District Council of Mallala

THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA WILL BE HELD IN THE COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON MONDAY 15 DECEMBER 2014, 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 1 December 2014 (MB Folios 12892 to 12897, inclusive).

2.2 Special Council Meeting held on Monday 8 December 2014 (MB Folios 12898 to 12899, inclusive).

3. BUSINESS ARISING

3.1

4. DECLARATION OF MEMBERS' INTEREST

4.1

5. OPEN FORUM

5.1 Speakers

6. BRIEFINGS

6.1 No Briefings

7. MAYOR'S REPORT

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

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 No Minutes

8.3 Audit Committee

8.3.1 Audit Committee Minutes Monday 1 December 2014 (CON12/522)

8.4 Mallala and Districts Historical Committee

8.4.1 No Minutes

8.5 Mallala and Districts Homes Committee

8.5.1 No Minutes

8.6 Environmental Management Advisory Committee

8.6.1 Environmental Management Advisory Committee Minutes Monday 1 December 2014 (CON12/1101)

9. QUESTIONS WHICH NOTICE HAS BEEN GIVEN

9.1 Questions on Notice

9.1.1 Planning Management Committee – Hickinbotham Development Shopping Centre Delay (CON12/537)

9.2 Notice of Motions (2)

9..2.1 Hickinbotham Development (CON12/1199)

9.2 Notice of Motion

9.2.2 Taping of Council Meetings (CON12/1199)

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)

13.1.2 2013/14 Year End to Original Budget Comparison Review (CON12/433)

13.2 Activity Reports

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

14. ITEMS FOR DECISIONS

14.1 2014/15 Annual Budget Review as at 31 October 2014 (CON12/433)

14.2 Abolition of State Government Rate Concessions(CON12/487)

14.3 Barossa Regional Procurement – Shared Resource Proposal (CON13/49)

14.4 Code of Conduct – Ombudsman Final Report (CON12/547)

14.5 Mallala Community Wastewater Management System – Gum Estate (CON12/334)

14.6 2015 Council Meeting Schedule (CON12/541)

15. URGENT BUSINESS

15.1

16. CONFIDENTIAL ITEMS

16.1 Council Development Assessment Panel Appointment of Members (CON12/218)

16.2 Australia Day Awards – Nominations (CON12/206)

17. CLOSURE

District Council of Mallala	2 CONFIRMATION OF MINUTES
MONDAY 15 DECEMBER 2014	

Items:

2.1 Council Meeting held on Monday 1 December 2014 (MB Folios 12892 to 12897, inclusive).

2.2 Special Council Meeting held on Monday 1 December 2014 (MB Folios 12898 to 12899, inclusive).

MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA HELD IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON MONDAY 1 DECEMBER 2014, COMMENCING AT 7:00 PM

Subject to confirmation

1. ATTENDANCE

1.1 Present

Mayor D Kennington (Mayor) and Crs P Daniele, T Keen, M Strudwicke, M Lawrence, K McColl, S Jones, E Stubing, A Picard and Messrs P Sellar (Acting Chief Executive Officer), G Mavrinac (General Manager, Infrastructure and Planning Services), B Schulz (Development Services Coordinator) and Mrs A Humphrys (Minute Secretary).

1.2 Councillors Apologies

Cr B Summerton

1.3 Councillors Absent

Nil

2. CONFIRMATION OF MINUTES

Cr Strudwicke called for a Point of Order as the declaration is to be completed by Councillor E Stubing before the commencement of the meeting.

The Mayor accepted the Point of Order.

Declaration undertaken by Councillor E Stubing in accordance with *Section 60 of the Local Government Act 1999.*

Moved Cr Keen Seconded Cr Lawrence

"that the amended minutes of meeting held on Monday 17 November 2014 (MB Folios 12880 to 12891, inclusive), be accepted as read and confirmed."

CARRIED (2014/468)

3. BUSINESS ARISING

3.1 Recruitment Consultant for the vacant position of Chief Executive Officer has been selected.

4. DECLARATION OF MEMBERS' INTEREST

4.1 Nil

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 7.07 pm.

5.1 John Partridge *Porter Road, Korunye*

- Category 3 application development proposed cemetery application that is currently sitting with Council and concerned that the zoning is Primary Production.

At this juncture, 7.08 pm Cr Lawrence and Cr Daniele left the Chamber as they declared a conflict of interest in the subject being discussed at Open Forum, as both Councillors declared they are members of the Council Development Assessment Panel.

Meeting resumed at 7.10 pm

6. BRIEFINGS

6.1 Gary Mavrinac (General Manager – Infrastructure and Planning Services) – Category 3 Applications and Council / Development Assessment Panel.

At this juncture, 7.37 pm Cr Lawrence and Cr Daniele returned to the Chamber.

7. MINUTES AND/OR RECOMMENDATIONS

7.1 Facilities and Infrastructure Advisory Committee

7.1.1 Minutes of Meeting held on 21 October 2014 (CON12/1102)

7.2 Environmental Management Advisory Committee

7.2.1 Minutes of Meeting held on 29 September 2014 (CON12/1101)

7.3 Strategic Planning and Development Policy Committee

7.3.1 No Minutes

Subject to confirmation

7.4 Council Development Assessment Panel

7.4.1 Minutes of Meeting held 7 October 2014 (CON12/218)

7.5 Gawler River Flood Management Authority

7.5.1 Minutes of Meeting held on 16 October 2014 (CON12/314)

8. QUESTIONS WHICH NOTICE HAS BEEN GIVEN

8.1 Questions on Notice

8.1.1 No Questions on Notice

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 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

Subject to confirmation

12.2 Activity Reports

12.2.1 Infrastructure Services Activity Report (CON12/1191)

Moved Cr McColl Seconded Cr Daniele

"that the Council, having considered Item 12.2.1 *Infrastructure Services Activity Report* dated 1 December 2014, receive the report."

CARRIED (2014/469)

12.2.2 Planning Services Activity Report (CON12/1191)

Moved Cr Daniele Seconded Cr Strudwicke

"that Council, having considered Item 12.2.2 *Planning Services Activity Report* dated 1 December 2014, receive the report."

CARRIED (2014/470)

12.2.3 Development Plan Amendment Activity Report (CON12/248)

Moved Cr Strudwicke Seconded Cr McColl

"that Council, having considered 12.2.3 *Development Plan Amendment Activity Report* dated 1 December 2014 receive the report."

CARRIED (2014/471)

13. ITEMS FOR DECISIONS

13.1 Fire Danger Season and Total Fire Ban Information (CON12/306)

Moved Cr McColl Seconded Cr Jones

"that the Council, having considered Item 13.1 *Fire Danger Season and Total Fire Ban* information, dated 1 December 2014, receives the report."

CARRIED (2014/472)

13.2 Baker Road Ford Upgrade Design Amendment (CON12/764)

Moved Cr Strudwicke Seconded Cr McColl

Cr Strudwicke called for a Point of Order as Cr Daniele has already spoken to the motion.

The Mayor accepted the Point of Order.

"that Council having considered *Item 13.2 Baker Road Ford Upgrade Design Amendment,* dated 1 December 2014, support the construction of a Span Deck Bridge design for the upgrade of the Baker Road Ford Crossing."

Subject to confirmation

Division

Councillor Picard called a Division

Those voting in the affirmative are Crs Strudwicke, McColl, Daniele, Stubing, Jones, Keen, Lawrence and Picard

No Councillors voted in the negative

Moved Cr Strudwicke Seconded Cr McColl

"that Council having considered *Item 13.2 Baker Road Ford Upgrade Design Amendment,* dated 1 December 2014, support the construction of a Span Deck Bridge design for the upgrade of the Baker Road Ford Crossing."

CARRIED (2014/473)

13.3 Salt Creek Remediation Working Party – Terms of Reference (CON13/25)

Moved Cr Stubing Seconded Cr Lawrence

"that the Council, having considered Item 13.3 *Salt Creek Remediation Working Party – Terms of Reference* dated 1 December 2014, agree to the amendment to the Terms of Reference to update the membership clause to read:

"Members shall consist of:

- Two representatives of the Two Wells Regional Action Team
- Two representatives of the Mallala Foreshore Advisory Committee
- Two representatives of the District Council of Mallala, which must include one Elected Member
- One representative from an industry/educational institution
- Up to three representatives from the community."

CARRIED (2014/474)

Moved Cr Keen Seconded Cr Strudwicke

"that the Council, having considered Item 13.3 *Salt Creek Remediation Working Party – Terms of Reference* dated 1 December 2014, appoint Cr Stubing as the second Elected Member representative."

CARRIED (2014/475)

14. URGENT BUSINESS

Moved Cr Strudwicke Seconded Cr Keen

"that Council supports for staff to apply for funding for the Two Wells Memorial through the Anzac Commemorative Fund as available through the Federal Electorate of Wakefield."

