
<td>2</td>
<td>As constructed Levee Survey at Nexy Crossing</td>
<td>$1,800</td>
</tr>
<tr>
<td>3</td>
<td>Rosedale Dam and surrounds DTM</td>
<td>$6,925</td>
</tr>
<tr>
<td>4</td>
<td>As constructed wetlands and surrounds DTM</td>
<td>$3,500</td>
</tr>
</tbody>
</table>

An amount of $17725, reflecting these variations has been added to the original tender price of $126,001 and shown under the heading in expenditure - ‘Gawler River Scheme Mark 2 Consultancies’.

An amount of 50% of this figure, $8863 has been added to the original grant of $63,000 shown under ‘State Grant’ in income.
Moved: Mr. Baldwin    Seconded: Mr. Salver
That the Budget 2014-2015 Review be received in accordance with the provisions of the Local Government (Financial Management) Regulations 1999.

CARRIED

6.5. Achievements Against the Business Plan

The Statement of Performance against the Business Plan has been prepared for the period July to December 2014. A further review will be prepared for period ending June 2015, which will be included in the GRFMA Annual Report.

Moved: Cr Close    Seconded: Mr Salver
That the Statement of Performance against the Business Plan for the period July to December 2014 be received.

CARRIED

At 10.55 am, the Chairman left the meeting.

6.6. Proposed changes to the Authority’s Charter

At the August 2014 Board meeting, it was resolved that the Executive Officer be authorised to seek legal advice as to the appropriateness of the proposed GRFMA Charter amendments and forward the Charter to the Constituent Councils for their approval.

There was unanimous acceptance of this change, however, other minor variations to Section 5.2 were also recommended. These suggestions have been incorporated by the Authority’s legal advisors in a final draft document. These changes simplify and clarify the role of the Board, its Chairman and Board members.

A separate issue was raised at the meeting and debated regarding the use of the term ‘Gawler River’ only (Clause 3.1), with no reference to other rivers, however, it was agreed that the current Charter does cover these rivers.

Moved: Mr Salver    Seconded: Mr Mavrinac
That the Executive Officer forwards the revised Charter, including minor variations, to Constituent Councils for their approval.

CARRIED

At 11.05am, the Chairman returned to the meeting.
7. **CORRESPONDENCE**

7.1. *Adelaide Hills Council*
Correspondence received from the Adelaide Hills Council advising of their approval to the proposed changes to the GRFMA Charter.

7.2. *Town of Gawler*
Correspondence received from the Town of Gawler advising of their approval to the proposed changes to the GRFMA Charter.

7.3. *Light Regional Council*
Correspondence received from the Light Regional Council advising of their approval to the proposed changes to the GRFMA Charter.

<table>
<thead>
<tr>
<th>GRB 15/0100</th>
<th>Correspondence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved: Mr Salver   Seconded: Cr Picard</td>
<td></td>
</tr>
<tr>
<td>That the above items of correspondence be noted.</td>
<td></td>
</tr>
</tbody>
</table>

**CARRIED**

8. **URGENT BUSINESS WITHOUT NOTICE**

The Executive Officer gave an update on matters relating to the Phillips family.

9. **NEXT MEETING**

Please note that the next Ordinary Board meeting will be held on:

<table>
<thead>
<tr>
<th>Date</th>
<th>Host Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday 15 April 2015</td>
<td>Adelaide Hills Council</td>
</tr>
<tr>
<td>Meeting to commence at 9.00 AM.</td>
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</tbody>
</table>

10. **CLOSURE**

The Chair thanked everyone for their contribution and closed the meeting at 11.35 AM.

Confirmed 15 April 2015

Chair ______________
8. QUESTIONS WHICH NOTICE HAS BEEN GIVEN

8.1 Questions on Notice
8.1.1 Compliance - Officer and Inspectorate Role (CON12/537)
8.1.2 Category 3 Application – 210 Hayman Road (CON12/537)

8.2 Notice of Motion
8.2.1 No Notice of Motion
In the Council Agenda of 9 February 2015, 12.2.1 Infrastructure Services Activity, graph report under heading Compliance, shows column ERD Court from July 2014 to January 2015, a total of 28 referrals, approximately one per week.

Question 1: What costs to Council have been incurred over the last 12 months in regard to these actions?

Answer:
The monthly compliance figures showing ERD Court related matters do not represent the number of new matters proceeding to the Court each month. Rather, the figure indicates the current number of matters remaining within the court system at the end of each month. For example in September and October 2014 there were 5 matters outstanding in the ERD Court at the end of each month, not 10 new matters.

Recent legal costs to Council involving ERD Court action are as follows:
- 2013/2014 financial year - $45,056
- 2014/2015 financial year to date - $38,405

Question 2: What percentage increase do these actions represent compared from 2010 calendar year? Please give percentage overview of differing nature of what these actions represent.

Answer:
In 2010, Council did not have a dedicated compliance role and therefore there are no costings on ERD Court related compliance matters.

100% of compliance related costs (apart from Compliance Officer wages) are those associated with the provision of legal services to Council, e.g. legal advice and preparation of ERD Court and Development Act documentation, and attendance at Court.
<table>
<thead>
<tr>
<th>Question 3:</th>
<th>Could any of these actions have been resolved negating the ERD Court referral?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Answer:</td>
<td>No – Council staff seek to resolve matters outside of the ERD Court whenever possible, however in some instances court action is the only remaining alternative.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 4:</th>
<th>Is it correct the Compliance Officer duties consist of 90% compliance and 10% planning?</th>
</tr>
</thead>
</table>
| Answer:    | Compliance Officer duties vary constantly depending on the number of compliance matters being investigated and the number of matters within the ERD Court system.  
An integral part of the Compliance Officer role involves developing and maintaining an adequate understanding of Council’s Development Plan, the *Development Act 1993*, and *Development Regulations 2008*. Planning based opportunities including development assessment and the processing of development related customer enquiries are offered where possible to complement and assist in the development of and understanding of the compliance function. |

<table>
<thead>
<tr>
<th>Question 5:</th>
<th>Could the Compliance Officer role include a coastal inspectorate role eg: illegal off road use on Council lands, in particular coastal area under Council care and control?</th>
</tr>
</thead>
</table>
| Answer:    | The Compliance Officer function is restricted to matters arising from non-compliance with the *Development Act 1993*.  
Illegal land uses and building work on private land have the potential to significantly impact on other Council residents, and need to be efficiently and effectively investigated wherever possible, and sometimes at short notice.  
Often, compliance related matters require a significant amount of investigation, requiring detailed documentation, to determine the extent of non-compliance. The legal concept of ‘fact and degree’ is often used when investigating issues of non compliance. Investigations can also sometimes be hindered when complainants wish to remain anonymous and language barriers are evident.  
The predicted future growth of the district will also likely lead to increases in compliance related matters resulting from illegal building work and use of private property.  
Important opportunities also still exist to further develop the current role in the provision of information and education to local residents. For example with issues relating to flooding, hothouse development, animal keeping, etc. |
<table>
<thead>
<tr>
<th><strong>Question 6:</strong></th>
<th>If the Compliance Officer role could include a coastal inspectorate role, in respect of all illegal activity on all lands under Council care and control, how could that be initiated, could by-laws be enforced and fines imposed in respect of illegal off road use?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer:</strong></td>
<td>The Compliance Officer role was created to focus on Development Act related matters. An independent coastal inspectorate role would require separate investigation and funding.</td>
</tr>
</tbody>
</table>
**8.1.2 Category 3 Application – 210 Hayman Road**

<table>
<thead>
<tr>
<th>Container No:</th>
<th>CON12/537</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Date:</td>
<td>10 March 2015</td>
</tr>
<tr>
<td>Prepared by:</td>
<td>Cr Jones</td>
</tr>
</tbody>
</table>

**Corporate Objective:**

**Preamble**

An application dated 25 February 2014 by the District Council Mallala for a Category 3 Development at Lot 3, 210 Hayman Road, Lewiston, namely a variation to development authorization 312/199/2010 removal of Development Plan condition 3 to allow relocation of playground vehicular access/egress point from Hayman Road to Pederick Road, and relocation of car park in Animal Husbandry Zone.

**Question 1:** What is the motivation for removal of Development Plan (3) Three?

**Answer:** Community safety following an accident at the car park entrance on Hayman Road. A Traffic Assessment Report (Feb 2015) noted that “With the entranceway located opposite Pederick Road it is creating a significant conflict point between turning vehicles to and from the Playground and Pederick Road and the relatively high speed traffic on Hayman Road”. To improve safety, the report states “Although not in accordance with the ERD Court conditions, the preferred entranceway location is approximately 70 metres along Pederick Road (south) from Hayman Road. At this location vehicle speeds are relatively low due to the closeness of the T-junction”.

**Question 2:** Who made the decision?

**Answer:** Council Administration

**Question 3:** Was there any collective consensus, if so by whom prior to decision to submit application?

**Answer:** Council Administration after consideration of the factors contributing to the accident. As a consequence, Council Administration has chosen to take action to seek amendment to the conditions on the basis of the improvement to road safety detailed in the traffic report.
As with any consent issued, an applicant can at anytime lodge a new application to vary elements of the original approved application, including conditions of consent. This also applies to applications where the consent paperwork has been issued by the court.

<table>
<thead>
<tr>
<th>Question 4: <strong>Was there any lobbying from Elected or Community members to Council staff prior to decision to submit an application for removal of Development Plan (3) Three?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer:</strong> No. Council Administration sought to be pro active in eliminating a hazard at this location that has the potential to cause a fatality. The final decision to relocate the access point is subject to community input as part of the development application process (Category 3) and a decision by Council’s Development Assessment Panel, and possible appeal to the ERD Court.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 5: <strong>What will the total cost of relocation of access/egress and associated car park?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer:</strong> Full cost of relocating the access/egress are minor as the previous entrance proposed is still present on Pederick Road including the culvert. A cost estimate cannot be provided at this stage due to staff annual leave. The cost for the car park upgrade is approximately $13,500.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 6: <strong>Why was this not initially a budget consideration?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer:</strong> The car park upgrade is funded equally by Council and the Local Government Stimulus Program grant. The funding was budgeted for and approved by Council for the matching funds to complete stage one.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 7: <strong>Owing to considerable controversy and media coverage of the original development approval for 210 Hayman Road and lack of initial public consultation, why was the decision to submit an application for removal of the negotiated condition of Development Plan (3) Three not considered by Council to ensure transparency and accountability of process?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answer:</strong> See answers to Questions 1 and 4. As a Category 3, all members of the public will have an opportunity to provide a representation for/against the proposal. Any person who lodges a submission in relation to the new application will have appeal rights against a decision made by Council’s Development Assessment Panel. This is the only situation where the new application would need to go to the ERD Court.</td>
</tr>
<tr>
<td>Question 8:</td>
</tr>
<tr>
<td>Answer</td>
</tr>
<tr>
<td>Question 9:</td>
</tr>
<tr>
<td>Answer</td>
</tr>
<tr>
<td>Question 10:</td>
</tr>
<tr>
<td>Answer</td>
</tr>
<tr>
<td>Question 11:</td>
</tr>
<tr>
<td>Answer</td>
</tr>
</tbody>
</table>
9. **QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN**

   *Rules from Local Government Act 1999 Regulations:*-
   
   * Questions and replies are not entered in the minute book unless expressly required by resolution.
   
   * No debate shall be allowed on any question or reply to any question.

10. **PETITIONS**

    10.1 No Petitions

11. **DEPUTATIONS**

    12.1 No Deputations
Items:

12.1  Items for Information / Noting
12.1.1 No Items for Information / Noting

12.2  Activity Reports
12.2.1 Infrastructure Services Activity Report (CON12/1191)
12.2.2 Planning Services Activity Report (CON12/1191)
12.2.3 Development Plan Amendment Activity Report (CON12/248)
### 12.2.1 Infrastructure Services Activity Report

<table>
<thead>
<tr>
<th>Container No:</th>
<th>CON12/1191</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document No:</td>
<td>D15/4163</td>
</tr>
<tr>
<td>Report Date:</td>
<td>10 March 2015</td>
</tr>
<tr>
<td>Prepared by:</td>
<td>General Manager Infrastructure and Planning</td>
</tr>
</tbody>
</table>

**Corporate Objective:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3.1</td>
<td>Ensure a safe and efficient network of local roads and associated infrastructure</td>
</tr>
<tr>
<td>3.4.1</td>
<td>Implement townscape, streetscape and parks and gardens improvements that maintain and enhance the character of townships</td>
</tr>
<tr>
<td>3.6.1</td>
<td>Provide and maintain Council buildings, facilities and public amenities</td>
</tr>
<tr>
<td>3.6.2</td>
<td>Maintain long term Asset Management Plans which identify, prioritise and effectively manage current and future building and facility asset needs</td>
</tr>
<tr>
<td>3.6.3</td>
<td>Develop new buildings and facilities in a planned and prioritised approach</td>
</tr>
</tbody>
</table>

**Purpose:**

To inform on the progress of infrastructure projects being undertaken by Council

**Recommendation 1:**

“that the Council, having considered Item 12.2.2 *Infrastructure Services Activity Report* dated 10 March 2015, receive the report.”
Background

This report details the activities of Infrastructure Services department up to the month of February 2015.

Asset Management

<table>
<thead>
<tr>
<th>Project/Action</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade Thompson Beach Fire Protection Infrastructure</td>
<td>Completed.</td>
</tr>
<tr>
<td>Prepare/Review Asset Management Plans, as required</td>
<td>Completed.</td>
</tr>
<tr>
<td>Thompson Beach Road: Signage and Road Closure</td>
<td>Notification and formal Gazette has been advertised for the closure of the section of Thompson Beach Road. Staff to formally close off access with a new fence and gate.</td>
</tr>
</tbody>
</table>

Buildings and Facilities Management

<table>
<thead>
<tr>
<th>Project/Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide and maintain Council owned community buildings and facilities</td>
<td>UV lighting requirements at the Museum are installed. Some issues with the LED globes to finalise.</td>
</tr>
<tr>
<td>Playgrounds maintained to safety standards</td>
<td>Quarterly inspections were completed in December a full annual audit was undertaken. The next inspection due in March 2015</td>
</tr>
<tr>
<td>2014-2015 Asbestos removal program</td>
<td>Mallala Grandstand Asbestos has been removed and replacement is being quoted. Two Wells Toilets has had ceiling panels removed so we can install Perspex sheeting for natural lighting pending.</td>
</tr>
<tr>
<td>Road Closure Marshman Street</td>
<td>Progressing and now with the Roads group for the Ministers sign off procedure and formal Gazette</td>
</tr>
</tbody>
</table>

Road Services

<table>
<thead>
<tr>
<th>Project/Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undertake road construction program</td>
<td>Elizabeth Street, Mallala</td>
</tr>
<tr>
<td></td>
<td>Petticoat Lane, Two Wells</td>
</tr>
<tr>
<td></td>
<td>Mallala Road Roundabout</td>
</tr>
<tr>
<td></td>
<td>Hill Road, Mallala</td>
</tr>
<tr>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>Design Work in Progress</td>
</tr>
<tr>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>Project/Action</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Gameau Road, Two Wells Spoon Drain</td>
<td>Not Started</td>
</tr>
<tr>
<td>Relocation of Marshman Street, Mallala</td>
<td>In Progress</td>
</tr>
<tr>
<td>Seal Rehabilitation, Mallala</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>Undertake road maintenance / re-sheeting program</strong></td>
<td></td>
</tr>
<tr>
<td>Old Dublin Road - Turner Road to Frost Road</td>
<td>Completed</td>
</tr>
<tr>
<td>Marshman Road, Davies to Barabba</td>
<td>Completed</td>
</tr>
<tr>
<td>Barabba Road (Wasleys Road to Collins Road)</td>
<td>Completed</td>
</tr>
<tr>
<td>Day Road (Gregor Road to Humphrey Road)</td>
<td>Not Started</td>
</tr>
<tr>
<td>Gordon Road (Porter Road to Church Road)</td>
<td>Not Started</td>
</tr>
<tr>
<td>Windsor Road (Avon Road to Long Plains Road)</td>
<td>Completed</td>
</tr>
<tr>
<td>Old Dublin Road (Long Plains Rd to Port Wakefield Rd)</td>
<td>Completed</td>
</tr>
<tr>
<td>Franks Road (Hallion Road to Council Boundary)</td>
<td>Completed</td>
</tr>
<tr>
<td>Jenkin Road, Korunye (Pratt Road to Williams Road)</td>
<td>In Progress</td>
</tr>
<tr>
<td>Clonan Road (Angove Road to Apron Seal)</td>
<td>Completed</td>
</tr>
<tr>
<td>Conrad Road (Verner Road to Paddys Bridge Road)</td>
<td>Completed</td>
</tr>
<tr>
<td>Hill Road (Dublin Road to Old Dublin Road)</td>
<td>Completed</td>
</tr>
<tr>
<td>Pederick Road (Gawler Road to Sharpe Road)</td>
<td>Not Started</td>
</tr>
<tr>
<td><strong>Maintain bridges to ensure safety and functional access to the community</strong></td>
<td></td>
</tr>
<tr>
<td>Salt Creek Bridge, Two Wells</td>
<td>Completed</td>
</tr>
<tr>
<td>Guard railing has been renewed</td>
<td></td>
</tr>
<tr>
<td>Shoulder widening and sealing has been completed</td>
<td></td>
</tr>
<tr>
<td>Culverts have been installed and the path way has been upgraded</td>
<td></td>
</tr>
<tr>
<td><strong>Undertake footpath reconstruction / construction program</strong></td>
<td></td>
</tr>
<tr>
<td>Balaklava Road, Mallala</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>Undertake kerbing maintenance</strong></td>
<td></td>
</tr>
<tr>
<td>Replacement of damaged kerbing – Cameron Terrace and Balaklava Road Mallala.</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>Old Port Wakefield Rd - Pedestrian crossing</strong></td>
<td></td>
</tr>
<tr>
<td>Report on submissions lays on the table.</td>
<td></td>
</tr>
<tr>
<td><strong>Schlodder Shelter Dublin</strong></td>
<td></td>
</tr>
<tr>
<td>Replacement of the old shelter and installation of the community tiles is</td>
<td>Completed</td>
</tr>
<tr>
<td>completed.</td>
<td></td>
</tr>
<tr>
<td><strong>Lewiston Playground Upgrade</strong></td>
<td>On Going</td>
</tr>
<tr>
<td>Shelters, paving and BBQ completed. Landscaping to be completed. New shade</td>
<td></td>
</tr>
<tr>
<td>sail to be installed over the playground in March 2014</td>
<td></td>
</tr>
<tr>
<td><strong>Stormwater Pump Stations</strong></td>
<td></td>
</tr>
<tr>
<td>Annual pump Servicing completed in August 2014.</td>
<td>Completed</td>
</tr>
</tbody>
</table>
### Project/Action

**Mallala CWMS**

Civil works have been completed ready for commissioning by the consultant engineer. The treatment plant has been installed and commissioned by the consultant engineer. Residents connecting to the system are yet to be advised by the consultant HDS Australia on the behalf of Council.

---

### Engineering Services

#### Project/Action

<table>
<thead>
<tr>
<th>Manage and maintain Council’s flood control infrastructure</th>
<th>Barker Road Ford.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In Progress</strong></td>
<td>Location of services has been carried out. Site survey has occurred. Design process has been completed. Humes have won the tender to construct the precast Bridge Deck units. Tenders for the in situ concrete construction of piers abutments and wing walls close on 27 February 2015.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Develop, manage and maintain sustainable stormwater infrastructure</th>
<th>Gawler Road and Old Mallala Road stormwater and kerbing projects – Pump station is installed and operating. Kerbing work is in progress. Dublin township Stormwater Water Reuse Plan. Survey has been carried out by Gilbert Surveying.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Flood Safe Education 2014-15 Program</th>
<th>Council continues to support the Flood Safe Education support for the 2014-2015 approved budget of $5,000. Two Wells Christmas Party was attended by the SES and provided information to the community.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Operate and manage Council’s Quarry services</th>
<th>Quarry Security System: The system is operational and is being directly controlled and monitored by Chubb security.</th>
</tr>
</thead>
</table>

---

### Horticultural Services

#### Project/Action

<table>
<thead>
<tr>
<th>Maintain recreational and open spaces and associated public amenities</th>
<th>Two Wells Memorial:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Completed</strong></td>
<td>New turf and irrigation have been installed. Planting completed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maintain playgrounds to required safety standards</th>
<th>All Playgrounds:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Completed</strong></td>
<td>Annual Safety Audit to be conducted 2 December 2014.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Develop and implement Councils slashing program</th>
<th>All Areas:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Completed</strong></td>
<td>All slashing completed.</td>
</tr>
</tbody>
</table>
Maintain recreational and open spaces and associated public amenities

**Lewiston Playground:**
All turf has been installed. Plantings on hold until Autumn 2015, which is the optimal planting season.

---

**Waste Management**

**Project/Action**

**Waste education campaign – Zero Waste:** All literature handouts, calendars and stickers have been prepared, and now at the printers. Distribution to occur in August. An article on the program will appear in the August issue of the Echo.

**Revegetation work at Lime Rock Road land fill completed.**
Coleman Rd site – waste has been capped using clay from the Mallala CWMS project. Landscaping has been programmed

---

**Waste Collection**

Tonnage collected as part of the waste collection service. Note: waste figure is estimation based on collection driver data. Information from NAWMA not yet supplied. February Data not available.

**Waste Transfer – Mallala**

Tonnage of material serviced at the Malalla Resource Recovery Centre. Data not recorded for the month of July and January as no container exchange occurred.
Summary

The activity report is presented to provide an indication as to the progress of projects being undertaken within the Infrastructure Services department.

Waste Transfer – Two Wells

Tonnage of material serviced at the Two Wells Transfer Station.

Illegal Dumping

Number of work requests to collect dumped material and the approximate volume collected.

Illegal Dumping - Type

Breakdown of the type of material collected with each work request.

Summary

The activity report is presented to provide an indication as to the progress of projects being undertaken within the Infrastructure Services department.
| Corporate Objective: | 1.1.2  Provide public and environmental health services in accordance with relevant legislation  
1.5.3  Promotion and management of the Animal Management Plan within the community  
3.2.1  Administer Council’s Development Plan in accordance with State Planning strategies and Regional priorities  
3.2.2  Establish zoning and infrastructure plans in growth areas in accordance with the Greater Adelaide Plan  
3.2.3  Provide consistent and responsive development assessment and compliance processes |
| Purpose: | To inform on the progress of strategic projects, development assessment, compliance and regulatory service activities being undertaken by Council. |
| Recommendation 1: | “that Council, having considered Item 12.2.2 Planning Services Activity Report dated 10 March 2015, receive the report.” |
Background

This report details the activities of Planning Services department up to the month of February 2015.

Land Use Planning

<table>
<thead>
<tr>
<th>Project/Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadacre Farming Study</td>
<td>Planning Aspects Pty Ltd in association with other sub-consultants has been appointed to undertake the study that will commence in March, and seeking to have the final report prepared by June 2015.</td>
</tr>
<tr>
<td>Equestrian/Horse Industry Study</td>
<td>Urban and Regional Planning Solutions has been appointed to undertake the study. A project start up meeting had been held 19 February 2015.</td>
</tr>
</tbody>
</table>

Open Space Planning

<table>
<thead>
<tr>
<th>Project/Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space - Community Land Management Plan</td>
<td>Dates for the community engagement set for Wednesday 4 March and Sunday 15 March 2015. The workshops are an opportunity for Council to listen and scope issues associated with open space and community land within the district. Feedback from the workshops will assist the consultants in preparing a draft plan.</td>
</tr>
</tbody>
</table>

Environmental Management

<table>
<thead>
<tr>
<th>Project/Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Settlements Adaptation Study</td>
<td>Council Administration has prepared two grant applications for submission to both the Natural Disaster Resilience Fund and Mutual Liability Schemes Climate Adaptation Risk Fund. The funds aim to assist in elements of the study, namely to assist in infrastructure works at Parham, emergency management for Middle Beach, and the feasibility of having a seal level gauge placed within the gulf.</td>
</tr>
<tr>
<td>Two Wells Stormwater Management Plan</td>
<td>The Stormwater Management Authority and the Gawler River Flood Management Authority have provided feedback on the plan and have requested that some additional amendments/considerations be made to the plan. Once these amendments are made, the plan will be resubmitted to the SMA for approval.</td>
</tr>
</tbody>
</table>

Community Infrastructure

<table>
<thead>
<tr>
<th>Project/Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two Wells Town Centre Redevelopment</td>
<td>Joint Emergency Services Facility: Council Administration is still waiting a response from the Office of the Minister for Emergency Services to meet the Minister to discuss the proposed joint facility concept, and identify any potential funding.</td>
</tr>
<tr>
<td></td>
<td>Town Centre DPA: The consultant has submitted a draft of the DPA for review. Following feedback the consultant will finalise the consultation version of the</td>
</tr>
</tbody>
</table>
Development Plan Amendment, which will be present to the Strategic Planning and Development Policy Committee seeking approval to release the DPA for concurrent public and agency consultation.

Lewiston Community Study (Phase 2)  Property and Advisory have completed the Cost Benefit Analysis of the three Lewiston Community Focal Point Options. A report detailing the outcomes of the Cost Benefit Analysis will be presented to Council.

Coastal Access Strategy  Objectives of the strategy are: to promote and protect the coastal areas; to ensure sustainable and appropriate access to the coastal areas; and, to manage inappropriate activities in the coastal areas within the District Council of Mallala. Administration has undertaken a desk top assessment of Federal, State and Local Government strategies and plans to ensure the strategy addresses Council’s obligations with regard to the coastline and to minimise the likelihood of duplication.

Development Assessment

<table>
<thead>
<tr>
<th>Development Applications</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approvals</td>
<td>24</td>
<td>21</td>
<td>18</td>
<td>18</td>
<td>16</td>
<td>26</td>
<td>24</td>
<td>25</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refusals</td>
<td></td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Withdrawals</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lodgements</td>
<td>30</td>
<td>15</td>
<td>27</td>
<td>32</td>
<td>23</td>
<td>20</td>
<td>22</td>
<td>32</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comparison between lodgements, approvals/refusals and number of withdrawn applications.

<table>
<thead>
<tr>
<th>Active Files</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015 Files</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>17</td>
<td>39</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014 Files</td>
<td>78</td>
<td>72</td>
<td>92</td>
<td>96</td>
<td>162</td>
<td>99</td>
<td>89</td>
<td>85</td>
<td>64</td>
<td>65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013 Files</td>
<td>73</td>
<td>70</td>
<td>69</td>
<td>68</td>
<td>77</td>
<td>95</td>
<td>64</td>
<td>92</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre 2013</td>
<td>35</td>
<td>35</td>
<td>31</td>
<td>24</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The number of active files is represented by the cumulative number of lodgements minus withdrawals and approved/refused Development Applications for the month. Files are active as they are either being assessed or waiting information from the applicant or a referral body (i.e. EPA).
Comparison of DAP decisions with or against staff recommendations, or if a decision was deferred in order to seek further information or clarification from an applicant.

The total estimated construction value of applications approved each month. This may not represent the final value, as not all approvals proceed to construction.

Comparison of the number of Development Plan Consents issued by Council or a private certifier. Note: full development approval can only be issued by Council.
Comparison of the number of Building Rules Consent issued by Council or a private certifier. Note: full development approval can only be issued by Council.

Planning and Building Compliance

Number of building inspections (by class) undertaken each month.

Number of compliance matters undertaken each month.
Public Health and Food Administration

Project/Action

Regional Public Health Plan

The Steering Committee has sought to adopt a Terms of Reference that set out the purpose of overseeing the promotion, implementation and review of the Regional Public Health Plan prepared for the four partnering Councils, and expand the membership to ensure that knowledge and skills within the following disciplines are included:

- Public/Environmental Health
- Land use/planning
- Infrastructure/asset management
- Community/recreational development

A ‘soft’ launch of the Regional Public Health Plan is proposed in a lead up to a stakeholder workshop to start development of the ‘strategic partnerships’ that will be needed to help implement the plan.

<table>
<thead>
<tr>
<th>Licence Referral</th>
<th>Jul-Sep</th>
<th>Oct-Dec</th>
<th>Jan-Mar</th>
<th>Apr-Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Extensions</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transfers</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Number of applications (per category) referred to Council by the Liquor Licensing Commission for comment.

<table>
<thead>
<tr>
<th>Inspections</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food</td>
<td>9</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>7</td>
<td>11</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>17</td>
<td>16</td>
<td>8</td>
<td>21</td>
<td>18</td>
<td>18</td>
<td>17</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Number of food premise (i.e. sale of unsafe food) and health (i.e. septic) inspection conducted each month pursuant to the Food Act 2001 and the Public Health Act 2011 respectively.
Notice Issued

Number of notices issued pursuant to the *Food Act 2001* and the *Public Health Act 2011*.

Animal Management and Dog Control

Animal Management

Number of stray stock events (ie one or more animals) reported and attended each month.

Dog Management

Number of dog management issues dealt with each month.
### Summary

The activity report is presented to provide an indication as to the progress of projects being undertaken within the Planning Services department.
<table>
<thead>
<tr>
<th><strong>Corporate Objective:</strong></th>
<th>3.2.1 Administer Council’s Development Plan in accordance with State Planning strategies and Regional priorities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose:</strong></td>
<td>To inform on the progress of Development Plan Amendments being undertaken by Council</td>
</tr>
<tr>
<td><strong>Recommendation 1:</strong></td>
<td>“that Council, having considered 12.2.1 Development Plan Amendment Activity Report dated 10 March 2015 receive the report.”</td>
</tr>
</tbody>
</table>
Background

Planning Services is progressing a number of amendments to the Mallala Development Plan. This monthly report detailed the key stages in the DPA process and the status of each DPA being undertaken.

The DPA stages as detailed under the Development Act 1993 are presented in Attachment 1.

The Act allows for three processes:

- Process A - separate agency and public consultation
- Process B - concurrent agency and public consultation
- Process C - a shortened concurrent agency and public consultation.

Discussion

Council has currently two active DPAs, being:

- Gawler River and Light River Flood Prone Areas DPA
- Two Wells Town Centre DPA

Council endorsed the Statement of Intent for the Dublin Township DPA, which is subject to ministerial approval.