CARRIED (2014/477)

Subject to confirmation

Moved Cr Keen Seconded Cr Strudwicke

"that a report be presented to Council at the 15 December 2014 Ordinary Council meeting on the total cost of the remaining works to be completed at the Two Wells Memorial site."

CARRIED (2014/478)

15. CONFIDENTIAL ITEMS

15.1 No Confidential Items

16. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.24 pm.

Confirmed as a true record.

Mayor: .....

Date: ____/____/___

Subject to confirmation

MINUTES OF THE SPECIAL MEETING OF THE DISTRICT COUNCIL OF MALLALA HELD IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON MONDAY 8 DECEMBER 2014, COMMENCING AT 6:30 PM.

1. ATTENDANCE

1.1 Present

Mayor D Kennington, Crs P Daniele, S Jones (6.40), T Keen, M Lawrence, K McColl, A Picard (6.32), S Strudwicke, E Stubing and Messrs P Sellar (Acting Chief Executive Officer), Gary Mavrinac (General Manager, Infrastructure and Planning Services), SA Water representatives Mr Gerry Harris, Mr Joe Lazzaro, Water Advisor Mr Chris Kaufmann and Ms C Kelly (Minute Secretary).

1.2 Councillors Apologies

Cr T Summerton

1.3 Councillors Absent

Nil

2. GENERAL BUSINESS

2.1 Water Re-Use – Confidential Briefing

Moved Cr Strudwicke Seconded Cr Keen

"that the Council having considered Item 2.1 *Water Re-use – Confidential Briefing* dated 8 December 2014 and pursuant to *Sections 90(2) a*nd *90(3)(b) 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 2.1 *Water Re-use – Confidential Briefing* dated 8 December 2014 contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position."

CARRIED (2014/479)

Gary Mavrinac (General Manager Infrastructure & Planning), Gerry Harris (SA Water) and Chris Kaufmann provided presentations to Council regarding the NAIS and water re-use.

CONFIDENTIAL

Moved Cr Keen Seconded Cr Lawrence

"that the Council having considered Item 2.1 *Water Re-use – Confidential Briefing* dated 8 December 2014 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 2.1 *Water Re-use – Confidential Briefing* dated 8 December 2014 and associated documents, remain confidential and not available for public inspection for a period of (12) twelve months."

CARRIED (2014/480)

3. CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.46pm.

Confirmed as a true record.

Mayor: .....

Date: ___/___/___

CONFIDENTIAL

Items:

3.1

Items:

4.1

Items:

5.1

Items:

6.1 No Briefings

Items:

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

District Council of Mallala	7.1 Meetings Attended and / or Discussions Held
	Container No: CON12/1199 Document No: D14/27564
Report Date: 15 December 2014	Prepared by: Mayor Duncan Kennington
Corporate Objective: N/A	

Activities and Meetings attended

Sunday 15 November 2014
Two Wells Melodrama Group Inc – Comedy Night

Monday 17 November 2014
Ordinary Council Meeting

Wednesday 19 November 2014
Two Wells Bowling Club – "Author Event"

Friday 21 November 2014
Wakefield Group Meeting

Monday 24 November 2014
Adelaide Coast and Plains Meeting

Friday 28 November 2014
Cemetery Community Meeting Two Wells – Steven Griffiths MP Goyder

Monday 1 December
Audit Committee Meeting

Monday 1 December
Environmental Management Advisory Committee

Monday 1 December
Ordinary Council Meeting

Monday 8 December
Special Council Meeting

Wednesday 10 December
CEO Selection Panel

Friday 12 December
Central Local Government Region Meeting

Friday 12 December
Two Wells Street Parade

District Council of Mallala	8 MINUTES AND/OR RECOMMENDATIONS
MONDAY 15 DECEMBER 2014	

Items:

8.1 Economic Development Advisory Committee Reports

8.1.1 No Minutes

8..2 Community Development Advisory Committee

8.2.1 No Minutes

8.3 Audit Committee

8.3.1 Audit Committee Minutes Monday 1 December 2014 (CON12/)

8.4 Mallala and Districts Museum Committee

8.4.1 No Minutes

8.5 Mallala and Districts Homes Committee

8.5.1 No Minutes

8.6 Environmental Management Advisory Committee

8.6.1 Environmental Management Advisory Committee Minutes Monday 1 December 2014 (CON12/1101)

District Council of Mallala

MINUTES OF THE MEETING OF THE DISTRICT COUNCIL OF MALLALA AUDIT COMMITTEE HELD IN THE COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON MONDAY 1 DECEMBER 2014, COMMENCING AT 2.00 PM

1. ATTENDANCE

1.1 Members Present

John Comrie (Chairman), Peter Fairlie-Jones, Mayor Duncan Kennington, Cr Melville Lawrence and Cr Stephen Jones

Administration / Guests: Peter Sellar (Acting Chief Executive Officer), Gary Graham (Finance Coordinator), Paul Cleghorn (Strategic Infrastructure Coordinator), Tom Jones (Asset Management Officer) and Christine Kelly (Executive Assistant).

1.2 Members Apologies

Nil

1.3 Members Absent

Nil

2. CONFIRMATION OF MINUTES

Moved P Fairlie-Jones Seconded Mayor Kennington

"that the Minutes of the Audit Committee meeting dated 1 October 2014 be taken as read and confirmed".

CARRIED

3. BUSINESS ARISING

3.1
Progress report was required on Internal controls – G Graham (Finance Coordinator) provided a verbal update to the Audit Committee, with a brief report to follow at the next Audit Committee meeting in February 2015, in preparation for end of financial year at 30 June 2015.

3.2
Asset management to be addressed under agenda item 4.5.

3.3
Per the interim external Auditor letter relating to Tender documents within TRIM –
P Sellar (Acting Chief Executive Officer) provided verbal update to the Audit Committee in relation to council's record management system, advising of the new process for individual record containers being created for major Tender documents, with a brief report to follow at the next Audit committee meeting expected in February 2015.

Subject to Confirmation

4. REPORTS

4.1 Audit Committee Action List and Annual Program

Moved Cr Jones Seconded Mayor Kennington

"that the Committee having considered *Item 4.1 Audit Committee Action List and Annual Program Report* dated 1 December 2014 receives and notes the Report".

CARRIED

4.2 Audit Committee Governance Plan

Moved Cr Jones Seconded P Fairlie-Jones

"that the Committee having considered *Item 4.2 Audit Committee Governance Plan Report* dated 1 December 2014 notes and receives the report".

CARRIED

4.3 Audit Committee Self Assessment

Moved P Fairlie-Jones Seconded Cr Jones

"that the Audit Committee having considered *Item 4.3 Audit Committee Self Assessment Report* dated 1 December 2014 notes and receives the report,"
And,
"that the Audit Committee having considered *Item 4.3 Audit Committee Self Assessment Report* dated 1 December 2014, to extend an invitation for the external current Auditor to attend an Audit Committee meeting prior to June 2015,"
And,
"that the Audit Committee having considered *Item 4.3 Audit Committee Self Assessment Report* dated 1 December 2014, to receive a brief report in April 2015 detailing with the selection process for a new external Auditor."

CARRIED

4.4 Mallala Community Wastewater Management System – Gum Estate

Moved Mayor Kennington Seconded P Fairlie-Jones

"that the Audit Committee having considered *Item 4.4 Mallala Community Wastewater System - Gum Estate* dated *1 December 2014*, receives and notes the report".

CARRIED

Subject to Confirmation

Moved Mayor Kennington Seconded Cr Lawrence

"that the Audit committee having considered *Item 4.4 Mallala Community Wastewater System - Gum Estate* dated *1 December 2014,* recommends to Council to endorse the inclusion of the Gum Estate Strata to construct and install the infrastructure to connect this development to the Mallala CWMS system, subject to user pays principles being applied."

CARRIED

4.5 Asset Management Plans (Information Presentation Report)

Moved Cr Jones Seconded Cr Lawrence

"that the Audit committee having considered *Item 4.5 Asset Management Plans* dated *1 December 2014,* receives and notes the report,"
And,
"that the Audit committee having considered *Item 4.5 Asset Management Plans,* requested a brief report to the next the Audit committee, showing by asset class the renewals per the asset management plan, and the actual renewals for the 2013-14 year; and the reasons why the asset sustainability ratio was below expectation. The report should include comments on the forward projections for sustainability."

CARRIED

4.6 2014/15 Annual Budget Review as at 31 October 2014

Moved P Fairlie-Jones Seconded Cr Jones

"that the Committee, having considered Item 4.6 *2014/15 Annual Budget Review as at 31 October 2014* dated 1 December 2014, recommends to Council that it receives and notes the report."