The status of these DPAs is detailed below.
<table>
<thead>
<tr>
<th>Process</th>
<th>Stage</th>
<th>Actions</th>
<th>Responsibility</th>
<th>Estimated Dates</th>
<th>Actual Dates</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>Statement of Intent</td>
<td>Draft SOI submitted to Minister</td>
<td>Council</td>
<td>April 2013</td>
<td>April 2013</td>
<td>Complete</td>
</tr>
<tr>
<td>B</td>
<td>Agreement reached on final version of SOI</td>
<td>Agreement reached on final version of SOI</td>
<td>Minister</td>
<td>May 2013</td>
<td>June 2013</td>
<td>Complete</td>
</tr>
<tr>
<td>B</td>
<td>Investigations and Consultation</td>
<td>Investigations conducted, DPA prepared and workshops with Elected Members</td>
<td>Council</td>
<td>Jan 2014</td>
<td>Preparation of the DPA is on hold</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Council endorsement</td>
<td>Council endorsement</td>
<td>Council</td>
<td>Feb 2014</td>
<td>Preparation of the DPA is on hold</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Concurrent Public and agency consultation conducted (at least 8 weeks)</td>
<td>Concurrent Public and agency consultation conducted (at least 8 weeks)</td>
<td>Council</td>
<td>Feb 2014-Mar 2014</td>
<td>Preparation of the DPA is on hold</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Public Meeting</td>
<td>Public Meeting</td>
<td>Council</td>
<td>Mar 2014</td>
<td>Preparation of the DPA is on hold</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Summary of Consultation and Proposed Amendments</td>
<td>Public Meeting and submissions summarised and DPA amended in accordance with Council’s assessment of submissions</td>
<td>Council</td>
<td>April 2014</td>
<td>Preparation of the DPA is on hold</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Summary of consultation and proposed amendments</td>
<td>Summary of consultation and proposed amendments</td>
<td>Council</td>
<td>April 2014</td>
<td>Preparation of the DPA is on hold</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>SCPA assessed and Approved</td>
<td>SCPA assessed and Approved</td>
<td>DPTI</td>
<td>May 2014</td>
<td>Preparation of the DPA is on hold</td>
<td></td>
</tr>
<tr>
<td>Event</td>
<td>Responsible Party</td>
<td>Date</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-------------------</td>
<td>---------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DPA prepared for Minister</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minister considers Approved DPA</td>
<td>Minister</td>
<td>June 2014</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Amendment gazetted</td>
<td>DPTI</td>
<td>July 2014</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Process</td>
<td>Stage</td>
<td>Actions</td>
<td>Responsibility</td>
<td>Estimated Dates</td>
<td>Actual Dates</td>
<td>Status</td>
</tr>
<tr>
<td>---------</td>
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<td>----------------</td>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td>Statement of Intent</td>
<td>Draft SOI submitted to Minister</td>
<td>Council</td>
<td>Feb 2014</td>
<td>5 Feb 2014</td>
<td>Complete</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agreement reached on final version of SOI</td>
<td>Minister</td>
<td>March 2014</td>
<td>13 June 2014</td>
<td>Complete</td>
<td></td>
</tr>
<tr>
<td>Investigations and Consultation</td>
<td>Investigations conducted, DPA prepared and workshops with Elected Members</td>
<td>Council</td>
<td>Jun 2014</td>
<td></td>
<td>A draft of the DPA has been issued to Council Administration for review. A report will be prepared for the Strategic Planning and Development Policy Committee to consider the draft DPA.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council endorsement</td>
<td>Council</td>
<td>July 2014</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Concurrent Public and agency consultation conducted (at least 8 weeks)</td>
<td>Council</td>
<td>Aug-Sep 2014</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Meeting</td>
<td>Council</td>
<td>Oct 2014</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Summary of Consultation and Proposed Amendments</td>
<td>Public Meeting and submissions summarised and DPA amended in accordance with Council’s assessment of submissions</td>
<td>Council</td>
<td>Dec 2014</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Event</td>
<td>Responsible Authority</td>
<td>Date</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>-------</td>
<td>----------------------</td>
<td>------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCPA assessed and Approved DPA prepared for Minister</td>
<td>DPTI</td>
<td>Jan 2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minister considers Approved DPA</td>
<td>Minister</td>
<td>Feb 2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Amendment gazetted</td>
<td>DPTI</td>
<td>Feb 2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Process</td>
<td>Stage</td>
<td>Actions</td>
<td>Responsibility</td>
<td>Estimated Dates</td>
<td>Actual Dates</td>
<td>Status</td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td>---------</td>
<td>----------------</td>
<td>----------------</td>
<td>-------------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agreement reached on final version of SOI</td>
<td>Minister</td>
<td>Oct 2014</td>
<td>20 Feb 2015</td>
<td>Letter from Minister for Planning advising his decision not to agree to the Statement of Intent. A report will be prepared for the Strategic Planning and Development Policy Committee.</td>
</tr>
<tr>
<td></td>
<td>Investigations and Consultation</td>
<td>Investigations conducted, DPA prepared and workshops with Elected Members</td>
<td>Council</td>
<td>March 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council endorsement</td>
<td>Council</td>
<td>April 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Concurrent Public and agency consultation conducted (at least 8 weeks)</td>
<td>Council</td>
<td>May-Jun 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public Meeting</td>
<td>Council</td>
<td>July 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Summary of Consultation and Proposed Amendments</td>
<td>Public Meeting and submissions summarised and DPA amended in accordance with Council’s assessment of submissions Summary of consultation and</td>
<td>Council</td>
<td>Sep 2015</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Summary

The DPA update is presented to provide an indication to the timeframes for each of the amendments being undertaken.
**Attachment 1**

<table>
<thead>
<tr>
<th>All council-initiated DPAs</th>
<th>Statement of Intent (SOI) agreed between the Council and Minister (including whether Process A, B or C will be followed)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Research/investigations conducted by/for Council regarding subject matter agreed in SOI</td>
</tr>
<tr>
<td></td>
<td>(The process then varies, depending on whether Process A, B or C is adopted)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Process A</th>
<th>Process B</th>
<th>Process C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Draft DPA document prepared for agency consultation (maximum of 6 weeks allowed for agency submissions)</strong></td>
<td><strong>DPA document prepared and Council CEO Certification issued</strong>&lt;br&gt;Submit DPA to Minister for approval to release for public consultation (this extra step will apply only in limited circumstances, as agreed in SOI or if new issues arise in investigations)</td>
<td><strong>DPA document prepared and Council CEO Certification issued</strong></td>
</tr>
<tr>
<td><strong>DPA finalised following agency consultation and Council CEO Certification Obtained</strong>&lt;br&gt;Submit DPA to Minister for approval to release for public consultation</td>
<td><strong>Conduct concurrent agency and public consultation (at least 8 weeks allowed for written submissions)</strong></td>
<td><strong>Conduct concurrent agency and public consultation (at least 4 weeks allowed for written submissions; direct notification of adjoining landowners)</strong></td>
</tr>
<tr>
<td><strong>Conduct public consultation (at least 8 weeks allowed for written submissions)</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>All council-initiated DPAs</th>
<th>Council conducts Public Consultation Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>After the Public Consultation Meeting</td>
</tr>
<tr>
<td></td>
<td>Council prepares a Summary of Consultations and Proposed Amendments Report (SCPA Report); Council CEO Certification is obtained; and the documentation is submitted to the Minister</td>
</tr>
<tr>
<td></td>
<td>Minister considers for approval</td>
</tr>
<tr>
<td></td>
<td>The DPA may be approved; altered and approved; refused; or divided into parts, with some approved and others refused or altered</td>
</tr>
<tr>
<td></td>
<td>Parliament’s ERDC Committee reviews the amendment process</td>
</tr>
</tbody>
</table>

* Interim operation – can be requested at any time but cannot come into effect before the DPA is placed on public exhibition
### Items:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.1</td>
<td>Gawler River Floodplain Management Authority – Amendment to Charter (CON12/314)</td>
</tr>
<tr>
<td>13.2</td>
<td>Section 41 Council Committee Terms of Reference Review (CON12/1199)</td>
</tr>
<tr>
<td>13.3</td>
<td>Strategic Planning and Development Policy Committee (CON14/35)</td>
</tr>
<tr>
<td>13.4</td>
<td>Local Emergency Risk Management Project Funding (CON12/593)</td>
</tr>
<tr>
<td>13.5</td>
<td>Dog Registration - Fee Schedule 2015-2016 (CON12/1204)</td>
</tr>
<tr>
<td>Corporate Objective:</td>
<td>Investigate and implement appropriate flood mitigation measures</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Purpose:</td>
<td>To provide members with information regarding proposed amendment to the appointment of the chairperson of the Gawler River Floodplain Management Authority.</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>“that the Council, having considered Item 13.1 Gawler River Floodplain Management Authority – Amendment to Charter dated 10 March 2015, accept the proposed amendments to the Board’s Charter in regards to the appointment of the chairperson.”</td>
</tr>
</tbody>
</table>
## Impact Summary

### Organisational and Governance

<table>
<thead>
<tr>
<th>Category</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>Nil</td>
</tr>
<tr>
<td>Legislation</td>
<td>Nil</td>
</tr>
<tr>
<td>Risk</td>
<td>Nil</td>
</tr>
<tr>
<td>Consultation</td>
<td>Nil</td>
</tr>
<tr>
<td>Asset Management Plans</td>
<td>Nil</td>
</tr>
<tr>
<td>Service Standards</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Background

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

The GRFMA has been established for the following purposes:

1. To co-ordinate the construction, operation and maintenance of flood mitigation infrastructure in the Gawler River area (the Floodplain)
2. To raise finance for the purpose of developing, managing and operating and maintaining flood mitigation works within the Floodplain
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 within the Floodplain
4. To enter into agreements with Constituent Councils for the purpose of managing and developing the Floodplain.

Discussion

The Charter provides that a representative of the Adelaide Mount Lofty Ranges Natural Resources Management Board (AMLRNRMB) is the Chairperson of the Board of Management of the GRFMA.

At the June 2014 meeting, the Gawler River Floodplain Management Authority’s Board resolved to change the method by which its chairperson is appointed and requested that the Executive Officer draft appropriate changes to the Charter for the Board’s consideration. The intent is to appoint an independent chairperson.

The initial amendments had been presented to the constituent councils for approval. There was unanimous acceptance of the changes, however, other minor variations to Section 5.2 were also recommended, and as such the report was withdrawn from the agenda.

At its meeting 18 February, the Board reconsidered the amendments to the charter to incorporate the additional change. These suggestions have been incorporated by the Authority’s legal advisors in a final draft document. These changes simplify and clarify the role of the Board, its Chairman and Board members.
Attachment 1 contains notification from the GRFMA seeking to change the method by which its chairperson is appointed. A version of the Charter outlining the amendments required to facilitate an independent chairperson is also attached.

Summary

That the Executive Officer of the Gawler River Floodplain Management Authority has forwards a revised Charter to Constituent Councils for their approval.
Attachment 1
to report 13.1
dated 10 March 2015

Gawler River Floodplain Management Authority – Amendment to Charter
3 March 2015

Mr. Peter Sellar
Acting Chief Executive Officer
District Council of Mallala
PO Box 18
MALLALA SA 5502

Dear Peter,

The Gawler River Floodplain Management Authority’s Board wishes to change the method by which its Chairperson is appointed.

To this end, we have had the Authority’s Charter altered by our legal advisers to represent the Board’s wishes that “One independent person who is not an officer, employee or elected member of a Constituent Council (be) appointed by absolute majority of the Constituent Councils as the Chairperson for a term of two years…” These changes simplify and clarify the role of the Board, its Chairman and Board members.

We ask for your Council’s approval of these proposed amendments to our Charter at your earliest convenience so we can proceed with the introduction of these changes.

As always, should you wish to discuss any aspects of this matter further, please do not hesitate contacting me.

Yours sincerely

Dean Gollan
EXECUTIVE OFFICER
Att: 1
1. **ESTABLISHMENT**

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

This Charter governs the affairs of the Authority.

2. **CONSTITUENT COUNCILS**

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

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

3. **PURPOSE**

3.1 The Authority has been established for the following purposes:

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

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

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

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

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

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

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

4. **THE BOARD—ROLE AND MEMBERSHIP**

4.1 The Authority will be governed by a Board.

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

4.3 The Board will comprise:

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

(a) environmental management;

(b) corporate financial management;
(c) general management;
(d) public sector governance.

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

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

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

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

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

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

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

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

5. TERM OF OFFICE—THE BOARD

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

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

5.2.1 any behaviour of the member which in the opinion of the Board amounts to impropriety;
5.2.2 serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;
5.2.3 breach of fiduciary duty to the Board;
5.2.4 breach of the duty of confidentiality to the Board or the Constituent Councils;
5.2.5 breach of the conflict of interest rules of the Board; or
5.2.6 any other behaviour which may discredit the Board.

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

5.3.1 any behaviour of the Chairperson which in the opinion of the Board amounts to impropriety;
5.3.2 serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;
5.3.3 breach of fiduciary duty to the Board;
5.3.4 breach of the duty of confidentiality to the Board or the Constituent Councils;
5.3.5 breach of the conflict of interest rules of the Board; or
5.3.6 any other behaviour which may discredit the Board.

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

6. PROCEEDINGS OF THE BOARD

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

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

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

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

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

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

8.2.8 the power to establish committees;

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

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

8.3 The Authority shall not act outside of the areas of the Constituent Councils without their prior approval that approval shall only be granted upon the basis that the Councils consider it necessary or expedient for the performance of their or the Authority’s functions.¹

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.
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.

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.

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

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

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

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.

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
13.2 Section 41 Council Committee Terms of Reference Review

Corporate Objective: 5.1 Effective governance, leadership and teamwork

Purpose: As a follow up to the resolution from the 23 February 2015 Meeting regarding the revised structure of the Council Section 41 Committees, Draft Terms of Reference are provided for members consideration.

Recommendation 1: “that the Council having considered Item 13.2 Section 41 Council Committee Terms of Reference Review dated 10 March 2015, adopt the Terms of Reference for the Environmental Management Advisory Committee.”

Recommendation 2: “that the Council having considered Item 13.2 Section 41 Council Committee Terms of Reference Review dated 10 March 2015, adopt the Terms of Reference for the Community Development Advisory Committee.”

Recommendation 3: “that the Council having considered Item 13.2 Section 41 Council Committee Terms of Reference Review dated 10 March 2015, adopt the Terms of Reference for the Economic and Infrastructure Advisory Committee.”

Recommendation 4: “that the Council having considered Item 13.2 Section 41 Council Committee Terms of Reference Review dated 10 March 2015, adopt the Terms of Reference for the Animal Management Advisory Committee.”

Recommendation 5: “that the Council having considered Item 13.2 Section 41 Council Committee Terms of Reference Review dated 10 March 2015, adopt the Terms of Reference for the Mallala and Districts Homes Committee.”
### Impact Summary

#### Organisational and Governance

<table>
<thead>
<tr>
<th>Category</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>Nil</td>
</tr>
<tr>
<td>Legislation</td>
<td>Council Committees are established according to Section 41 of the Local Government Act 1999</td>
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<tr>
<td>Risk</td>
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<tr>
<td>Consultation</td>
<td>Expressions of Interest for Community representation on the identified committees will be called for after Committees have been identified and Terms of Reference have been adopted</td>
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<td>Asset Management Plans</td>
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<tr>
<td>Service Standards</td>
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**Background**

At the 23 February 2015 Council meeting it was agreed after a review of Council’s Section 41 Committee Structure the following Committees will continue or be formed:

- Animal Management Plan Advisory Committee
- Audit Committee
- CEO Appraisal Committee
- Community Development Advisory Committee
- Economic and Infrastructure Advisory Committee
- Environmental Management Advisory Committee
- Mallala and Districts Homes Committee

**Discussion**

As per the report from the 23 February Meeting the CEO Appraisal Panel Terms of Reference (TOR) and Membership will be reviewed in collaboration with the newly appointed Chief Executive Officer, and the Audit Committee TOR to be reviewed at the upcoming March 2015 Audit Committee meeting.