CARRIED

4.7 2013/14 Year End to Original Budget Comparison Review

Moved Mayor Kennington Seconded P Fairlie-Jones

"that the Committee, having considered Item 4.7 *2013/14 Year End to Original Budget Comparison Review* dated 1 December 2014, recommends to Council that it receives and notes the report."

CARRIED

5. GENERAL BUSINESS

5.1 External Auditor Correspondence – 18 November 2014 - Financial Reports

Moved Cr Jones Seconded P Fairlie-Jones

Subject to Confirmation

"that the Audit Committee having considered Item 5.1 receives and notes the correspondence, and notes the satisfaction expressed from the Auditor on the way the Audit papers were prepared by the Finance staff."

CARRIED

6. NEXT MEETING

Proposed before end of February 2015

7. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 3.30pm.

Confirmed as a true record

Chairperson: .....

Date: 01/12/2014

Subject to Confirmation

District Council of Mallala	8.3.1 Audit Committee Meeting Recommendations
	Container No: CON12/522 Document No: D14/27529
MONDAY 15 DECEMBER 2014	

Items:

4.4 Mallala Community Wastewater Management System – Gum Estate

Committee Recommendation 2

Audit committee having considered *Item 4.4 Mallala Community Wastewater System - Gum Estate* dated *1 December 2014,* recommends to Council to endorse the inclusion of the Gum Estate Strata to construct and install the infrastructure to connect this development to the Mallala CWMS system, subject to user pays principles being applied."

MINUTES OF THE MALLALA ENVIRONMENTAL MANAGEMENT ADVISORY COMMITTEE MEETING HELD IN THE OLD COUNCIL CHAMBERS, OLD PORT WAKEFIELD ROAD, TWO WELLS ON MONDAY, 1st DECEMBER 2014, COMMENCING AT 5:05PM

1. ATTENDANCE

1.1 Members Present:

D Kennington; L Walker; L Slater; H Stones, S Jones, B Kerin (A&MLRNRM Board)
Staff Present:
C Muzyk (Strategic Projects Coordinator); W Barnes (Coastal, Estuary & Marine Officer); P Drew (Horticultural Services Officer) R Day, (Minute Taker)

1.2 Members Apologies

B Reid

1.3 Members Absent

2. CONFIRMATION OF MINUTES

2.1 29th September 2014

Moved Lee Slater Seconded Mayor Kennington
That the minutes from the meeting dated 29 September 2014 as read be confirmed.

CARRIED (2014/036)

3. BUSINESS ARISING

Nil

4. GENERAL BUSINESS

4.1 Parham – Artificial Channel

Carol Muzyk addressed members and gave brief overview of her report highlighting that issues in designated Marine Parks are the responsibility of Minister pursuant to the Marine Parks Act.

to be confirmed

Moved Lee Slater Seconded Laurel Walker
That the Environmental Management Advisory Committee, having considered *Item 4.1 Parham- Artificial Channel,* dated 1 December, recommends to Council that it writes to the Minister of Sustainability, Environment and Conservation requesting that he investigates the cause(s), impact(s) and potential mitigation measures that may be employed to address the issue.

CARRIED (2014/037)

4.2 Dublin Cemetery – Arborist Report

Carol Muzyk spoke to the report highlighting that the report is for information only. Council Administration are in the process of considering the report recommendations.

Councillor Jones voiced his concern regarding the content and detail of the report. He indicated he would like to see Vegetation Management Policy and Plan amended to restrict the use of chemicals.

Pam Drew advised that there were issues with the water meter having no pressure which has now been rectified and irrigation with controller will be installed hopefully before Christmas.

Moved Lee Slater Seconded Laurel Walker
That the Environmental Management Advisory Committee, having considered *Item 4.2 Dublin Cemetery- Arborist Report,* dated 1 December, receives the report.

CARRIED (2014/038)

4.3 Four Year Action Plan – Progress & Update

Mayor Kennington asked if the revegetation of roadsides was part of 4 Year Plan, not just recording but to revegetate.

Carol Muzyk to draft a Vegetation Management Policy for consideration at the next meeting. Estimates for the preparation of a Vegetation Management Plan will also be presented at the next meeting for the Committee to consider as a Budget Bid.

Councillor Jones asked if the policy would be a legislative requirement. Carol Muzyk to follow this up.

Roadside Slashing Management Plan -
Pam Drew advised the costs associated with the roadside and reserves slashing. The Horticulture Team will be trialling direct seeding of native grasses on roadsides next year to reduce fire risk and to reinstate native vegetation.

Moved Laurel Walker Seconded Mayor Kennington
That the Committee, having considered Item 4.3 *Four Year Action Plan – Progress Update and Review* dated 1 December 2014, receive the report.

CARRIED (2014/039)

5. REPORTS

5.1 Coastal, Estuary & Marine Officers Activity Report

Warrick Barnes gave a brief overview of his report and answered questions from Members.

Moved Hilary Stones Seconded Cr Jones
That the Environmental Management Advisory Committee having considered *Item 5.1 Coast Estuary and Marine Officer Activity Report,* dated 1 December 2014, recommends to Council that the report be received.

CARRIED (2014/040)

5.2 Horticultural Services Activity Report

Pam Drew gave a brief overview of her report and answered questions from Members.

Pam advised that the Horticulture Team would be undertaking direct seeding rather the tube stock at Bakers Ford wetlands as it has not been as successful as anticipated as a result of reduced rainfall.

Moved Hilary Stones Seconded Mayor Kennington
That the Environmental Management Advisory Committee having considered Item 5.2 *Horticulture Services Activity Report*, dated 1 December 2014, recommends to Council that the report be received.

CARRIED (2014/041)

to be confirmed

5.3 NRM District Officers Activity Report

Brooke Kerin introduced herself to Committee members and advised she and Jessica Cavallo will take turns in attending the EMAC meetings.

Brooke Kerin gave a brief overview of her report and answered questions from Members.

Moved Hilary Stones Seconded Lee Slater
That the Environmental Management Advisory Committee having considered *Item 5.3 NRM District Officer Activity Report*, dated 1 December 2014, recommends to Council that the report be received.

CARRIED (2014/042)

6. OTHER BUSINESS

Next Meeting
The Committee discussed the scheduling of the next meeting of EMAC. It was decided to hold the next meeting in the first week of February and that the Roadside Marker Sub Committee would meet in January.

Cemetery Proposal for Korunye
Laurel Walker commented that the recent proposal for a cemetery at Korunye had sparked interest amongst the community.

Mayor Kennington advised that written submissions are to be made to the Council Development Assessment Panel, Council has no direct role in the decision.

Carol Muzyk advised that the Development Assessment Team had referred the application internally to the Strategic Projects Team for environmental advice and many of the issues raised by the Committee had been considered. ..

Calomba Daisy
Laurel Walker raised the ongoing threat of Calomba Daisy invasion in the region.

Warrick Barnes advised that PIRSA website indicated that Calomba Daisy had been upgraded to monitoring status.

Brooke Kerin also informed members that NRM were also monitoring the situation.

to be confirmed

Carol Muzyk advised that Council has passed a Motion that a report detailing NRM activities within for the District Council of Mallala be presented to Council. The issue of Calomba Daisy will be covered in this report.

Carol Muzyk will prepare a report for the Committee detailing the current efforts being undertaken to manage Calomba Daisy within the Council region.

Councillor Jones asked what Wakefield Regional Council are doing in regard to Calomba Daisy.

Mayor Kennington advised he would contact Chief Executive Officer of Wakefield Regional Council and enquire as to Wakefield's activities with the possibility of a coordinated approach.

Community Group Project Application Form

Pam Drew highlighted the Ellies Bend project and tabled a Community Group Project Application Form that is required to be completed and returned to Council – "In Kind' work can be applied for, Pam will forward application form to Barb Reid.

Carol Muzyk to draft a report to EMAC on the process of the Community Group Application Form process.

Bakers Ford Wetland – Opening to Public

Pam Drew asked Members to consider an appropriate date for the official opening of the Bakers Ford Wetlands next year. Pam Drew also advised that the access gate will be moved to facilitate better access and the development of a carpark.

to be confirmed

7. CLOSURE – NEXT MEETING

Meeting Closed 6:16pm

Next Meeting – Monday 2nd February 2015

Confirmed as a true record:

Chairperson: ……..

District Council of Mallala	8.6.1	Environmental Advisory Committee Meeting Recommendations
	Container No:	CON12/1101
	Document No:	D14/27571
MONDAY 15 DECEMBER 2014		

Items:

4.1 Parham – Artificial Channel

Committee Recommendation

"that the Environmental Management Advisory Committee, having considered *Item 4.1 Parham-Artificial Channel,* dated 1 December, recommends to Council that it writes to the Minister of Sustainability, Environment and Conservation requesting that he investigates the cause(s), impact(s) and potential mitigation measures that may be employed to address the issue."