The Terms of Reference’s for the Committees considered in this report have been included as attachments to this report with much of the content similar for all of the Committees. Where there have been considerable alterations recommended in the documents the proposed alterations have been tracked for members consideration.

As per the above this report now deals with the following Committees:

**Environmental Management Advisory Committee**

This committee is existing and continues as is, with only minor changes proposed to the TOR (Attachment 1). The membership of this committee is listed as seven (7) community members, one (1) Adelaide and Mount Lofty NRM representative and two (2) elected members. The meeting frequency is monthly with administrative resources provided by the General Manager Infrastructure and Planning Services.
Community Development Advisory Committee

This committee is existing and continues as is, with some minor changes proposed to the TOR (Attachment 2) which have been entered in as tracked changes. The membership of this committee is listed as seven (7) community members, one (1) RDA Barossa representative and two (2) elected members. The meeting frequency is bi-monthly with administrative resources provided by the General Manager Corporate and Community Services.

Economic and Infrastructure Advisory Committee

This committee is newly formed and combines the functions of the Economic Development Advisory Committee and the Facilities and Infrastructure Advisory Committee. The newly created TOR (Attachment 3) is attached. The membership of this committee is proposed as seven (7) community members, one (1) RDA Barossa representative and two (2) elected members. An RDA representative is listed to continue as member of the committee given they were represented on the Economic Development Advisory Committee.

The meeting frequency is monthly with administrative resources listed to be provided by the office of the Chief Executive Officer. The previous CEO did administer the Economic Development Advisory Committee and given the tasks that this committee may be advising on the CEO was deemed as the appropriate member of staff to administer this committee.

Animal Management Advisory Committee

This committee is existing and continues as is, with only minor changes proposed to the TOR (Attachment 4). The membership of this committee is listed as:
- Two (2) Elected Council members
- One (1) veterinarian who operates within the Council area
- One (1) Greyhound breeder/trainer that is professionally recognised (i.e. SA Greyhound Association membership)
- One (1) dog breeder that is professionally recognised (i.e. SACA Membership)
- Two (2) independent owners of other animals, e.g., cats, dogs, horses, goats, etc
- One (1) farming property owner who deals with the farming of animals e.g. sheep, cows, pigs etc.

The meeting frequency is listed as quarterly with administrative resources provided by the General Manager Infrastructure and Planning Services.

Mallala and Districts Homes Committee

This committee is existing and continues as is, with some minor changes proposed to the TOR (Attachment 5) which have been entered in as tracked changes. The membership of this committee is listed as three (3) community members, one (1) Junction Australia representative and two (2) elected members. The meeting frequency is quarterly with administrative resources provided by the General Manager Corporate and Community Services.

With all of the above Committees the Council Elected Member Membership will need to be reviewed as the appointments were only made to 30 April 2015. A report is expected to be presented at a meeting prior to this date.

A further query that was raised at the last meeting is that of Council staff being voting members on Council Committees. Currently this occurs with the staff concerned living in the community and looking to make a contribution to the committees. However, there can be occasions where it may be difficult to differentiate between duties and responsibilities of being a member of staff and a member of the community.

The decision is for Council and if this practice was to be discontinued there should be a statement in each of the Terms of Reference’s.

Summary

The report outlines the draft TOR for Section 41 Committees to be adopted. When this has been confirmed expressions of interest can be called to fill the vacancies. The new membership of the committees is proposed to commence as at 1 May 2015.
Attachment 1
to report 13.2
dated 10 March 2015

Section 41 Council Committee Terms of Reference Review
1. Establishment

Pursuant to Section 41 of the Local Government Act 1999 ("the Act") the Council establishes a Committee to be known as the Environmental Management Advisory Committee (Committee) for the purpose of enquiring into and reporting to Council in respect of those matters conferred upon it and as set out in these Terms of Reference.

2. Purpose

The purpose of the Environmental Management Advisory Committee will be to:

- provide advice and associated reports to Council detailing considerations in delivering on the Strategic Focus Area; Natural and Built Environment and its associated outcomes and strategies within a four (4) year rolling Business Plan;
- report half yearly on the progress of approved plans;
- conduct an annual review of Council’s performance in provision of Environmental initiatives and identify potential projects for input into Council’s Budget and Long Term Financial Plan;
- make recommendations to Council on matters pertaining to the management and protection of the coastal environment and community interests;
- make recommendations to Council on matters pertaining to the management and protection of the biodiversity and remnant vegetation;
- promote and support natural resource management initiatives at the local level;
- administer functions approved by Council to be administered by the Committee.

3. Specific Functions

Provide Council with advice on the delivery of its Strategic Focus Area; Natural and Built Environment through:

- Promote, support and assist in the involvement of residents in natural resource management initiatives at the local level;
- By promoting and developing links between Council and its community;
- Development of plans and initiatives for sustainable coastal land use and conservation of ecosystems;
- Promotion of recycling, reuse and minimisation of waste materials to the community and industry;
• Promoting ecologically sustainable use of the coastal and land based environments and the amenity and accessibility of open spaces;
• Promoting the provision of safe and convenient access to the Districts natural assets; and
• Investigate climate change impacts at the local level in partnership with the community, government and the private sector.

4. Membership
4.1 Members of the Committee are appointed by the Council. The size of the Committee shall be:
   - Seven (7) Community Members;
   - One (1) Adelaide and Mount Lofty NRM representative; and
   - Two Elected Members of the District Council of Mallala.
4.2 Appointment to the Committee shall be for the term of the Council or as amended by Council.
4.3 In selecting the community members, Council will take into account geographical location of the candidates (to ensure a fair representation of the community), and their skills and experience relevant to the required functions of the Committee.
4.4 The Council shall appoint the Presiding Member of the Committee for a twelve (12) month term.
4.5 The Committee shall appoint the Deputy Presiding Member of the Committee for a twelve (12) month term.

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

6. Quorum
The quorum necessary for the transaction of business shall be six (6) members of the Committee. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

7. Voting
7.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.
7.2 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.
8.1 The Committee shall meet monthly, unless amended by Council.

8.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the Act.

8.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than three (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.

8.4 The General Manager Infrastructure and Planning Services shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Local Government (Procedure at Meetings) Regulations 2000.

8.5 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and to all members of the Council and will (as appropriate) be available to the public.

9. Reporting to Council

9.1 Pursuant to Section 41(8) of the Local Government Act 1999 the Committee is responsible to and reports to Council.

9.2 The Committee shall make whatever recommendations to Council it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

10. Delegations

Nil.

11. Meeting Procedures

Procedures at meetings will be in accordance with Council’s Code of Practice – Meeting Procedures and the requirements of the Local Government (Procedures at Meetings) Regulations 2000.

12. Administrative Resources

The General Manager Infrastructure and Planning Services shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

12.1 The Committee shall:

12.1.1 have access to reasonable resources in order to carry out its duties; subject to any budget allocation approved by Council;

12.1.2 be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members;

12.1.3 give due consideration to laws and regulations of the Act;
12.1.4 at least once a year, review its own performance and Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.
1. Introduction

Pursuant to Section 41 of the Local Government Act 1999 ("the Act") the Council maintains a Committee to be known as the Community Development and Advisory Committee (Committee) for the purpose of enquiring into and reporting to Council in respect of those matters conferred upon it and as set out in these Terms of Reference.

2. Purpose

The purpose of the Community Development & Advisory Committee will be to:

- Provide advice to Council on projects and initiatives that it should consider in delivering on the Strategic Focus Area; Community Development and its associated outcomes and strategies within a 4 year rolling Business Plan;
- Report half yearly on progress of approved plans;
- Conduct an annual review of Council’s performance in Community Development and identify potential projects for input into Council’s Budget, and Long Term Financial Plan process; and
- Administer functions approved by Council to be administered by the Committee.

3. Specific Functions

- Provide Council with advice on the delivery of its Strategic Focus Area; Community Development through:
  - Increased engagement and participation of volunteers, community groups and organisations within the community;
  - Advocate and promote programs, initiatives, services and facilities that enhance the well-being of the community; and
  - Promoting and developing links between Council and its community.
- Promoting and administering the Bi-Annual Business and Information Directory to all households in the District;
• Administer the Community Partnerships Fund for community based development initiatives in line with Council approved procedures; and
• Promote and sustain a Community Bus Service for the District.

4. Membership

4.1 Members of the Committee are appointed by the Council. The Committee shall consist of:
• Seven (7) Community Members;
• Two (2) Council Members; and
• One (1) Regional Development Australia (RDA) Barossa Representative.

4.2 Appointment to the Committee shall be for the term of the Council or as amended by Council.

4.3 In selecting the community members, Council will take into account geographical location of the candidates (to ensure a fair representation of the community), and their skills and experience relevant to the required functions of the Committee.

4.4 The Council shall appoint the Presiding Member of the Committee for a twelve (12) month period.

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

5. Chairperson

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

6. Quorum

The quorum necessary for the transaction of business shall be six (6) members 50% plus one of the members of the Committee. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

7. Voting

7.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.

7.2 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.
8. Meeting Frequency

8.1 The Committee shall meet bi-monthly, unless amended by Council.

8.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the Act.

8.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than three (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.

8.4 The General Manager Corporate & Community Services shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Local Government (Procedure at Meetings) Regulations 2000.

8.5 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and to all members of the Council and will (as appropriate) be available to the public.

9. Reporting to Council

9.1 Pursuant to Section 41(8) of the Act the Committee is responsible to and reports to Council through the Strategic Community & Governance Committee.

9.2 The Committee shall make whatever recommendations to the Strategic Community & Governance Committee it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

10. Delegations

In exercise of the powers contained in Section 44 of the Local Government Act 1999 the following powers and functions vested in or conferred in the Council under the Act are hereby delegated to the Committee as provided for in Attachment ‘A’. Such delegations are to be reviewed on an annual basis.

11. Meeting Procedures

Procedures at meetings will be in accordance with Council’s Code of Practice – Meeting Procedures and the requirements of the Local Government (Procedures at Meetings) Regulations 2000.
12. Administrative Resources

The General Manager Corporate & Community Services shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

12.1 The Committee shall:

12.1.1 have access to reasonable resources in order to carry out its duties; subject to any budget allocation approved by Council;

12.1.2 be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members;

12.1.3 give due consideration to laws and regulations of the Act;

12.1.4 at least once a year, review its own performance and Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

Attachment ‘A’

DELEGATIONS

1. The power pursuant to Section 137 of the Local Government Act 1999 to expend Council’s approved funds budgeted and allocated for the Community Development and Advisory Committee specifically for the Community Partnership Grant Funding Programme, Community Bus Program and Local Directory development, subject to the Local Government Act 1999, any other relevant Act and Council’s policies, practices and procedures in the exercise, performance or discharge of the functions or duties shown in the attached Terms of Reference (Community Development & Advisory Committee).
Attachment 3
to report 13.2
dated 10 March 2015

Section 41 Council Committee Terms of Reference Review
1. Establishment

Pursuant to Section 41 of the Local Government Act 1999 ("the Act") the Council establishes a Committee to be known as the Economic and Infrastructure Advisory Committee (Committee) for the purpose of enquiring into and reporting to Council in respect of those matters conferred upon it and as set out in these Terms of Reference.

2. Purpose

The purpose of the Economic and Infrastructure Advisory Committee will be to:

- advise Council of actions that it should consider in delivering on the Strategic Focus Area; Economic Development and Built Environment and the associated outcomes and strategies within a 4 year rolling Business Plan
- report half yearly on progress of approved plans
- conduct an annual review of Council’s performance in provision of Economic Development and Infrastructure initiatives and identify potential projects for input into Council’s Budget, and Long Term Financial Plan process.
- Administer functions approved by Council to be administered by the Committee.

3. Specific Functions

Provide Council with advice on the delivery of its Strategic Focus Area; Economic Development and Built Environment through:

- Marketing and promoting the District and its potential to the business and investment communities
- Work in partnership with traders and business organisations to develop and promote business activity and employment opportunities
- Investigate and pursue appropriate business support initiatives and incentives
- Engaging with facility users and the community on current and future needs
- Identifying projects and initiatives that will assist in enhancing facility and infrastructure provision across the District
- Liaising and assisting Council Officers with grant funding opportunities and requirements; and
- Advise Council on amenity and infrastructure requirements.
4. Membership

4.1 Members of the Committee are appointed by the Council. The Committee shall consist of

- Seven (7) District Business or Community Members
- One (1) RDA Barossa Representative
- Two Elected Members of the District Council of Mallala.

4.2 Appointment to the Committee shall be for the term of the Council or as amended by Council.

4.3 In selecting the community members, Council will take into account geographical location of the candidates (to ensure a fair representation of the community), and their skills and experience relevant to the required functions of the Committee.

4.4 The Council shall appoint the Presiding Member of the Committee for a 12 month period.

4.5 The Committee shall appoint the Deputy Presiding Member of the Committee for a 12 month term.

5. Chairperson

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

6. Quorum

The quorum necessary for the transaction of business shall be six (6) members of the Committee. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

7. Voting

7.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.

7.2 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.

8. Meeting Frequency

8.1 The Committee shall meet monthly, unless amended by Council.

8.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the Act.

8.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than three (3) clear days before the date of the
meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.

8.4 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the *Local Government (Procedure at Meetings) Regulations 2000*.

8.5 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and to all members of the Council and will (as appropriate) be available to the public.

9. **Reporting to Council**

9.1 Pursuant to Section 41(8) of the *Local Government Act 1999* the Council has resolved that this Committee is responsible to and reports to Council.

9.2 The Committee shall make whatever recommendations to Council it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

10. **Delegations**

10.1 Nil.

11. **Meeting Procedures**

Procedures at meetings will be in accordance with Council’s Code of Practice – Meeting Procedures and the requirements of the Local Government (Procedures at Meetings) Regulations 2000.

12. **Administrational Support**

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

12.1 The Committee shall:

12.1.1 have access to reasonable resources in order to carry out its duties; subject to any budget allocation approved by Council;

12.1.2 be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members;

12.1.3 give due consideration to laws and regulations of the Act;

12.1.4 at least once a year, review its own performance and Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.
Attachment 4
to report 13.2
dated 10 March 2015

Section 41 Council Committee Terms of Reference Review
1. **Establishment**

Pursuant to Section 41 of the *Local Government Act 1999* ("the Act") the Council establishes a Committee to be known as the Animal Management Advisory Committee (Committee) for the purpose of enquiring into and reporting to Council in respect of those matters conferred upon it and as set out in these Terms of Reference.

The Council is required to develop a Management Plan under section 26A of the *Dog and Cat Management Act 1995*. The aim of the five year document is to allow a planned approach to responsibilities under the *Dog and Cat Management Act 1995*, and provide a guide for domestic animal management within our community.