District Council of Mallala	9 QUESTIONS WHICH NOTICE HAS BEEN GIVEN
MONDAY 15 DECEMBER 2014	

Items:

9.1 Questions on Notice

9.1.1 Planning Management Committee

District Council of Mallala	9.1.1 Planning Management Committee
	Container No: CON12/537
Report Date: 15 December 2014	Prepared by: Cr Jones
Corporate Objective:	

Question 1:	Has an internal planning/management committee been set up which reviews and vets planning decisions and recommendations made by staff?
Answer:	No. Regular staff meetings are held, where planners have any opportunity to discuss planning matters.
Question 2:	What status does this committee have in terms of the Local Government Act?
Answer:	Not applicable - no committee.
Question 3:	How are staff decisions protected from management bias, i.e. with recent statements by senior management that cemeteries in rural areas are an accepted form of land use?
Answer	Decisions regarding the merit or otherwise of development proposals is determined by assessing a proposal against the requirements of the Development Act and Regulations, and the provisions of Council's Development Plan.
Question 4:	Is there any possibility or a perception that the committee could be a vehicle for exerting pressure on staff to reflect management bias?
Answer	No committee.

Items:

9.2. Notice of Motions (3)

9.2.1 Hickinbotham Development (CON12/1199)

9.2. Notice of Motion

9.2.2 Taping of Council Meetings (CON12/1199)

District Council of Mallala	9.2. Hickinbotham Development
	Container No: CON12/1199
Report Date: 15 December 2014	Prepared by: Cr Jones
Corporate Objective:	

Preamble:	Not provided.
Motion 1:	That legal advice be obtained in relation to the question of wether or not the fact that the Hickinbotham development makes provision for shopping centre whilst having an MOU with Council in relation to the Two Wells town centre project, constitutes a conflict interest.
Motion 2:	That a detailed analysis be provided by Senior Manager Planning for next Council meeting as to the reasons for the delays and a lack of progress on the Two Wells Town Centre Redevelopment Project leading to the need for a further extension to the MOU between Hickinbothams and Council including details and information relevant to the following matters: • A chronology timeline of events including dates, tracking the progress of the project starting from receiving the go ahead from the State Government section responsible for Crown Lands , • Steps taken towards the community land revocation process, • Steps taken towards preparation of relevant site contamination history reports • Steps taken to relocate the waste transfer station , • Steps taken to negotiate access to the Police block and find alternative arrangements for the police station, • Steps taken to salvage parkland memorabilia for incorporation in future landscape features, • A list of contextual issues affecting the outcomes of the project, • An analysis of causes for holdups and any obstacles to meeting the obligations of the Council and the Developer, • A discussion detailing the analysis and a detailed task schedule and milestones plus suggestions for additional measures that need to be taken in order to advance the project,
Motion 3:	That a meeting be arranged with Police Minister Hon Tony Picollo MP to discuss potential arrangements for access to the Police Block and an alternative police station site.

District Council of Mallala	9.2.2 Taping of Council Meetings
	Container No: CON12/1199
Report Date: 15 December 2014	Prepared by: Mayor Kennington
Corporate Objective:	

Preamble:	Council meeting are currently recorded in official Minutes, which are on the public record. The proceedings of these meetings in real time are projected onto a screen which can be viewed as the meeting progresses and this is a useful tool. However, the topic of taping meetings electronically, in addition to the above method, has been discussed by previous councils. Some time ago meetings were taped before the screen method was used. Having taped records of meetings could be a useful tool for staff when questions arise as to the accuracy of meeting records. Taping of meetings can also protect staff and elected members in the event of questions arising as to what was said in the meeting and by whom, etc. Concern has been expressed over time about comments made in the DCM Chamber by elected members and sometimes by community members. Whilst elected members must now comply with compulsory Codes of Conduct no such rules apply to the general public. There will be various legislations covering the use of taping or digital recording as a method of record keeping, and the motion asks that a Policy is drawn up by staff in order that all relevant legislation is complied with. I would expect that the current method where the minutes are shown on a screen to continue, as it is useful, unless Council decides otherwise. In order to give a clear and accurate record of meeting proceedings I move the following motion,
Motion:	That all official meetings of District Council of Mallala be recorded by a method of audio recording (or taping) and that a Council Policy be drawn up to enable this method of record keeping to be used and which would comply with all required legislation.

Items:

10.1 Questions Which Notice Has Not Been Given

Items:

11. Petitions

11.1 No Petitions

Items:

12 Deputations

12.1 No Deputations

Items:

13.1 Items for Noting/ Information

13.1.1 Finance Report (CON12/491)

13.1.2 2013/14 Year End to Original Budget Comparison Review (CON12/433)

13.2 Activity Reports

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

District Council of Mallala	13.1 Finance Report	
	Container No:	CON12/491
	Document No:	D14/27601
Report Date: 15 December 2014	Prepared by:	Finance Co-ordinator
Corporate Objective:	5.5.2	Develop and maintain long term financial planning, management and reporting ensuring resources are provided to deliver services and manage Council's assets.

Purpose:	To provide Council with an update of Financial Position as at 30 November 2014 including funds and performance against budget:

Recommendation:	"that Council, having considered *Item 13.1 Finance Report* dated 15 December 2014, recommends to Council that it notes and receives the Finance Report as at 30 November 2014."

Impact Summary

Strategic	
Economic	Nil
Built Environment	Nil
Community	Nil

Organisational & Governance	
Financial	Provision of a total cash balance to enable Council to meet their monthly financial commitments and monitor financial performance.
Legislation	Nil
Risk	Nil
Consultation	Nil
Asset Management Plans	Nil
Service Standards	Nil

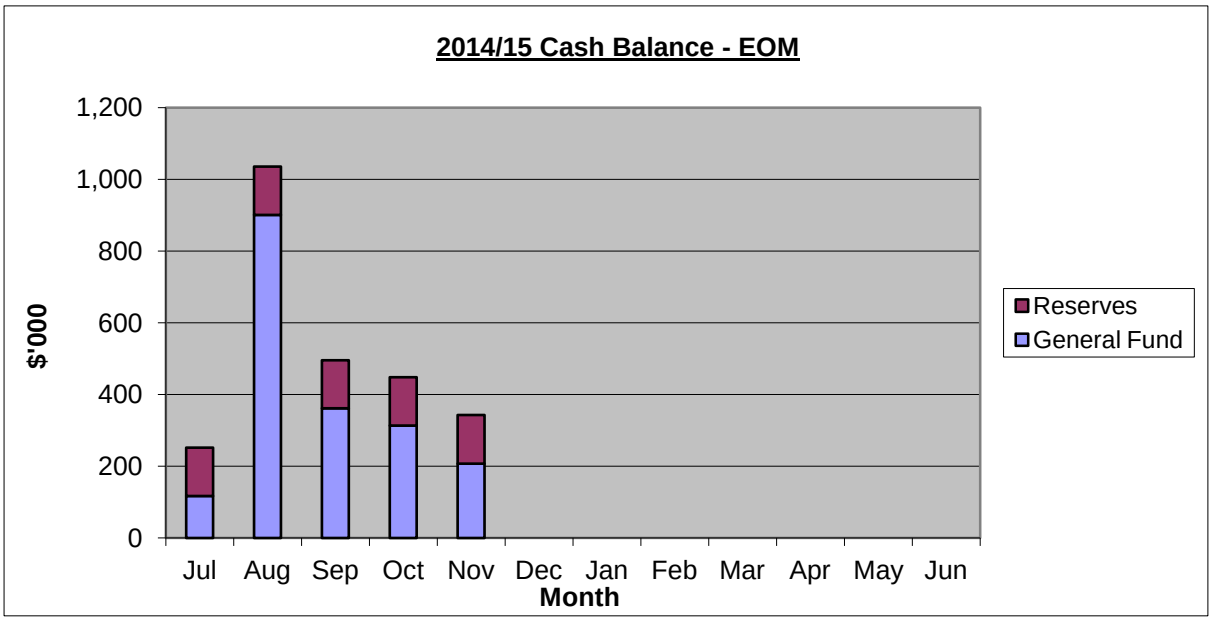
The Bank Reconciliation Statements show the following account balances, inclusive of investments and overdraft, as at 30 November 2014:

	Account	$ Balance
(1)	District Fund Account	140,372
(1.a)	LGFA 24hr Investment	67,297
	Sub total	$ 207,669
(2)	Other	134,965
	Sub total	$ 134,965
TOTAL		$ 342,634