2. **Purpose**

The purpose of the Animal Management Advisory Committee will be to:

- advise Council on the steps that may be taken to facilitate relevant staff members’ understanding of and compliance with the *Dog and Cat Management Act 1995* and *Regulations 2010*;
- report quarterly on progress of the Animal Management Plan;
- consider actions by the Council in administering the *Dog and Cat Management Act 1995* to effectively balance the needs of pet owners and non-pet owners within the community;
- inspire the community to promote, voluntary positive changes in human behaviour regarding the ownership of animals;
- identify gaps existing in current planning mechanisms that affect animal ownership;
- promote of an understanding within the community that animals can contribute to quality of life, and to integrate this with the need to minimise impacts on the environment and native wildlife;
- guide for domestic animal management within our community;
- determine ways in which responsible pet ownership may be promoted within the community;
- determine the manner in which the management of domestic animals impacts the community;
• determine the reasonableness of fees set by the Council under the *Dog and Cat Management Act 1995*;
• determine the appropriate expenditure of fees paid to the Council under the *Dog and Cat Management Act 1995*; and
• determine the effective management of dogs and cats within the community.

3. **Membership**

3.1 Members of the Committee are appointed by the Council. The Committee shall consist of

- Two (2) Elected Council members
- One (1) veterinarian who operates within the Council area
- One (1) Greyhound breeder/trainer that is professionally recognised (i.e. SA Greyhound Association membership)
- One (1) dog breeder that is professionally recognised (i.e. SACA Membership)
- Two (2) independent owners of other animals, e.g., cats, dogs, horses, goats, etc.
- One (1) farming property owner who deals with the farming of animals e.g. sheep, cows, pigs etc.

3.2 Appointment to the Committee shall be for the term of the Council or as amended by Council.

3.3 In selecting the community members, Council will take into account geographical location of the candidates (to ensure a fair representation of the community), and their skills and experience relevant to the required functions of the Committee.

3.4 The Council shall appoint the Presiding Member of the Committee for a 12 month period.

3.5 The Committee shall appoint the Deputy Presiding Member of the Committee for a 12 month term.

4. **Chairperson**

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

5. **Quorum**

The quorum necessary for the transaction of business shall be six (6) members of the Committee. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

6. **Voting**

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

7. **Meeting Frequency**

7.1 The Committee shall meet quarterly, unless amended by Council.

7.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the Act.

7.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than three (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.

7.4 The General Manager Infrastructure and Planning Services shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the *Local Government (Procedure at Meetings) Regulations 2000*.

7.5 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and to all members of the Council and will (as appropriate) be available to the public.

8. **Reporting to Council**

8.1 Pursuant to section 41(8) of the *Local Government Act 1999* the Committee is responsible to and reports direct to Council.

8.2 The Committee shall make whatever recommendations to Council it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

9. **Delegations**

   Nil

10. **Meeting Procedures**

    Procedures at meetings will be in accordance with Council’s Code of Practice – Meeting Procedures and the requirements of the *Local Government (Procedures at Meetings) Regulations 2000*.

11. **Administrational Support**

    The General Manager Infrastructure and Planning Services shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

11.1 The Committee shall:
11.1.1 have access to reasonable resources in order to carry out its duties; subject to any budget allocation approved by Council;

11.1.2 be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members;

11.1.3 give due consideration to laws and regulations of the Act.
Attachment 5
to report 13.2
dated 10 March 2015

Section 41 Council Committee Terms of Reference Review
1. **Establishment**

Pursuant to *Section 41* of the *Local Government Act 1999* (“the Act”) the Council establishes a Committee to be known as the Mallala and Districts Homes Committee (Committee) for the purpose of enquiring into and reporting to Council in respect of those matters conferred upon it and as set out in these Terms of Reference.

2. **Purpose**

The purpose of the Committee is to make recommendations to Council on accommodation needs for the community in the District Council of Mallala.

3. **Specific Functions**

The role of the Committee is in accordance with these Terms of Reference and pursuant to any delegations made to it by Council to:

- Oversee Council’s Community Housing arrangements;
- Investigate funding opportunities for Community initiatives in line with National, State, Regional and Local level economic development strategies;
- Identify and target future social housing needs within the District;
- Apply for funding from appropriate agencies and / or government bodies and receive, assess and determine such applications;
- Ensure accountability of community expenditure;
- Advise Council on future budget requirements for the Committee; and

4. **Membership**

4.1 Membership of the Committee shall consist of six (6) members appointed by Council, comprising:

- Two (2) Elected Members of the District Council of Mallala;
- Three (3) representatives of the Community; and
- One (1) Member of the Barossa & Districts Housing Association (BDHA) Junction Australia.

4.2 Membership will lapse if a member is absent for three (3) consecutive meetings.
4.3 Where a vacancy occurs the Committee may call for nominations to fill the vacancy and the nomination is ratified by Council.

5. Chairperson

5.1 The Chairperson of the Committee will be appointed by the Committee; to be reviewed annually.

5.2 Where the Chairperson is absent from a meeting the Committee Members may appoint a person from those present to act as the Chairperson for the duration of the meeting.

6. Quorum

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

7. Voting

7.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.

7.2 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.

8. Meeting Frequency

8.1 The Committee shall meet at least once every three (3) months, or more frequently if deemed necessary by the Committee.

8.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the Act.

8.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee, no later than three (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee Members (and to other attendees as appropriate) at the same time.

8.4 The General Manager Corporate & Community Services shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Local Government (Procedure at Meetings) Regulations 2000.
8.5 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and to all members of the Council and will (as appropriate) be available to the public.

9. Reporting to Council

9.1 Pursuant to Section 41(8) of the Act the Committee is responsible to and reports direct to Council.

9.2 The Committee shall inform Council of its activities on a regular basis. This is by way of reports and recommendations documented as minutes of the Committee.

9.3 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

9.4 Council may require additional reporting requirements from time to time.

10. Delegations

In exercise of the powers contained in Section 44 of the Act the following powers and functions vested in or conferred in the Council under the Act are hereby delegated to the Committee (Attachment A). Such delegations are to be reviewed on an annual basis.

Nil

11. Meeting Procedures

Procedures at meetings will be in accordance with Council’s Code of Practice – Meeting Procedures and the requirements of the Local Government (Procedures at Meetings) Regulations 2000.

12 Administrative Resources

The General Manager Corporate & Community Services shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

12.1 The Committee shall:

12.1.1 have access to reasonable resources in order to carry out its duties; subject to any budget allocation approved by Council;

12.1.2 be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members;

12.1.3 give due consideration to laws and regulations of the Act;
12.1.4 at least once every two (2) years, review its own performance and Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

Attachment A

Delegations
The power pursuant to Section 137 of the Local Government Act 1999 to expend Council’s approved funds budgeted and allocated for the Mallala and Districts Homes Committee, subject to the Act, any other relevant Act and Council’s policies, practices and procedures in the exercise, performance or discharge of the functions or duties shown in the preceding Terms of Reference.
# Strategic Planning and Development Policy Committee

**Corporate Objective:**

3.2.1 Administer Council’s Development Plan in accordance with State Planning strategies and Regional priorities

3.2.2 Establish zoning and infrastructure plans in growth areas in accordance with the Greater Adelaide Plan

3.2.5 Implement affordable housing policies set out in the Planning Strategy

**Purpose:**

To seek Council endorsement as to the operations of the Strategic Planning and Development Policy Committee.

**Recommendation 1:**

“That Council, having considered Item 13.3 Strategic Planning and Development Policy Committee dated 10 March 2015, endorse the Terms of Reference for the Strategic Planning and Development Policy Committee”.

**Recommendation 2:**

“That Council, having considered Item 13.3 Strategic Planning and Development Policy Committee dated 10 March 2015, appoint Cr ............... as the Deputy Presiding Member for the Strategic Planning and Development Policy Committee”.

**Recommendation 3:**

“That Council, having considered Item 13.3 Strategic Planning and Development Policy Committee dated 10 March 2015, endorse that the meetings of the Strategic Planning and Development Policy Committee be held on the third Monday of the month (as required) commencing at 7.00 pm in the Mallala Council Chambers”. 
### Impact Summary

#### Organisational and Governance

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<tr>
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</thead>
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<tr>
<td>Financial</td>
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<tr>
<td>Legislation</td>
<td>The committee is established pursuant to Section 101A of the <em>Development Act 1993</em>.</td>
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<td>Consultation</td>
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Background

The Strategic Planning and Development Policy (SPDP) Committee is a prescribed committee pursuant to Section 101A of the Development Act 1993.

The functions of the committee are:

a) to provide advice to the council in relation to the extent to which the council's strategic planning and development policies accord with the Planning Strategy; and

b) to assist the council in undertaking strategic planning and monitoring directed at achieving—

   (i) orderly and efficient development within the area of the council; and
   (ii) high levels of integration of transport and land-use planning; and
   (iii) relevant targets set out in the Planning Strategy within the area of the council; and
   (iiia) the implementation of affordable housing policies set out in the Planning Strategy within the area of the council; and
   (iv) other outcomes of a prescribed kind (if any); and

c) to provide advice to the council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing—

   (i) a Strategic Directions Report; or
   (ii) a Development Plan Amendment proposal; and

d) other functions (other than functions relating to development assessment or compliance) assigned to the committee by the council.

Discussion

At its meeting of 23 February 2015, Council was briefed on the review of the S41 Committees. As part of the briefing, Council Members were presented with options associated with the membership, frequency of meetings and method of meetings, as discussed below.

Membership

• Council members
• Independent members

At present, the full Council sits as the SPDP Committee. At the briefing, the option of having independent/community members as per the other S41 Committees was
presented. Some councils have opted for the membership of the Council Development Assessment Panel to sit as the SPDP Committee.

It is proposed that the full Council is retained.

**Frequency**

- As required
- Bi-monthly

At present, the SPDP Committee has met on an as needed basis, with two meeting being held since August 2014. While the number of planning related matters (i.e. DPAs) that the Committee is required to consider may increase over time, it is proposed that the current ‘as needed’ approach be maintained.

**Method**

- Before/After Council Meeting
- Within Council Meeting
- Separate night

To date, the SPDP Committee has utilised two of the options. One meeting was held within a Council meeting and the other after the meeting.

Given the uncertainty of the size and nature of an agenda, it is proposed that the SPDP Committee meet on a separate night. To keep consistency in meeting schedules, it is recommended that the SPDP Committee meet on the third Monday of the month (as required), sitting between the two Council meetings.

**Terms of Reference**

A revised Terms of Reference for the SPDP Committee is provided in **Attachment 1**. Council will need to adopt the Terms of Reference and appoint a Deputy Presiding Member.

**Summary**

Council is required to establish a Strategic Planning and Development Policy Committee pursuant to Section 101A of the *Development Act 1993*. A review of the S41 Committee has been undertaken and it is proposed that meetings of the Strategic Planning and Development Policy Committee be held on the third Monday of the month (as required).
Attachment 1
to report 13.3
dated 10 March 2015

Strategic Planning and Development Policy Committee
1. **Establishment**  
Pursuant to Section 101A of the Development Act 1993 ("the Act") the Council establishes a Committee to be known as the Strategic Planning and Development Policy Committee (**Committee**) for the purpose of enquiring into and reporting to Council in respect of those matters conferred upon it and as set out in these Terms of Reference.

Section 101A(3) of the Development Act 1993 states that the Local Government Act 1999 will apply in relation to a committee established under this section as if it were a committee established under that Act.

2. **Purpose**  
The purpose of the Committee is to undertake responsibilities detailed in section 101A of the Development Act 1993.

3. **Functions**  
The function of the Committee will be to:

a) to provide advice to the council in relation to the extent to which the council's strategic planning and development policies accord with the Planning Strategy; and

b) to assist the council in undertaking strategic planning and monitoring directed at achieving—

   (i) orderly and efficient development within the area of the council; and
   (ii) high levels of integration of transport and land-use planning; and
   (iii) relevant targets set out in the Planning Strategy within the area of the council; and
   (iv) the implementation of affordable housing policies set out in the Planning Strategy within the area of the council; and
   (v) other outcomes of a prescribed kind (if any); and

   c) to provide advice to the council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing—
(i) a Strategic Directions Report; or
(ii) a Development Plan Amendment proposal; and

4. Membership
4.1 All members of the Council are deemed to be members of the Committee.

4.2 The Presiding Member of the Committee will be the Mayor.

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

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

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

7. Voting
7.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.

7.2 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.

8. Meeting Frequency
8.1 The Committee will meet on an as-needs basis, unless amended by Council.

8.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the Act.

8.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than three (3) clear days before the date of
the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.

8.4 The General Manager Infrastructure and Planning Services shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Local Government (Procedure at Meetings) Regulations 2000.

8.5 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and to all members of the Council and will (as appropriate) be available to the public.

9. Reporting to Council

9.1 The Committee is a standing committee of Council and makes recommendations to the Full Council pursuant to Section 41 of the Local Government Act 1999.

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

10. Delegations

Nil.

11. Meeting Procedures

Procedures at meetings will be in accordance with Council’s Code of Practice – Meeting Procedures and the requirements of the Local Government (Procedures at Meetings) Regulations 2000.

12. Administrative Resources

The General Manager Infrastructure and Planning Services shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.
<table>
<thead>
<tr>
<th><strong>13.4 Local Emergency Risk Management Project Funding</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Container No:</strong> CON 12/593</td>
</tr>
<tr>
<td><strong>Document No:</strong> D15/4120</td>
</tr>
<tr>
<td><strong>Report Date:</strong> 10 March 2015</td>
</tr>
<tr>
<td><strong>Prepared by:</strong> Acting Chief Executive Officer</td>
</tr>
<tr>
<td><strong>Corporate Objective:</strong> 5.1 Effective governance, leadership and teamwork</td>
</tr>
</tbody>
</table>

**Purpose:** The Barossa Council, on behalf of Gawler, Mallala and Light Council’s applied for funding through the National Disaster Resilience Program (NDRP) to achieve the next phase of the project which was matched with in-kind support from Councils.

**Recommendation 1:** “that the Council having considered Item 13.4 Local Emergency Risk Management Project Funding endorse the Local Emergency Risk Management Project and agree to allocate $15,000 of funding over a two year period to implement the regional project.”
## Impact Summary

### Organisational and Governance

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>Total of $15,000 allocated over the financial years of 2014/2015 and 2015/2016</td>
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<tr>
<td>Risk</td>
<td>The project is to mitigate and better control risks</td>
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<tr>
<td>Consultation</td>
<td>Any required community consultation will be implemented as part of the project</td>
</tr>
<tr>
<td>Asset Management Plans</td>
<td>Nil</td>
</tr>
<tr>
<td>Service Standards</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Background

The management, preparation and recovery from emergency events is an ever present role for all tiers of government and community. For near on four years the State has been completing the Zone Emergency Management Risk Management System Project, which for the Barossa region will be completed and hopefully signed off by mid to late 2015. The next phase of work that can position the region for potential changes to disaster funding as outlined by the Productivity Commission, but equally important to take the years of regional analysis to local community action a project was developed, called Local Emergency Risk Management Project, and funding sought through the Natural Disaster Resilience Program (NDRP). The project scope is attached providing a detailed understanding of the targeted goals.

Discussion

The Barossa Council, on behalf of Gawler, Mallala and Light Council’s applied for funding through the NDRP to achieve the project and was matched with in-kind support from Councils. Whilst the application was successful and the Barossa Council was informed of its success from the NDRP in September 2014, letter attached, the achievement for cash funding was some $90,000 short. The shortfall amounted to the NDRP cash contribution being $35,000 less than hoped and a corresponding application to the Local Government Research and Development Fund for $55,000 was not supported, with an instruction to approach Council’s insurer for support. During the period of being successful and achieving a grant to deliver the project of $183,884 from NDRP there have been attempts to negotiate a funding contribution from alternative sources to no avail. As such there has been a revision of some of the project work, to reduce the cash shortfall which still sits at $60,000 over two years to achieve the targeted outcomes.