Note

(1.b)	*LGFA Overdraft Debenture**	*$(3,625,000)*

Cash balance at the end of each month:



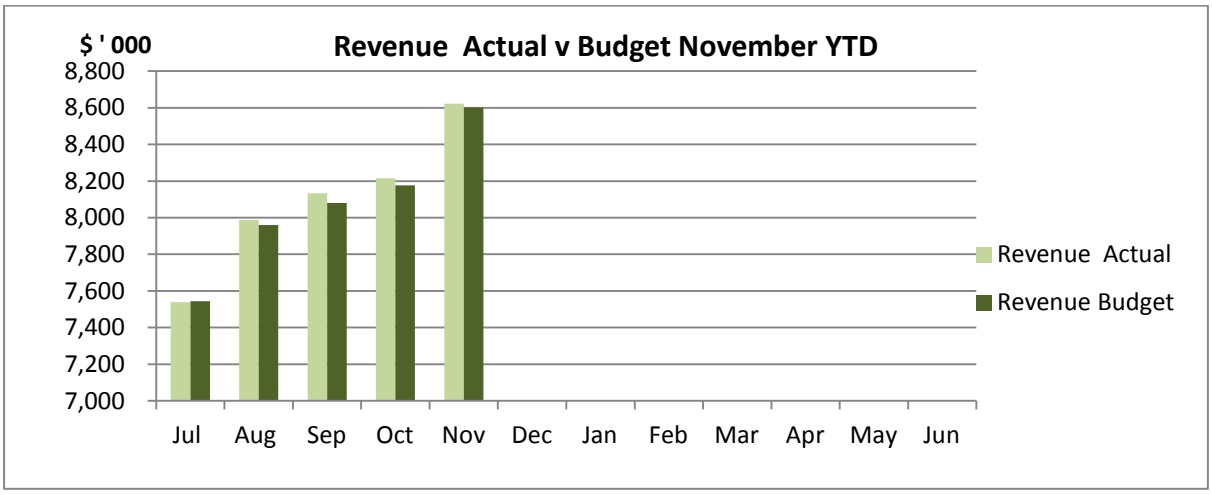
District Council of Mallala
Capital Work Projects For Period Ending November 2014

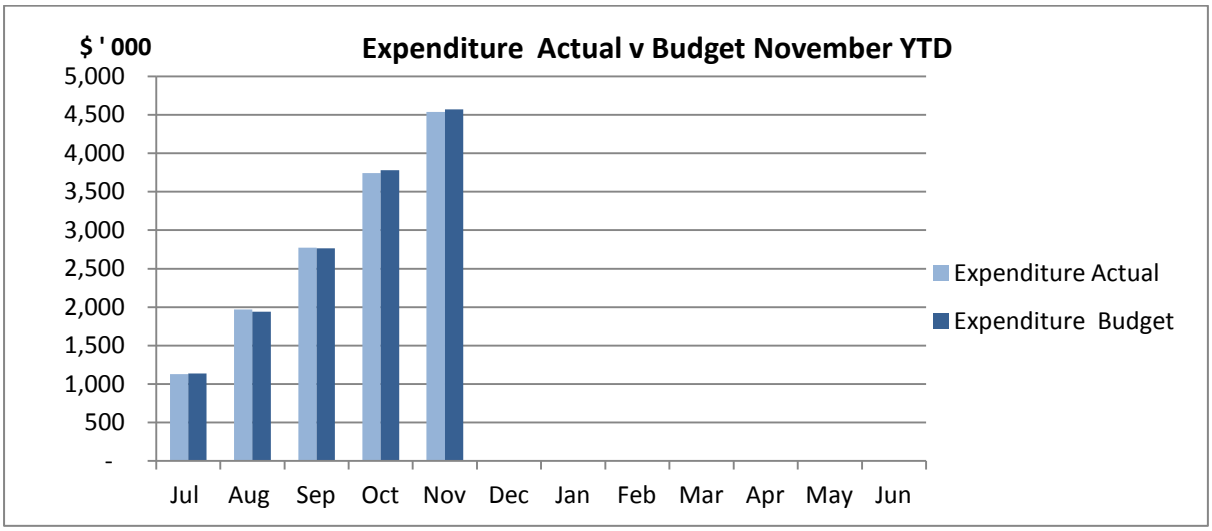
Capital Project	YTD Actuals	Annual Current Budget
Foot Paths	46,668	46,340
Land & Buildings	128,175	211,153
Office & ICT Equipment	16,147	28,925
Minor Capital Projects	75,631	198,276
Plant, Machinery & Vehicles	0	112,000
Roads - Arterial Construction	375,784	1,270,310
Roads - Sealed	2,705	135,000
Roads - Unsealed Re-sheeting	316,218	547,661
Reserves & Playgrounds	0	37,000
Mallala CWMS	1,633,161	2,000,000
Total	**2,593,515**	**4,586,665**

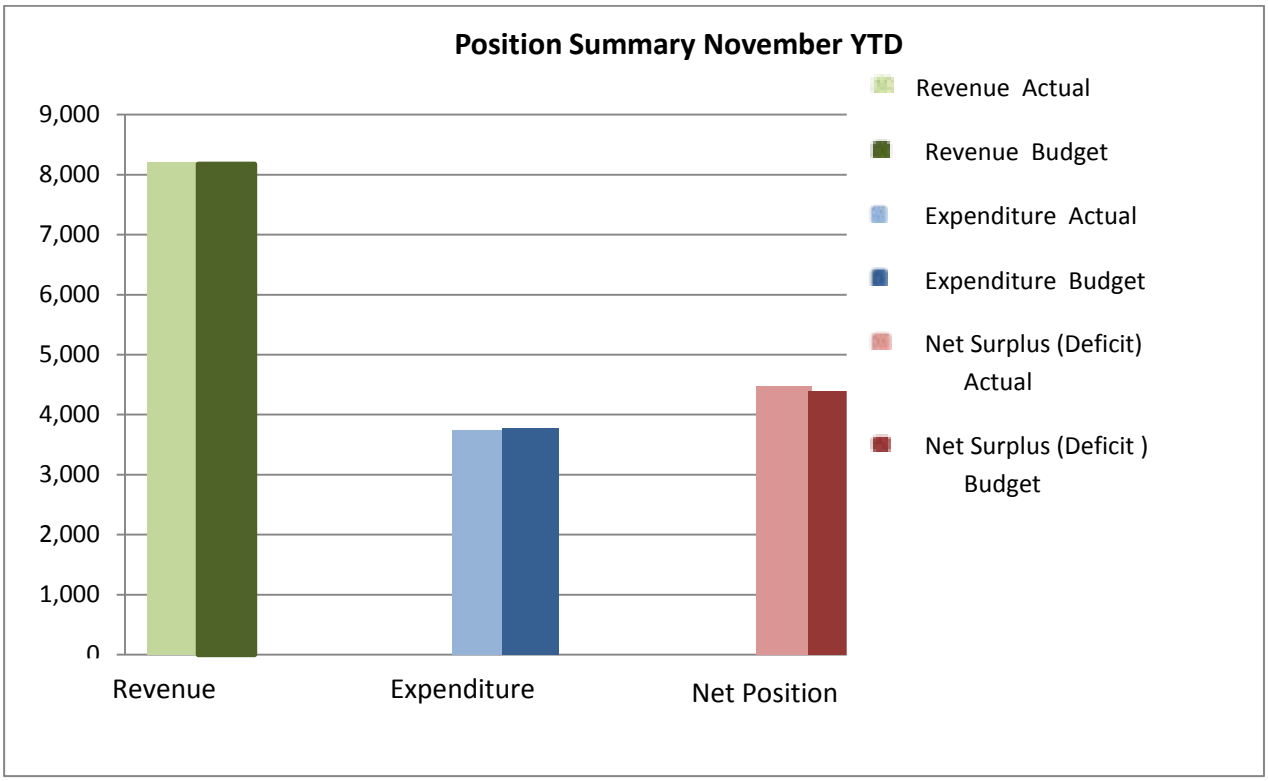
District Council of Mallala

Income Statement for Period Ending November 2014

	YTD Actual $ ' 000	YTD Budget $ ' 000	YTD Variance $ ' 000	Original Budget $ ' 000	Current Budget $ ' 000
Revenue					
Rates	7,408	7,422	(14)	7,441	7,441
Statutory Charges	246	225	21	361	361
User Charges	34	30	4	72	72
Operating Grants & Subsidies	670	670	0	1,218	1,314
Investment Income	2	0	1	1	1
Reimbursements	226	230	(4)	372	372
Other Revenue	40	24	16	39	39
Total Revenue	**8,626**	**8,601**	**25**	**9,504**	**9,601**
Expenses					
Employee Costs	1,941	1,954	13	4,740	4,740
Materials, contracts & other expenses	1,511	1,533	22	3,915	3,915
Finance Charges	168	168	0	455	455
Depreciation	916	916	0	2,197	2,197
Total Expenses	**4,536**	**4,571**	**35**	**11,308**	**11,308**
NET SURPLUS /(DEFICIT)	**4,090**	**4,030**	**60**	**(1,804)**	**(1,707)**


$ ' 000
Revenue Actual v Budget November YTD
8,800
8,600
8,400
8,200
8,000
7,800
7,600
7,400
7,200
7,000
Jul
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
Jun
Revenue Actual
Revenue Budget


$ ' 000
Expenditure Actual v Budget November YTD
5,000
4,500
4,000
3,500
3,000
2,500
2,000
1,500
1,000
500
-
Jul
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
Jun
Expenditure Actual
Expenditure Budget


Position Summary November YTD
9,000
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
0
Revenue
Expenditure
Net Position
Revenue Actual
Revenue Budget
Expenditure Actual
Expenditure Budget
Net Surplus (Deficit) Actual
Net Surplus (Deficit) Budget

Year to Date Variances Explanations (Variances over $40,000)

November 2014 Year to Date

No significant operating variance to report for the year to November.