In trying to negotiate a third party source of funding, Local Government Risk Services informed the Council’s that they could not support the project directly but that Council’s should consider utilising the bonus payment provided in late 2014. This payment was in excess of the amounts budgeted due mainly to the schemes continued strong performance and the management of risk faced by Council.

The total payments to Council from Local Government Risk Services are split into the areas of Asset Mutual, Workers Compensation and Mutual Liability. For this financial year the allocation to the District Council of Mallala is in excess of $30,000 above what was budgeted. The allocation from the scheme generally is allocated to fund work health and safety programs and risk services throughout the organisation. If funds were to be supported to be allocated to this project it would certainly fit into
the categories as previously supported. Periodically the Scheme is provided with a broad outline of projects and programs where the bonus funds have been attributed. Ultimately the project has reached a point of either supporting it through a cash contribution of $15,000 from each Council over two years, try for a future NDRP and Local Government Research and Development Scheme grant at a future time or abandon the project. It is clear that with the reduction in resources for the Zone Emergency Risk Management Project being scaled back (with now only 3 officers supporting the whole state, whereas previous there were 6 officers on-ground and 2 further officers working with state level hazard leaders) any scope to do this work within the Zone Emergency Management Committee framework would be minimal.

In regard to each of the Chief Executive Officers of the members Council’s position on this project they are willing, to recommend to support the cost of $15,000 per Council, subject to Council approval. With this in mind, this report seeks Council’s review of the project and funding support. A similar report will be tabled to the other Council’s in the partnership seeking their support also, if all four parties support the project it will proceed.

This project aims to focus resources and effort in the preparedness, community resilience and mitigation efforts of local communities when disaster events occur. It is generally accepted in the emergency management field that investment in mitigation, resilience and preparedness is a more efficient and effective investment that post event recovery.

**Summary**

The project will facilitate planning and mitigation strategies at a community level, building on the significant investment that has been made in assessing risk at a state and regional level. A series of risk reports and community mitigation plans for individual councils that are critical to further to further planning a local government level will also be developed.

If this project is supported funds will be allocated from the surplus of the income as received by LG Risk Services and reported on at a future budget review.

**Attachments (Attachment 1)** to this report are listed for member’s convenience:
- Project Plan Local Emergency Risk Management Project and selection criteria
- Letter of support of project from Alex Zimmermann (Coordinator) of the Barossa Zone Emergency Committee
- Advice of successful funding application – Hon Tony Piccolo MP
- Summary NDRP Community Resilience Project Reviewed Costing
Attachment 1
to report 13.4
dated 10 March 2015

Local Emergency Risk Management Project Funding
Project Plan for Local Emergency Risk Management Project

Title
Leading and Building Community Resilience – Applying Zone Emergency Risk Management Plans at the Local Level

Purpose
The four Councils which make up the Barossa Zone (The Barossa Council, Town of Gawler, District Council of Mallala and Light Regional Council) have jointly agreed to pursue and lead the rolling out of the Zone Emergency Risk Management System Project at the local level. Significant investment has been made in assessing risk at State and regional level, it is now time for the Barossa Zone to put in place local planning and mitigation strategies; local community are ultimately the coalface of emergency management. The project is envisioned to take the work completed at the zone level, to inform the implementation of an appropriate framework, methodology and refinement of templates to assist Local Government, in both South Australia and potentially Australia, in the implementation of risk mitigation works at the community level, developed by community for community.

The project will be based on the nationally endorsed National Emergency Risk Assessment Guidelines (NERAG), and will mirror the Zone Emergency Risk Management System (ZERMS) project. It is proposed that this project will work closely with the Local Government Association and the South Australian Fire and Emergency Services Commission (SAFECOM) to ensure the successful implementation of both projects and portability of methodologies and templates in an affordable and easily implemented manner.

Background
The Barossa zone has been a pioneer in terms of its commitment to risk management, especially as it relates to the Barossa Zone Emergency Management Committee, which has been one of the State’s longest running Committees. The Barossa zone also volunteered to run the first zone workshop in South Australia, and indeed the country, using the new risk methodology as outlined in the NERAG.

The participation of the four Councils in the zone process has provided valuable insight into the ZERMS project and the gaps between the regional assessments and the ability for Councils or community to implement the findings or risk mitigation efforts at the local level.

Timing
It is proposed that the project will run for a period of 24 months. Key milestones are as follows:
- Development of a detailed project plan with timeframes.
- Development of and consultation on a project framework and expected outcomes.
- Research, adapt and refine any available frameworks and templates that deliver upon the project with the confines of NERAG methodologies.
- Consultation with the four Councils in the zone, Local Government Association, SAFECOM, agencies and zone committees, to agree a template which disseminates the information from the zone level and delivers it to Councils at a local level which is applicable or which can be implemented.
- Consolidation of the risk assessment findings across the zone and prioritisation of the risk treatments as they apply to Local Government.
- A series of risk reports and Community Emergency Management Plans for each individual Council which are critical to further planning at Local Government level in informing individual Local Government Risk Management Frameworks, Business Continuity Planning and Emergency Management Plans.
- Delivering an implementation plan, estimated costings and identification of funding sources to pursue at the conclusion of this project.

**Resourcing and Cost**

It is estimated the project will require $275,000 cash and $25,000 in-kind for a period of 24 months. This funding will cover:

- Employee expenses (1 Project Manager / Risk Analyst) full time.
- Accommodation costs (administration, IT, desk, etc).
- Workshop costs and associated catering.
- Travel costs (including attendance at any further zone-level workshops).
- Any additional training or access to external information sources.

**Staging**

This project will be staged as follows:

Stage 1 – 2014-15

- Project preliminaries including recruitment and governance set up.
- Development of full project plan, reporting requirements and adoption from BZEMC.
- Research of available templates and framework adaptation including consultation with all stakeholders.
- Commence local workshops and consultation.
Stage 2 – 2015-16

- Complete local workshops and consultation.
- Write risk plans for each Council.
- Consult with Councils and communities.
- Develop implementation plans and strategy for ongoing funding for implementation activities.

Structure

- The Barossa Council has agreed to host the project including all financial, grant and employment arrangements and for these purposes the Project Manager shall be accountable to the Chief Executive Officer of The Barossa Council.
- In relation to project deliverables the Project Manager will be accountable to the Chief Executive Officer of each Council, and will be required to provide project reports at each Barossa Zone Emergency Management Committee meeting.
- It is proposed that the project will work closely with the Local Government Association and the South Australian Fire and Emergency Services (with the existing Zone Emergency Risk Management System project). Frameworks and templates will be presented to the Zone Emergency management Committee, the Local Government Association and the State Mitigation Advisory Committee for comment.

Outcomes

Filling the Gap

It is proposed that the project will provide a crucial link between the outcomes of the zone level project and Local Government and thereby local community risk requirements. To date, Local Government has been awaiting the conclusion of regional planning. A prior project to run both regional and local planning concurrently was not pursued due to many complications not the least being resourcing strain on Councils (given a large impost of this planning, mitigation and risk work does reside in rural areas which traditionally have less resources available) and the ability to confuse both projects leading to poor community outcomes, conflict and possible time and cost overruns.

Leadership

As per the objectives of the National Strategy on Disaster Resilience, this project aims to build leadership capacity within Local Government, which is needed to drive improvements in disaster resilience. The responsibility for leadership will be taken by all partners within this project (in consultation with the community sector) to influence in a coordinated manner, so as to maximise the benefits from limited resources. It is also proposed that once the template is developed, it will be able to be used by Local Governments across the State.

It is now time to address these opportunities and the Barossa zone wants to be at the forefront of this opportunity. The Barossa zone see that leading this project and filling the gap locally sits with a zone and the Councils that support it, developing resilience at community level.
Community Resilience

Ultimately, the project intends to empower the Barossa zone to be the first zone to build community resilience by filling the gap that currently exists between the zone level risk findings and local level risk mitigation efforts by focussing effort and achieving efficient treatments for intolerable or ALARP 2 risks in the first instance.

The project will also expand and build on those partnerships and networks already created at the zone level and will attempt to build and further strengthen connections at the community, business and even neighbourhood levels. The ultimate outcome of which is to build community resilience.

Additionally, the areas of Northern Adelaide, and north of the city (such as Greater Gawler, Buckland Park and Roseworthy) have been indicated as areas reserved for large growth in the 30 Plan for Greater Adelaide. With this growth comes renewed concern for the new populations and their ability to be resilient as a community with no local knowledge or exposure to previous risks of that area. The Barossa zone sees this issue as one that will require immediate attention, especially as the areas predicted for growth have a history of being impacted by a range of hazards.

Recent Experience

Recent events in, and nearby, the Barossa Zone have heightened this need to expedite risk mitigation efforts at the local level. The zone would like to focus on building community resilience while experience in an emergency event is fresh and lessons learnt are not forgotten. The Barossa zone believes that the timing is right for a project of this importance to begin.

Synergies

It is anticipated that this project would work closely with the Local Government Association (LGA) and the ZERMS project, and that frameworks and templates would be presented to the LGA and the State Mitigation Advisory Group for review and comment. It is understood that ZERMS will reach a critical point by mid 2014 that will see the production of a comprehensive regional risk assessment, with extensive commitment of resources by all involved in the regional assessment, the momentum must not be lost in growing this work at local level. This project will provide a mechanism to fill the existing gap that exists between the zone level risk findings and local level risk mitigation.

Funding Strategies

Funding to be provided over two years 2014-15 and 2015-16.

Councils will provide in-kind support in a significant way to the project including:

- Senior Executive Support for the project.
- Provision of staff to support workshops, consultation and implementation of the project.
- The Barossa Council will provide governance leadership.
- Provision of meeting and workshops spaces as required.
- Provision of supporting administrative supporting including accommodation, information technology and the like.

Likely to be greater than, but estimated at $25,000
Local Government Association Research and Development Funding - $75,000

National Disaster Resilience Program (NDRP) - $200,000

**Knowledge Transfer**

These estimates do not include any State training, however the findings of this work will focus on the portability of the outcomes and can therefore be picked up by other Councils and application to their local circumstances. Detailed provision of supporting documentation on use of methodology will be developed and provided.
National Disaster Resilience Program (NDRP)

Background:

In December 2009, COAG (Council of Australian Governments) agreed to adopt a whole-of-nation resilience-based approach to disaster management, which recognises that a national, coordinated and cooperative effort is needed to enhance Australia’s capacity to prepare for, withstand and recover from disasters. The National Emergency Management Committee subsequently developed the National Strategy for Disaster Resilience which was adopted by COAG on 13 February 2011. The purpose of the Strategy is to provide high-level guidance on disaster management to federal, state, territory and local governments, business and community leaders and the not-for-profit sector.

While the Strategy focuses on priority areas to build disaster resilient communities across Australia, it also recognises that disaster resilience is a shared responsibility for individuals, households, businesses and communities, as well as for governments. The Strategy is the first step in a long-term, evolving process to deliver sustained behavioural change and enduring partnerships.

Funding:

The National Partnership Agreement on National Disaster Resilience (NPA) establishes a funding agreement between the Commonwealth and State and Territory Governments. A key aim of the NPA is to enhance Australia’s resilience to natural disasters through mitigation works, measures and related activities that contribute to safer, sustainable communities better able to withstand the effects of disasters, particularly those arising from the impact of climate change.

The NPA is a partnership with states and territories where jurisdictions provide direct administration of the funding and submit an annual implementation plan to the Attorney-General.

Funding for projects is prioritised by states and territories in the context of their natural disaster risk priorities. This recognises that different jurisdictions have different priorities and that these may change over time. Each state and territory will ascertain eligibility for funding against their risk priorities when applications are called for.

By integrating these grant programs, states and territories now have increased flexibility to effectively meet the requirements of local communities threatened by disaster in the strategic context of their risk priorities. This allows funding to target activities that enhance disaster resilience in accordance with the National Strategy for Disaster Resilience.

"Application of a resilience-based approach is not solely the domain of emergency management agencies; rather, it is a shared responsibility between governments, communities, businesses and individuals. The purpose of the Strategy is to provide high-level guidance on disaster management to federal, state, territory and local governments, business and community leaders and the not-for-profit sector."
While the Strategy focuses on priority areas to build disaster resilient communities across Australia, it also recognises that disaster resilience is a shared responsibility for individuals, households, businesses and communities, as well as for governments. The Strategy is the first step in a long-term, evolving process to deliver sustained behavioural change and enduring partnerships. “Nat Strategy for Disaster Resilience, Foreword

Role of government

Governments, at all levels, have a significant role in strengthening the nation’s resilience to disasters by:

- developing and implementing effective, risk-based land management and planning arrangements and other mitigation activities;
- having effective arrangements in place to inform people about how to assess risks and reduce their exposure and vulnerability to hazards;
- having clear and effective education systems so people understand what options are available and what the best course of action is in responding to a hazard as it approaches;
- supporting individuals and communities to prepare for extreme events;
- ensuring the most effective, well-coordinated response from our emergency services and volunteers when disaster hits; and
- working in a swift, compassionate and pragmatic way to help communities recover from devastation and to learn, innovate and adapt in the aftermath of disastrous events.

Australian governments are working collectively to incorporate the principle of disaster resilience into aspects of natural disaster arrangements, including preventing, preparing, responding to, and recovering from disasters.

NSDR page iii

Priority outcomes

Leaders from all levels of government, business, the not-for-profit sector and communities strive to recognise and understand the risks disasters pose to their own and their community’s interests. They take responsibility for mitigating these risks and apply the concept of disaster resilience to strategic planning processes, and to those roles where they can exercise influence.

Leaders drive development of partnerships and networks to build resilience at the government, business, neighbourhood, and community levels. These partnerships are based on a sense of shared responsibility, and an acknowledgement of the need for coordinated planning and response.

Governments help business, not-for-profit and community leaders by preparing and providing guidelines, information and other resources to support community efforts in resilience-based planning, including resilience-building activities, disaster risk management, stakeholder and community engagement, disaster response and recovery and capability development.
A disaster resilient community is one where:

People understand the risks that may affect them and others in their community. They understand the risks assessed around Australia, particularly those in their local area. They have comprehensive local information about hazards and risks, including who is exposed and who is most vulnerable. They take action to prepare for disasters and are adaptive and flexible to respond appropriately during emergencies.

People have taken steps to anticipate disasters and to protect themselves their assets and their livelihoods, including their homes and possessions, cultural heritage and economic capital, therefore minimising physical, economic and social losses. They have committed the necessary resources and are capable of organising themselves before, during and after disasters which helps to restore social, institutional and economic activity.

People work together with local leaders using their knowledge and resources to prepare for and deal with disasters. They use personal and community strengths, and existing community networks and structures; a resilient community is enabled by strong social networks that offer support to individuals and families in a time of crisis.

People work in partnership with emergency services, their local authorities and other relevant organisations before, during and after emergencies. These relationships ensure community resilience activities are informed by local knowledge, can be undertaken safely, and complement the work of emergency service agencies.

Emergency management plans are resilience-based, to build disaster resilience within communities over time.