Development fees are slightly higher year to date providing a favourable variance in Statutory Charges.

Workers Compensation Scheme rebate is higher than budget producing a favourable variance in Other Revenue.

District Council of Mallala	13.1.2	2013/14 Year End to Original Budget Comparison Review
	Container No:	CON12/433
	Document No:	D14/27607
Report Date: 15 December 2014	Prepared by:	Finance Coordinator
Corporate Objective:	5.5.2	*Develop and maintain long term planning, management reporting ensuring resources are provided to deliver services and manage Council's assets*

Purpose:	As per *Section (10) of the Local Government (Financial Management) Regulations 2011*. Council is required to prepare and consider a report showing the audited financial results of Council against the original budget for the previous financial year.

Recommendation:	"that the Council, having considered Item 13.1.2 *2013/14 Year End to Original Budget Comparison Review* dated 15 December 2014, receives and notes the report."

Impact Summary

Organisational and Governance	
Financial	Each year Council must prepare a report showing the audited financial results of the Council for the previous financial year compared with the estimated financial results set out in the Annual Budget. This must be completed by 31 December in each year.
Legislation	Requirement according to *Section (10) of the Local Government (Financial Management) Regulations 2011*
Risk	Nil
Consultation	Nil
Asset Management Plans	Nil
Service Standards	Nil

Background

Presented for members information is the final audited Income Statement for the year ended 30 June 2014 compared to the Adopted Budget for the same period.

The attached notes provide an explanation and further detail on any significant variances. This information was considered by the Audit Committee at a meeting held on Monday 1 December.

The following is a broad summary of the Notes:

Revenue
Overall the majority of revenue items were relatively close with exceptions being:

Note 3 - Grants, being impacted by the government ceasing its practise of pre-paying the financial assistance grants. Half of the year's allocation was paid in the previous financial year. And
Note 5 - Other revenues, rebates and surplus distribution form both the Local Government Workers compensation Scheme and Mutual Liability Scheme being higher than anticipated.

Expenditure
The main variance by percentage was in Finance Charges, it was expected that a short term loan facility would be utilised at the end of the previous year, however; the additional financial assistance prepayment and partial subsidy for the Mallala CWMS received in the prior year negated the requirement. The delay in commencement of the CWMS project contributed to the reduction in interest expense significantly.

Capital Analysis
Significant variations occurred in this area mainly due to the delay in the Mallala CWMS Project and donated assets from hand over by the developer of stage 2 of Tangari Estates.

Capital Projects
The underspend in Capital Projects is mainly due to the delayed start of the Mallala CWMS project.

District Council of Mallala

Original Budget to Actual Review 2014

Income Statement for the year ended 30 June 2014

	Note	Original Budget $'000	Actual $'000	Variance $'000
REVENUE				
Rates	**1**	7,004	7,076	71
Statutory Charges	**2**	356	376	20
User Charges		79	83	4
Grants, subsidies and contributions	**3**	1,432	762	(671)
Investment Income		8	12	4
Reimbursements	**4**	274	301	28
Other Revenues	**5**	33	219	187
TOTAL REVENUES		**9,186**	**8,829**	**(357)**
EXPENSES				
Employee Costs	**6**	4,634	3,923	710
Materials, contracts & other expenses	**7**	2,846	3,301	(456)
Finance Charges	**8**	502	332	170
Depreciation, amortisation & impairment	**9**	2,086	1,883	203
Share of loss - joint ventures & associates	**10**	0	56	(56)
TOTAL EXPENSES		**10,067**	**9,496**	**571**
Operating Surplus(Deficit) before Capital Amounts		**(881)**	**(667)**	**214**
Net gain/(loss) on disposal or revaluation of assets	**11**	(86)	(4)	82
Amounts specifically for new or upgraded assets	**12**	2,578	2,263	(315)
Physical Resources Received Free of Charge	**13**	0	528	528
NET SURPLUS/(DEFICIT)		**1,611**	**2,120**	**509**
Other Comprehensive Income				
Share of other comprehensive income - equity accounted Council businesses	**14**	**0**	**639**	639
Impairment (expense) / recoupment's offset to asset revaluation reserve	**15**	**0**	**(43)**	(43)
Total Other Comprehensive Income		**0**	**596**	**596**
TOTAL COMPREHENSIVE INCOME		**1,611**	**2,716**	**1,105**

Variance actual year result to original budget

Income Analysis - Significant variances only.

1. Rates:- Favourable Variance $71,000

The favourable variance is primarily due to an over estimation of the effect of capping and a higher uptake of elected waste service by primary production rate payers based on the estimates at the time rates were adopted.

2. Statutory Charges:- Favourable Variance $20,000

The favourable variance is spread amongst higher fines on rates $11,000 and increased development fees $8,000.

3. Grants, Subsides and Contribution:- Unfavourable Variance $671,000

The unfavourable variance is due to the prepayment of two instalments ($671,000) in the previous years financial assistance grant and the ceasation in the 2014 of prepaying the assistance grants.

4. Reimbursements:- Favourable Variance $28,000

The favourable variance is the result of co-payments by regional Councils for the regional health study.

5. Other Revenue:- Favourable Variance $187,000

Favourable variance is primarily the result of an increase in expected rebates and surplus distributions form the Local Government Workers Compensation Scheme, Mutual Liability Scheme and the Finance Authority, there was also the sale of a road segment to d'VineRipe for expansion of their business.

Expenditure Analysis - Significant variances only.

6. Employee Costs:- Favourable Variance $710,000

The favourable variance is the result of staff leaving and delays in filling their positions often at a lower pay level, significant annual leave which reduced the provision account, long service leave also reducing the provision account. The non appointment of a the new outdoor position. The amount transferred from wages to capital was $386,000 for the year.

7. Materials, contracts & other expenses:- Unfavourable Variance $456,000

All capital recoveries are budgeted as offsets to this category, when the results for the year are known and as required for disclosure in the financial statements they are attributed to their correct categories. The distribution for the year were employee costs ($386,000), plant depreciation ($142,000) and materials, contracts & other expenses ($193,000). Based on actual recoveries there is a favourable variance of $72,000 against this category as a result of the volume and mix of Capital work for 2014.

8. Finance Charges:- Favourable Variance $170,000

The favourable variance is due to the delayed start of the Mallala CWMS project which reduced the amount and timing of borrowings coupled with an increase in cash on hand earlier in the year from the additional financial assistance grant prepaid in 2013.

9. Depreciation , amortisation & impairment:- Favourable Variance $203,000

The favourable variance is primarily the resulted from the Capital recovery on plant $142,000 and the delay in completion of the Mallala CWMS .

10. Share of Loss Joint Ventures & Associates:- Unfavourable Variance $56,000

The unfavourable variance is the result of a deficit in the Gawler River Floodplain Management Authority financial operations. It is expected that small losses will continue to occur but there value can not be determined with confidence to be included in Councils' budget preparation.

Capital Analysis

11. Net gain (loss) on disposal or revaluation of assets:- Favourable Variance $82,000
The favourable variance is primarily due to not all vehicles budgeted for replacement being replaced during the year.

12. Amounts specifically for new Assets:- Unfavourable Variance $315,000
The unfavourable variance is the result of the delayed start of the Mallala CWMS project and the receipt of the subsidy attached to the project.

13. Physical Resources received free of charge:- Favourable Variance $528,000
During the year the developer of Tangari Estates handed control of roads, kerbing and footpaths to Council on completion of stage 2 of the development.