Communities, governments and other organisations take resilience outcomes into account when considering and developing core services, products and policies. They are adaptive and flexible to respond appropriately in disasters.

The emergency management volunteer sector is strong.

Businesses and other service providers undertake wide-reaching business continuity planning that links with their security and emergency management arrangements.

Land use planning systems and building control arrangements reduce, as far as is practicable, community exposure to unreasonable risks from known hazards, and suitable arrangements are implemented to protect life and property.

Following a disaster, a satisfactory range of functioning is restored quickly. People understand the mechanisms and processes through which recovery assistance may be made available and they appreciate that support is designed to be offered, in the first instance, to the most vulnerable community members.
Many Australians already have obligations as leaders to protect their own businesses and/or communities. We envisage such leaders taking a broader view of their responsibilities and thinking beyond the immediate threats to their own interests, to consider how they can contribute to a more disaster resilient nation.

The increasing complexity surrounding disasters means that dealing with them extends beyond the reach of the emergency services. By taking a whole-of-government approach to widening the circle of responsibility, we are collaborating more closely across and within governments on all phases of disaster prevention, preparedness, response and recovery. All leaders can help build and strengthen existing partnerships among governments, businesses, the non-government sector and communities.

NSDR, Page 7
Selection Criteria

Projects must meet all of the following selection criteria:

1. **Consistent with the National Strategy for Disaster Resilience**—addresses one or more of the priority outcomes under the National Strategy for Disaster Resilience (available at [www.em.gov.au](http://www.em.gov.au)).

2. **National** — delivers and supports major, national level, emergency management capability activities. Considers national consultation to help develop and deliver a truly national initiative. Achieves outcomes which are applicable nation-wide or in three or more jurisdictions (not just a state-based deliverable which may be adapted by other jurisdictions in the future), and is most efficiently conducted on a national basis. Evidence is required on how an initiative achieves this and how useful it will be across jurisdictions.

3a. **Addresses one of the NEMP focus areas** — addresses at least one of the national focus areas\(^1\) agreed by the ANZEMC (see Addendum for FY2014-15 NEMP focus areas).

AND/OR

3b. **Addresses a national emergency management capability gap/need** — identifies and addresses a significant national emergency management capability gap/need and seeks to enhance current measures to address that gap/need in one or more of the emergency management phases, Prevention/Preparedness/Response/Recovery (PPRR).

4. **Achieves sustainable outcomes** — achieves substantial and sustainable outcomes in support of Australia's natural disaster resilience objectives. Evidence is required to show how the outcomes of the project will be maintained and/or incorporated into existing practices after delivery.

A project will be considered ineligible if it does not meet all of the above criteria and/or the matter is identified as a jurisdictional responsibility. A project is considered a jurisdictional responsibility if it is either legislatively or normally the core business of the jurisdictions individually (including the Commonwealth).

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\(^1\) Focus areas are agreed by ANZEMC and change annually.
22 April 2014

Re, National Disaster Resilience Program

NDRP Coordinator
SAFECOM Emergency Management
Level 6, 60 Waymouth Street
DX 206
GPO Box 2706
ADELAIDE SA 5001

To whom it may concern,

In my capacity as the Coordinator of the Barossa Zone Emergency Management Committee (ZEMC), I write in support of The Barossa Council’s application for funding under the National Disaster Resilience Program to undertake the Local Emergency Risk Management Project.

I advise that this initiative has received the endorsement of the Barossa ZEMC, noting that this project will facilitate planning and mitigation strategies at a community level, building on the significant investment that has been made in assessing risk at a state and regional level. The project will result in a series of risk reports and community mitigation plans for individual councils that are critical to further planning at local government level.

Of particular note is that these measurable and sustainable outputs will be able to be replicated by other local government bodies, resulting in whole-of-state benefits that fill the gap that exists between Zone level risk findings and local level risk mitigation.

This project will build leadership capacity within local government to develop improvements in disaster resilience, recognising that preparing for and recovering from disasters is a shared responsibility between government, communities and individuals.

As such, I fully commend this project and support the allocation of State and Commonwealth funding for its implementation.

Sincerely,

Alex Zimmermann

Officer in Charge
Barossa Local Service Area
SOUTH AUSTRALIA POLICE

and

Coordinator
BAROSSA ZONE EMERGENCY COMMITTEE
Dear Mr McCarthy

It is my pleasure to inform you that I have approved your application for project funding under the 2013-14 Natural Disaster Resilience Program as follows:

- $183,884 for the EM Risk Planning Project

The Natural Disaster Resilience Program Coordinator in SAFECOM will contact you shortly to finalise the contractual and financial arrangements.

I wish you every success with your project and commend you on this initiative.

Yours sincerely

Hon Tony Piccolo MP
Minister for Emergency Services

8/9/2014
### Summary - NDRP Community Resilience Project Costing

#### Cost Estimates

<table>
<thead>
<tr>
<th></th>
<th>14-15</th>
<th>15-16</th>
<th>15-16</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>4 Months</td>
<td>12 Months</td>
<td>8 Months</td>
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<tr>
<td>Salary and Oncost</td>
<td>32,906</td>
<td>101,942</td>
<td>71,444</td>
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<td>Other Costs</td>
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<td>19,014</td>
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<td><strong>Estimate Cash Expenditure</strong></td>
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<td>In-kind from Councils</td>
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<td><strong>Total Project Estimates</strong></td>
<td>56,171</td>
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<td>312,428</td>
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#### Funding Estimates

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<th></th>
<th>Cash</th>
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<th>Total</th>
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<tbody>
<tr>
<td>NDRP</td>
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<tr>
<td>Light Regional Council</td>
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<td>8,029</td>
<td>23,029</td>
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<tr>
<td>Town of Gawler</td>
<td>15,000</td>
<td>8,029</td>
<td>23,029</td>
</tr>
<tr>
<td>District Council of Mallala</td>
<td>15,000</td>
<td>8,029</td>
<td>23,029</td>
</tr>
<tr>
<td>The Barossa Council</td>
<td>15,097</td>
<td>35,736</td>
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<tr>
<td>Other Organisations</td>
<td>8,625</td>
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<tr>
<td><strong>Total</strong></td>
<td>243,981</td>
<td>68,447</td>
<td>312,428</td>
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</table>

| Balance | 0 | 0 | 0 |
### Corporate Objective:

To provide Council with the relevant information and the opportunity to review dog registration fees to be able to support an increase of resources for dog management.

### Purpose:

To provide Council with the relevant information and the opportunity to review dog registration fees to be able to support an increase of resources for dog management.

### Recommendation 1:

“that Council, having considered Item 13.5 Dog Registration – Fee Schedule 2015-2016 dated 10 March 2015, adopt the increased Dog Registration fees”.

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**District Council of Mallala**

**Container No:** CON12/1204

**Document No:** D15/4122

**Report Date:** 10 March 2015

**Prepared by:** General Manager Infrastructure and Planning Services

**13.5 Dog Registration - Fee Schedule 2015-2016**

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**Ordinary Council Meeting**

**Page 123 of 152**

10 March 2015
## Impact Summary

### Organisational and Governance

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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<tbody>
<tr>
<td>Financial</td>
<td>Additional income to Council to meet the requirements of the outcomes defined in the Animal Management Plan.</td>
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<tr>
<td>Legislation</td>
<td>Registration fees are in line with the requirements of the <em>Dog and Cat Management Act 1995</em>.</td>
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<td>Risk</td>
<td>Council is at risk of not fulfilling its obligations under the <em>Dog and Cat Management Act 1995</em>, and actions identified in the Animal Management Plan.</td>
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<tr>
<td>Consultation</td>
<td>Nil</td>
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<tr>
<td>Asset Management Plans</td>
<td>Nil</td>
</tr>
<tr>
<td>Service Standards</td>
<td>In accordance with directions of the Animal Management Plan.</td>
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Background

After a review of the *Dog and Cat Management Act 1995* in early 2004, changes were made to allow councils to set dog registration fees but no more than a maximum cap set by the Minister for Sustainability, Environment and Conservation.

Before July each year, the fee structure from councils must be presented to the Dog and Cat Management Board to be passed on to the Minister for approval for the following twelve months. Council must provide the Board with written response by Friday 13 March 2015.

Fees must be approved by the Minister pursuant to section 26(6)(b) of the *Dog and Cat Management Act 1995*.

The Minister has set a cap on dog registrations at $85 per annum.

Discussion

Council’s Animal Management Plan, as approved by the Dog and Cat Management Board in July 2012, provides direction on the management of animals (particularly dogs) within the district. The plan seeks to deliver on Council’s objective to promote a safe and healthy community, thereby ensuring a high quality of life. The KPI’s are being systematically being worked through to achieve them within the required time frame.

Pursuant to the Act, Council is required to appoint at least one full-time dog management officer or make other satisfactory arrangements for the exercise of the functions and powers of dog management officers. Money received by a council under the Act must be expended in the administration or enforcement of the provisions of the Act relating to dogs.

Council currently employs a full time officer to undertake the following functions:
- Animal Management / Dog Control
- General Inspection
- Fire Prevention

At present 60% of the position is dedicated to animal management/dog control, with 40% being directed to inspectorial/fire prevention activities, noting that fire prevention is seasonal.
Mallala Council has one of the higher proportions of dog ownership compared with other councils (i.e. 4,000 DCM; 2,000 Wakefield RC; 2,000 Light RC). This has required Council to engage, at times, a contractor to assist in following up on unregistered dogs in the district.

Council Administration has been approached by Light Regional Council to investigate options for shared services.

**Additional resources**

An option is for Council to employ a part-time inspector to freeing up time for the current inspector to focus on dog control activities and implementation of the Animal Management Plan. This would also allow Council Administration to implement a succession plan for the current officer, who is likely to retire within the next 3-4 years.

A new part-time inspector position will focus on inspectorial duties, and assist with dog management. Fire Prevention will remain with the current officer. Over time this arrangement can be reviewed and modified to suit council needs.

This structure would also enable the current officer to commence documentation of policy and procedures associated with each of the functions, ensuring that Council has a comprehensive procedure manual for future reference.

At present 60% of officer’s salary is funded from dog registration/expiation fees collected by Council and allocated pursuant to the Dog and Cat Management Act. General revenue is used to fund the balance 40% (i.e. inspectorial/fire prevention). In addition, associated costs (i.e. fuel, telephone, and training) are also proportioned between dog and general revenue.

An option is to increase the proportion of dog control to 90%, thus having a near full-time dog management officer with part-time officer in support. General revenue will remain available to fund the inspectorial/fire prevention functions. General revenue and a small percentage of dog revenue could be allocated to the new part-time role.
Capital expenditure

An objective within the Animal Management Plan is to maintain the Council’s pound to a high standard for the welfare and safety of all impounded dogs. Capital expenditure, in the past few years, has been limited to installing air conditioning at the Two Wells pound. The air conditioning had been chosen to enable it to be reinstalled as part of a new facility.

With the proposed town centre growth, Council will need to consider the relocation of the pound. Accordingly, funds from dog registration will need to be allocated for the eventual relocation. In the first instance, an investigation into an alternative location would need to be undertaken.

Dog registration fee

The current registration fee of $50 was approved on 27 April 2012. Past history shows that there has been marginal increase since 2005 as shown in Table 1.

<table>
<thead>
<tr>
<th>Financial Years</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005 to 2010</td>
<td>$40</td>
</tr>
<tr>
<td>2010 to 2012</td>
<td>$45</td>
</tr>
<tr>
<td>2012 to 2015</td>
<td>$50</td>
</tr>
</tbody>
</table>

The District Council of Mallala has not increased dog registration fees since 2012. It is expected that Mallala will continue to have growth in dog ownership in the next few years.

Table 2 provides a comparison of current and proposed fees amongst other councils.

<table>
<thead>
<tr>
<th>Council</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Playford</td>
<td>$60</td>
<td>Unknown</td>
</tr>
<tr>
<td>Wakefield Regional Council</td>
<td>$65</td>
<td>$70</td>
</tr>
<tr>
<td>Clare and Gilbert Valley Council</td>
<td>$55</td>
<td>$65</td>
</tr>
<tr>
<td>Light Regional Council</td>
<td>$60</td>
<td>No plans to put up</td>
</tr>
<tr>
<td>Town of Gawler</td>
<td>$72</td>
<td>$75</td>
</tr>
<tr>
<td>Yorke Peninsula Council</td>
<td>$70</td>
<td>No plans to put up</td>
</tr>
</tbody>
</table>
Notwithstanding that Mallala has the lower fee; there is a higher percentage of dog ownership, thereby generating a higher level of revenue.

District Council of Mallala current and proposed fees are presented in Table 3.

### Table 3 - Current and Proposed Fees

<table>
<thead>
<tr>
<th>Category</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinary Registration</td>
<td>$50</td>
<td>$55</td>
</tr>
<tr>
<td>Desexed</td>
<td>$30</td>
<td>$33</td>
</tr>
<tr>
<td>Microchipped</td>
<td>$45</td>
<td>$50</td>
</tr>
<tr>
<td>Trained</td>
<td>$45</td>
<td>$50</td>
</tr>
<tr>
<td>Concession</td>
<td>$25</td>
<td>$28</td>
</tr>
<tr>
<td>Working dog</td>
<td>$12</td>
<td>$13</td>
</tr>
<tr>
<td>Desexed /Concession</td>
<td>$15</td>
<td>$16</td>
</tr>
<tr>
<td>Desexed/Microchipped</td>
<td>$25</td>
<td>$27</td>
</tr>
<tr>
<td>Desexed/Microchipped and Concession</td>
<td>$12</td>
<td>$13</td>
</tr>
<tr>
<td>Desexed/Trained</td>
<td>$25</td>
<td>$27</td>
</tr>
<tr>
<td>Desexed/Trained and Concession</td>
<td>$12</td>
<td>$13</td>
</tr>
<tr>
<td>Desexed/Trained/Microchipped</td>
<td>$20</td>
<td>$22</td>
</tr>
<tr>
<td>Desexed/Trained/Microchipped/Concession</td>
<td>$10</td>
<td>$11</td>
</tr>
<tr>
<td>Trained/Microchipped</td>
<td>$40</td>
<td>$44</td>
</tr>
<tr>
<td>Trained and Concession</td>
<td>$22</td>
<td>$24</td>
</tr>
<tr>
<td>Microchipped and Concession</td>
<td>$22</td>
<td>$24</td>
</tr>
<tr>
<td>Microchipped/Trained and Concession</td>
<td>$20</td>
<td>$22</td>
</tr>
<tr>
<td>Greyhounds (Registered with Racing Board)</td>
<td>$12</td>
<td>$13</td>
</tr>
<tr>
<td>Business Registration (Total Fee)</td>
<td>$308</td>
<td>$330</td>
</tr>
<tr>
<td>Guide/Hearing/Disability</td>
<td>N/C</td>
<td>N/C</td>
</tr>
<tr>
<td>Partial year registration. (If dog turns 3 months of age after 1 January)</td>
<td>$25</td>
<td>$27</td>
</tr>
<tr>
<td>Transfer fee from another Council</td>
<td>$7</td>
<td>$8</td>
</tr>
<tr>
<td>New Disc Replacement</td>
<td>$3</td>
<td>$4</td>
</tr>
<tr>
<td>Pound Fees (24hr or part of)</td>
<td>$20</td>
<td>$25</td>
</tr>
<tr>
<td>Seizure fee</td>
<td>$45</td>
<td>$50</td>
</tr>
<tr>
<td>Late Fee</td>
<td>$20</td>
<td>$25</td>
</tr>
<tr>
<td>Late Fee Business Registration</td>
<td>$70</td>
<td>$75</td>
</tr>
</tbody>
</table>

All fee increases are calculated to the nearest dollar to prevent the handling of small change.
If the proposed fee is adopted, Council’s revenue for 2015-16 would increase by approximately $13,000 to $15,000, based on current dog numbers. The additional funds could assist in providing the additional part time officer and the relocation of the Two Wells pound.