13. Share of other comprehensive income - equity accounted businesses:- Favourable Variance $639,000
During the year the Gawler River Floodplain Management Authority (GRFMA) revalued some of its fixed assets, the share of the revaluation for Council was $639,000.

14. Impairment expense / recoupment offset to asset revaluation reserve:- Unfavourable Variance $43,000
As part of Councils road renewal and upgrade program there will always be a relatively small amount of useful life remaining in the roads renewed and upgraded as useful life is estimated. These amounts of unused life have value which is expensed against the asset revaluation reserve for this asset category.

Capital Projects

Original Capital budget of $6,619,348 actual spend $4,733,886
During the year Council approved capital carryover from 2012-13 of $115,500 bringing the total to $6,734,548 the $2 million difference is the balance of the Mallala CWMS project that was initial expected to be completed during the year.

District Council of Mallala

Original Budget to Actual Review 2014

Budgeted Statement of Financial Position as at 30 June 2014

	Original Budget **$'000**	**Actual $'000**
ASSETS		
Current Assets		
Cash and Cash Equivalents	115	366
Trade and Other Receivables	595	1,395
Other financial assets	0	0
Inventories	13	208
TOTAL CURRENT ASSETS	723	1,970
Non-current Assets		
Equity accounted for Regional Subsidiaries	4,474	4,966
Land	12,627	12,920
Buildings	12,159	11,017
Road Infrastructure	40,261	42,381
Other Infrastructure	6,973	3,547
Equipment	3,501	3,342
Other Assets	480	2,435
TOTAL NON-CURRENT ASSETS	80,475	80,609
TOTAL ASSETS	**81,198**	**82,579**
LIABILITIES		
Current Liabilities		
Trade and Other Payables	789	1,734
Borrowings	714	2,347
Short Term Provisions	454	1,455
TOTAL CURRENT LIABILITIES	**1,957**	**5,537**
Non-current Liabilities		
Long Term Provisions	87	34
Long Term Borrowings	8,557	3,935
TOTAL NON-CURRENT LIABILITIES	**8,644**	**3,968**
TOTAL LIABILITIES	**10,601**	**9,505**
NET ASSETS	**70,597**	**73,074**
EQUITY		
Accumulated Surplus	25,931	28,053
Asset Revaluation Reserve	44,517	44,926
Other Reserves	149	95
TOTAL EQUITY	**70,597**	**73,074**

District Council of Mallala

Original Budget to Actual Review 2014

Budgeted Cash Flow Statement for year ended 30 June 2014

	Original Budget $'000	Actual $'000
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts		
Operating Receipts	9,178	9,830
Interest Receipts	8	15
Payments		
Payments	(7,879)	(8,333)
Finance Payments	(502)	(332)
NET CASH PROVIDED BY (OR USED IN) OPERATING ACTIVITIES	**805**	**1,179**
CASH FLOWS FROM INVESTMENT ACTIVITIES		
Receipts		
Grants specifically received for new or upgraded assets	578	1,463
Sale of replaced assets	110	38
Payments		
Expenditure on renewal/replacement of assets	(685)	(459)
Expenditure on new/upgraded assets	(5,379)	(3,989)
NET CASH PROVIDED BY (OR USED IN) INVESTING ACTIVITIES	**(5,376)**	**(2,947)**
CASH FLOWS FROM FINANCING ACTIVITIES		
Receipts		
Proceeds from Borrowings	4,000	1,725
Payments		
Repayments from Borrowings	(714)	(714)
NET CASH PROVIDED BY (OR USED IN) FINANCING ACTIVITIES	**3,286**	**1,011**
NET INCREASE (DECREASE) IN CASH HELD	**(1,285)**	**(757)**
CASH and CASH EQUIVALENTS AT BEGINNING OF PERIOD	**1,400**	**1,123**
CASH and CASH EQUIVALENTS AT END OF PERIOD	**115**	**366**

Budgeted Statement of Changes in Equity for year ended 30 June 2014

	Original Budget $'000	Actual $'000
ACCUMULATED SURPLUS		
Balance at end of previous reporting period	26,230	25,937
Net Result for Year	(389)	2,120
Transfers from Other Reserves		
Transfers to Other Reserves		(4)
Balance at end of reporting period	**25,841**	**28,053**
ASSET REVALUATION RESERVE		
Balance at end of previous reporting period	44,517	44,330
Gain on revaluation of infrastructure, property, plant & equipment		639
Transfer from/to Accumulated Surplus on sale of infrastructure, property, plant & equipment		(43)
Balance at end of reporting period	**44,517**	**44,926**
GENERAL RESERVE SUMMARY		
Balance at end of previous reporting period	149	91
Transfers from Accumulated Surplus		
Transfers to Accumulated Surplus		4
Balance at end of reporting period	149	95
TOTAL EQUITY AT END OF REPORTING PERIOD	**70,507**	**73,074**

District Council of Mallala

Original Budget to Actual Review 2014

Budgeted Uniform Presentation of Finances for year ended 30 June 2014

	Original Budget **$'000**	**Actual $'000**
Operating Revenues	9,186	8,829
Less Operating Expenses	10,067	9,496
Operating Surplus/(Deficit)	**(881)**	**(667)**
Less: Net Outlays on Existing Assets		
Capital Expenditure on renewal and replacement of Existing Assets	685	459
Less: Depreciation	2,086	1,883
Less: Proceeds on Sale of Replaced Assets	110	38
	(1,511)	**(1,462)**
Less: Net Outlays on New and Upgraded assets		
Capital Expenditure on New and Upgraded Assets	5,379	3,989
Less: Amounts received specifically for New and Upgraded Assets	578	1,463
Less: Proceeds from Sale of Surplus Assets	0	0
	4,801	**2,526**
Net Lending / (Borrowing) for Financial Year	**(4,171)**	**(1,731)**

District Council of Mallala

Original Budget to Actual Review 2014

Budget Financial KPI's 2013- 2014

Indicator		2011-12 Actual	2012-13 Actual	2013-14 Budget Original	2013-14 Actual
Indicator 1:	Operating Surplus **('000)**	(378)	272	(881)	(667)
Indicator 2:	Operating Surplus Ratio	(6%)	4%	(13%)	(10%)
Indicator 3:	Net Financial Liabilities **('000)**	$5,700	$7,408	$9,599	$7,744
Indicator 4:	Net Financial Liabilities Ratio	60%	69%	106%	89%
Indicator 5:	Interest Cover Ratio	3.1%	3.9%	5.6%	3.7%
Indicator 6:	Asset Sustainability Ratio	163%	56%	47%	22%
Indicator 7:	Asset Consumption Ratio	67%	76%	87%	71%

Targeted ratios

Indicator 1: Operating Surplus
To achieve a breakeven operating position or better over any 5 year period.

Indicator 2: Operating Surplus Ratio
To achieve an operating surplus ratio of between (5%) to 10%

Indicator 3: Net Financial Liabilities
To achieve net financial liabilities no greater than annual operating revenues and not less than zero.

Indicator 4: Net Financial Liabilities Ratio
Net Financial Liabilities Ratio greater than zero but less than 100% of operating revenues.

Indicator 5: Interest Cover Ratio
Net interest greater than zero but less than 8% of operating revenues.

Indicator 6: Asset Sustainability Ratio
Capital outlays on renewing/replacing assets net of the proceeds from sale of replaced assets is greater than 75% but less than 110% of depreciation over a rolling 3 year period.

Indicator 7: Asset Consumption Ratio
The average proportion of "as new condition" left in assets is greater than 40% and less than 80%.

District Council of Mallala	13.2.1	Corporate and Community Services Status Report
	Container No:	CON12/1199
	Document No:	D14/27614
Report Date: 15 December 2014	Prepared by:	Acting Chief Executive Officer

Corporate Objective:	1.2.2	Support and strengthen volunteers, community groups and organisations.
	1.3.1	Promote District sporting and community organisations and the availability and advantages of Council sporting and recreational facilities and programs.
	1.4.1	Promote and develop library services that support quality educational opportunities
	5.1.3	Ensure governance policies, procedures and activities align with legislative requirements and best practice.
	5.3.1	Provide and promote professional corporate and administrative services supporting Council operations and the needs of the community.
	5.5.2	Develop and maintain long term financial planning, management and reporting ensuring resources are provided to deliver services and manage Council's assets

Purpose:	To inform the Committee on the progress of Corporate and Community projects being undertaken by Council.

Recommendation:	"that the Council, having considered *Item 13.2.1 Corporate and Community Services Status Report* dated 15 December 2014, receive the report."