The provision of a part time officer and the relocation of the Two Wells pound would be monitored by the new Animal Management Advisory Committee that will oversee implementation of the Animal Management Plan, and advise Council on emerging trends and issues.

**Summary**

Before July each year, the fee structure from councils must be presented to the Dog and Cat Management Board to be passed on to the Minister for approval for the following twelve months.

Council has not increased fees in recent years, and has the option to recommend increases to the Dog and Cat Management Board.

Council must provide the Board with written response by Friday 13 March 2015.
14. URGENT BUSINESS

14.1
15. CONFIDENTIAL ITEMS

15.1 Mallala Community Hospital Incorporated (CON15/2)
### Corporate Objective:

1.1 Health and family support services that are accessible and meet the needs of the community

### Purpose:

To provide members with information on the proposed closure plans of the Mallala Community Hospital Incorporated.

### Recommendation 1:

“that Council, having considered Item 15.1 Confidential – Mallala Community Hospital Incorporated, dated 10 March 2015, and pursuant to Sections 90(2) and 90(3)(h) of the Local Government Act 1999, orders that the public be excluded from the meeting, with the exception of the Acting Chief Executive Officer, General Manager Infrastructure and Planning, and the Minute Secretary, as the matters pertaining to Report 15.1 Confidential - Mallala Community Hospital Incorporated dated 10 March 2015 are subject to legal advice being provided.”

### Recommendation 2:

“that Council, having considered Item 15.1 Confidential – Mallala Community Hospital Incorporated, dated 10 March 2015, either

Agree to support the Mallala Community Hospital Incorporated request by working with Council legal representatives and lifting the encumbrance

Or

Inform the Mallala Community Hospital Incorporated that Council will further consider options available with Council legal representatives

Or

Decline to support the Mallala Community Hospital Incorporated request of lifting the encumbrance.”
**Recommendation 3:**

“that Council, having considered Item 15.1 Confidential – Mallala Community Hospital Incorporated, dated 10 March 2015, that pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and the information by way of the subject Report 15.1 Confidential - Mallala Community Hospital Incorporated dated 10 March 2015 and associated documents, remain confidential and not available for public inspection until resolved by Council.”
### Impact Summary

#### Organisational and Governance

<table>
<thead>
<tr>
<th>Category</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>Nil</td>
</tr>
<tr>
<td>Legislation</td>
<td>Land Management Agreement between Council and Mallala Community Hospital Inc</td>
</tr>
<tr>
<td>Risk</td>
<td>Nil</td>
</tr>
<tr>
<td>Consultation</td>
<td>Nil</td>
</tr>
<tr>
<td>Asset Management Plans</td>
<td>Nil</td>
</tr>
<tr>
<td>Service Standards</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Background

Kerry Heym (Chairman) and Peter Irish (Board Member) on behalf of the Mallala Community Hospital Inc have approached Council to consider lifting the encumbrance over land owned by the Hospital as per a Land Management Agreement (LMA) signed between the Council and the Mallala Community Hospital Inc dated 14 October 2003.

Discussion

Members of the Board of Management have requested that they address Council in a confidential session of Council to provide information to members on the background to their decision to approach the Department of Social Services to commence the process of closure of this facility and to request from Council that the encumbrance be lifted as per Clause 2 from the LMA from the following Certificates of Title:

- CT 5986/386 – Lot 615 (Rose Pym Building)
- CT 5986/835 – Lot 616 (Butler’s View Building)
- CT 5986/834 – Lot 507 (Admin Building)
- CT 5986/833 – Lot 508 (Vacant Block)

The LMA between Council and the Hospital (Attachment 1) and the three of the Certificates of Title (Attachment 2) for the parcels of land in question are provided. These documents have been provided to Jacqui Plant from Norman Waterhouse Lawyers seeking advice on what Council’s option could be and if Council were supportive in lifting the encumbrance or extinguishing the LMA what would the process be from a Council viewpoint. At the time of completing the report this information was not available.

Members will note that recommendation 2 has provided three options for consideration. Without the detail and background of the Hospital proposal available at the time of finalising this report which should hopefully be provided by the Board of Management representatives during their briefing to Council, and waiting on legal comment the recommendation options are to either support the request, work with the Hospital and Council legal representatives to seek further information or decline the request.

It is also noted that the report is recommended to be dealt with in confidence. Legal advice is currently being sought on whether this matter can be dealt with in confidence according to Section 90 (3) of the Local Government Act 1999. This will be clarified prior to the meeting.
At the time of completing this report there is no further information as to what was provided in the email to members on Wednesday 4 March 2015. As soon as any other relevant information is available I will forward to members via email or provide on the night of the meeting.

Summary

After the briefing from Board members of the Mallala Community Hospital Inc and the opportunity for members to ask questions the situation will be clearer and members will hopefully be in a position to either make a definitive decision to support the request or at least offer an indication of possible support.
Attachment 1
to report 15.1
dated 10 March 2015

Confidential - Mallala Community Hospital Incorporated
**LANDS TITLES REGISTRATION OFFICE**
SOUTH AUSTRALIA

**BELLOW THIS LINE FOR AGENT USE ONLY**

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1886

[Signature]

**AGENT CODE**

Lodged by: NORMAN WATERHOUSE NWAM

Correction to: 

**TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)**

<table>
<thead>
<tr>
<th>Item</th>
<th>Agent Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opieite AG</td>
<td>NWAM</td>
</tr>
</tbody>
</table>

**PLEASE ISSUE NEW CERTIFICATES OF TITLE AS FOLLOWS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Agent Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opieite AG</td>
<td>NWAM</td>
</tr>
</tbody>
</table>

**DELIVERY INSTRUCTIONS** (Agent to complete) PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE UNDERMENTIONED AGENT(S)

---

© CORPORATE FORMS PTY LTD (May 2000)
TO: THE REGISTRAR GENERAL

DISTRICT COUNCIL OF MALLALA of PO Box 18, Mallala SA 5502 HEREBY APPLIES pursuant to the provisions of Section 57(5) of the Development Act, 1993 for the noting of the attached Deed dated the 14th day of October 2003 and made between the DISTRICT COUNCIL OF MALLALA aforesaid as the Council of the one part and MALLALA COMMUNITY HOSPITAL INCORPORATED of Aerodrome Road, Mallala SA 5502 as the Owner of the other part as a Land Management Agreement pursuant to Section 57(2) of the said Act. The said Deed binds the whole of the land comprised in Certificates of Title Register Book Volume 5176 Folio 993, Volume 5164 Folio 169 and Volume 5783 Folios 285 and 286 and operates to control the future management of the said land.

DATED the 14th day of October 2003

THE COMMON SEAL of DISTRICT COUNCIL OF MALLALA was hereunto affixed in the presence of:

Mayor/Chairman

Chief Executive Officer/Town Clerk/District Clerk

The Owner HEREBY CONSENTS to the noting of the attached Land Management Deed.
DATED 14th October 2003

BETWEEN:

THE DISTRICT COUNCIL OF MALLALA

of the one part

AND

MALLALA COMMUNITY HOSPITAL INCORPORATED

of the other part

_______________________________
LAND MANAGEMENT AGREEMENT
BY DEED

_______________________________

NORMAN WATERHOUSE
Lawyers
Level 15
45 Pirie Street
ADELAIDE SA 5000

Telephone: 8210 1200
THIS DEED is made the 14TH day of October 2003

BETWEEN: DISTRICT COUNCIL OF MALLALA of PO Box 18, Mallala SA 5502 (hereinafter with its successors and assigns called "the Council") of the one part

AND:

MALLALA COMMUNITY HOSPITAL INCORPORATED of Aerodrome Road, Mallala SA 5502 (hereinafter with its successors and assigns as the case may be called "the Owner", of the other part

RECATALS:

A. The Owner is the proprietor of an estate in fee simple to the whole of the land comprised in Certificates of Title Register Book Volume 5170 Folio 593, Volume 5164 Folio 169 and Volume 5783 Folios 285 and 286 (hereinafter called "the Land");

B. Pursuant to the provisions of Section 57(2) of the Act the Owner has agreed with the Council to enter into this Deed relating to the management of the Land subject to the terms and conditions hereinafter mentioned.

NOW THIS DEED WITNESSES as follows:

1. INTERPRETATION

1.1 The parties acknowledge that the matters recited above are true and accurate and agree that they shall form part of the terms of this Deed.

1.2 In the interpretation of this Deed unless the context shall otherwise require or admit:

1.2.1 Words and phrases used in this Deed which are defined in the Development Act 1993 or in the Regulations made under the Act shall have the meanings ascribed to them by the Act or the Regulations as the case may be;

1.2.2 References to any statute or subordinate legislation shall include all statutes and subordinate legislation amending consolidating or replacing the statute or subordinate legislation referred to;

1.2.3 The term "the Owner" where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes his heirs, executors, administrators and transferees and where the Owner consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the Land or to each and every one of all separate allotments into which the Land may be divided after

246867/JKW0006
the date of this Deed subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Certificate of Title thereof;

1.2.4 The term "person" shall include a corporate body;

1.2.5 The term "the Land" shall include any part or parts of the Land;

1.2.6 Any term which is defined in the statement of the names and descriptions of the parties or in the Recitals shall have the meaning there defined;

1.2.7 Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively;

1.2.8 Words importing any gender shall include every gender;

1.2.9 Where two or more persons are bound hereunder to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and each of them severally.

1.3 Clause headings are provided for reference purposes only and shall not be resorted to in the interpretation of this Deed.

1.4 The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

2. OWNER'S OBLIGATIONS

The Owner hereby agrees that it will not without the prior written consent of the Council's which may withhold in its absolute discretion, use the Land or any portion of the Land otherwise than as an hospital, elderly care centre, healthcare facility or for related purposes

3. RESTRICTION ON LEASING AND OTHER DEALINGS

The Owner shall not grant any lease licence easement or other right of any nature whatsoever which may give any person the right to possession or control of or entry on to the Land which right would enable such person to breach any of the obligations imposed on the Owner by this Deed unless such grant:

3.1 is expressed in writing;

3.2 is made with the previous written consent of the Council; and

3.3 contains as an essential term a covenant by the grantee not to do or omit to do (or suffer or permit any other person to do or omit to do) any act matter or thing which would constitute a breach by the Owner of the Owner's obligations under this Deed.
4. COUNCIL'S POWERS OF ENTRY, ETC

4.1 The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Land for the purpose of:

4.1.1 inspecting the Land and any building or structure thereupon;

4.1.2 exercising any other powers of the Council under this Deed or pursuant to law.

4.2 If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.

4.3 If in a notice referred to in Clause 4.2 the Council requires the removal of the building or structure from the Land the Council and its servants or agents are hereby authorised and empowered by the Owner to enter and remove the building or structure from the Land and to dispose of it in any manner determined by the Council provided that if the building or structure shall have any monetary value then the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the Owner and pay to him the realised value less all expenses incurred.

4.4 The Council may delegate any of its powers under this Deed to any person.

5. VARIATION AND WAIVER

5.1 This Deed may not be varied except by a Supplementary Deed signed by the Council and the Owner.

5.2 The Council may waive compliance by the Owner with the whole or any part of the obligations on the Owner's part herein contained provided that no such waiver shall be effective unless expressed in writing and signed by the Council.

6. NOTICES

Notice shall for the purposes of this Deed be properly served on the Owner if it is:

6.1 posted to the Owner's last address known to the Council; or

6.2 affixed in a prominent position on the Land.

7. COSTS

The Owner hereby indemnifies the Council and agrees to keep it forever indemnified in respect of the whole of its costs and expenses (including without limitation legal costs
and expenses) of and incidental to the negotiation preparation stamping and registration of this Deed.

8. **REGISTRATION OF THIS DEED**

Each party shall do and execute all such acts documents and things as shall be necessary to ensure that as soon as is possible after the execution of this Deed by all necessary parties this Deed is registered and a memorial thereof entered on the Certificate of Title for the Land pursuant to the provisions of Section 57(5) of the Act in priority to any other registrable interest in the Land save and except for the estate and interest of the Owner therein.

9. **GOVERNING LAW**

The law governing the interpretation and implementation of the provisions of this Deed shall be the law of South Australia.

10. **GENERAL PROVISIONS**

10.1 If any provision of this Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law THEN and in such case the parties hereby request and direct such court to sever such provision from this Deed.

10.2 This Deed contains the whole agreement between the parties in respect of the matters referred to herein.
EXECUTED as a deed

The COMMON SEAL of DISTRICT COUNCIL OF MALLALA was affixed in the presence of:-

-------------------------------
Mayor

-------------------------------
Chief Executive Officer

The COMMON SEAL of MALLALA COMMUNITY HOSPITAL INCORPORATED was affixed with the authority of the Board of Directors and in the presence of:-

-------------------------------
Director

-------------------------------
Director/Secretary
REGISTER SEARCH OF CERTIFICATE OF TITLE  * VOLUME 5986 FOLIO 836  *

REGISTRED PROPRIETOR IN FEE SIMPLE

MALLALA COMMUNITY HOSPITAL INC. OF AERODROME ROAD MALLALA SA 5502

DESCRIPTION OF LAND

ALLOTMENT 615 FILED PLAN 175082
IN THE AREA NAMED MALLALA
HUNDRED OF GRACE

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

9750004 AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)
10899171 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. (SINGLE COPY ONLY)

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL

END OF TEXT.
REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5986 FOLIO 835 *

COST : $26.50 (GST exempt) PARENT TITLE : CT 5783/285
REGION : EMAIL AUTHORITY : SC 10636486
AGENT : M3SA BOX NO : 055 DATE OF ISSUE : 21/05/2007
SEARCHED ON : 18/12/2014 AT : 09:58:00 EDITION : 1
CLIENT REF 1446865

REGISTERED PROPRIETOR IN FEE SIMPLE

MALLALA COMMUNITY HOSPITAL INC. OF AERODROME ROAD MALLALA SA 5502

DESCRIPTION OF LAND

ALLOTMENT 616 FILED PLAN 175083
IN THE AREA NAMED MALLALA
HUNDRED OF GRACE

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

9750004 AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL

END OF TEXT.
REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5986 FOLIO 833 *

COST : $26.50 (GST exempt)  PARENT TITLE : CT 5164/169
REGION : EMAIL  AUTHORITY : SC 10636486
AGENT : M3SA  BOX NO : 055  DATE OF ISSUE : 21/05/2007
SEARCHED ON : 23/01/2015 AT : 09:05:26  EDITION : 1
CLIENT REF 1446865

REGISTERED PROPRIETOR IN FEE SIMPLE

MALLALA COMMUNITY HOSPITAL INC. OF AERODROME ROAD MALLALA SA 5502

DESCRIPTION OF LAND

ALLEMT 508 DEPOSITED PLAN 38734
IN THE AREA NAMED MALLALA
HUNDRED OF GRACE

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

9750004 AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL

END OF TEXT.