Background

This report details the activities of the Corporate and Community Services team up to the month of November 2014

CORPORATE & COMMUNITY SERVICES		Status	Due Date
Special Projects			
Mallala CWMS	After authorisation from Council negotiations have been finalised with the Landowner for the sale of land and a right of entry to the property prior to settlement	Complete	Feb 2014
	Treatment Plant & Civil Works tenders and contracts have been approved with final sign off achieved	Complete	Feb 2014
Two Wells CWMS	Septic Tank Survey conducted from 25 to 28 September 2013. Final summary report to Council in the December round of meetings. Resolution to consult community via a community meeting and Survey. Project put on hold pending information from an external wastewater provider.	In Progress	Unknown
Finance/IT			
Budget Reviews	1st Budget Review for the 2014/2015 financial year due as at 31 October 2014 for consideration by the new Council at the 15 December meeting. Audit Committee considered the Review at its meeting held on Monday 1 December 2014.	In Progress	Dec 2014
Draft Annual Business Plan	Draft Timetable for the 2014/15 Annual Business Plan (ABP) adopted at the February Meetings. Elected Member Workshop on Tuesday 22 April and 12 May to consider Budget Bids and Rating options for inclusion in Draft ABP (Annual Business Plan). Draft ABP presented for adoption for consultation at 26 May Council Meeting. Consultation concluded Wednesday 18 June. At the 23 June 2014 Ordinary Meeting the Annual Business Plan 2014/15 was adopted.	Complete	July 2014
Annual Financial Statements	Annual Financial statements have been completed and audited with no qualification noted by the external auditor.	Complete	Nov 2014
Council IT Review	Council have committed to remain with Civica with a renewal of a managed service agreement for a period of 3 years from September 2013 on their new 'Cloud Solution'. Council has now been migrated to the new platform with a continual review of the new environment.	In Progress	Feb 2015
Long Term Financial Plan	An updated Long Term Plan was adopted at the December 2013 Council Meeting. A review of the Long Term Plan is scheduled to be conducted in the first half of 2015.	In Progress	Mar 2015

Community Services			
Library Events	Latest Library Author Event: Fiona McIntosh presented on Wednesday 19 November 2014 at the Two Wells Bowling Club. Excellent feedback received from those that attended. Next event will be scheduled sometime early 2015. Two Wells Young Writers Club commenced on 27 August 2014.	In Progress	Feb 2015
Citizenship Ceremony	Latest Citizenship Ceremony was held on Thursday 18 September. Next Ceremony to be conducted as part of the Australia Day Celebrations to be held at Dublin.	In Progress	Jan 2015
Governance & Other			
Audit Committee	Audit Committee meeting held 1 December 2014 to consider adopted first budget review as at 31 October 2014, Final Budget Review against actual for the 2013/2014 year, 2013/14 financial statements and governance matters. Next meeting tentatively scheduled for mid February 2015	In Progress	Feb 2015
Local Government Elections 2014	Local Government Elections complete with first meeting of the newly elected Council held on Monday 17 November 2014.	Complete	Nov 2014

Summary

The activity report is presented to provide an indication as to the progress of projects being undertaken within the Corporate and Community Services team

Items:

14.1 2014/15 Annual Budget Review as at 31 October 2014 (CON12/433)

14.2 Abolition of State Government Rate Concessions(CON12/487)

14.3 Barossa Regional Procurement – Shared Resource Proposal (CON13/49)

14.4 Code of Conduct – Ombudsman Final Report (CON12/547)

14.5 Mallala Community Wastewater Management System – Gum Estate (CON12/334)

14.6 2015 Council Meeting Schedule(CON12/541)

District Council of Mallala	14.1	2014/15 Annual Budget Review as at 31 October 2014
	Container No:	CON12/433
	Document No:	D14/27650
Report Date: 15 December 2014	Prepared by:	Finance Coordinator
Corporate Objective:	5.5.2	*Develop and maintain long term planning, management reporting ensuring resources are provided to deliver services and manage Council's assets*

Purpose:	Council is required under *Section 9 of the Local Government (Financial Management) Regulations 2011* to reconsider its budget at least twice, between 30 September and 31 May (both dates inclusive) in the relevant financial year.

Recommendation 1 :	"that the Committee having considered *Item 14.1 2014/15 Annual Budget Review as at 31 October 2014* dated 15 December 2014, recommends that Council endorse the list of changes to be included in the Current Annual Budget for the year ending 30 June 2015: - Grants increase $96,000 - Water Reuse Investigations $55,000 - Baker Road Ford upgrade net of Blackspot funding $140,000 - Prior Council approved Capital carry over $695,000 - Mallala museum low UV lighting carry over from 2013-14 $4,500 - Increase in borrowing $700,000."
Recommendation 2 :	"that the Committee having considered *Item 14.1 2014/15 Annual Budget Review as at 31 October 2014*, dated 15 December 2014 recommends that Council receive and adopt as the Current Budget for the year ending 30 June 2015."

Impact Summary

Organisational and Governance	
Financial	Agreed alterations to the 30 June 2015 Budget as reported and outlined in the Budget Review Statements
Legislation	Requirement according to *Section 9 of the Local Government (Financial Management) Regulations 2011*
Risk	Nil
Consultation	Nil
Asset Management Plans	Asset Management Plans to be updated to reflect adjustments proposed in Capital Projects
Service Standards	Nil

Background

This is the first review of Councils Budget for the year ending 30 June 2015. The review has been conducted as at 31 October 2014.

Summary

Items to be considered as part of the Budget Review for inclusion in the 2014/2015 budget:

Financial Assistance Grant	$96,000
NAIS water reuse investigations	$55,000
Mallala museum low UV lighting carry over from 2013/14	$4,500
Baker Road Ford upgrade	$417,000
Blackspot funding	($277,000)

In regard to the movements in the attached financial statements compared to the original 2014/2015 budget:

Increase in Operating Revenues of	$96,000
Increase in Operating Expenditure of	$55,000
Increase in Capital Expenditure of	$1,117,000
Increase in Capital Income	$277,000
Increase in borrowing of	$700,000

Summary Report

The budget review provides a financial comparison of the original budget against actual results to 31 October 2014 and proposes a revision to the budget forecast with the above adjustments. These reports assist in monitoring the delivery of services to the community along with the roll-out of the capital works program.

The table below shows the changes to key financial outcomes as a result of changes made/proposed from the original budget at this review.

Budget Estimates	Original Budget ($,000)	Review as at 31 Oct 2014 ($,000)
Operating Income	$ 9,504	$ 9,601
Operating Expenditure	$ 11,308	$ 11,363
Operating (Deficit)	($ 1,804)	($1,762)
Capital Expenditure	$ 3,470	$ 4,587
Capital Grant Income	$ 681	$ 958
Capital Sale of NCA	$ 210	$ 210
New Loans	$ 2,000	$ 2,700

Statutory Financial Reports

The budget financial statements (Attachment 2) are presented in the required statutory format, and consist of:

- Budget Income Statement,
- Budget Balance Sheet,
- Budget Statement of Changes in Equity,
- Budget Cash Flow Statement,
- Budget Uniform Presentation of Finance,
- Budget Financial KPI's 2014-2015.

Changes from original adopted budget for October 2014 budget review.

Grants increased by $96,000, the financial assistance grant has been estimated based on the first instalment to be higher than originally budgeted. Council is still awaiting formal acknowledgement from the minister of the total value and components.

Consultants increased by $55,000 to investigate the NAIS water reuse program.
As per advise provided to members during the briefing at the special meeting of Council on Monday 8 December 2014, Council as part of the NAIS project need to engage consultants to conduct preliminary investigations for the following projects:
- Market Proving Study - a water demand assessment to be distributed and promoted to potential water users within the region - $17,400 (ex GST).
- Ground water modelling to determine appropriate locations for storage and recovery of treated water. This project will be jointly funded with SA Water at 50% with an estimated cost to Council of $25,000 (exGST).
- Other Consultancies including Chris Kaufmann (Water Advisor)

As stated at the meeting funding opportunities for the NAIS project are currently being explored to potentially reimburse Council for this initial upfront funding.

Amounts specifically for new \ upgraded assets increased by $277,000. Council has secured Blackspot funding for the Baker Road Ford upgrade, the grant was approved after the adoption of the original budget.

Increase in expected borrowing of $700,000 to cover the capital carry over of $694,881 from 2013-14 which was approved at Item 14.6 Capital Projects carried forward to 2014-15 budget from 25 August 2014 ordinary meeting of Council. The addition of the Baker Road Ford project of $417,000. The Mallala museum low UV lighting budgeted last year for $4,500 has been added to carry over.

Total increase in Capital expenditure of $1.117 million being prior Council approved capital carry over from 2013-14, the addition of the Baker Road Ford upgrade and the Mallala museum UV lighting from 2013-14.

District Council of Mallala

October 2014 Budget Review

Budgeted Income Statement for the year ended 30 June 2015

	Original Budget 2014-15 $'000	***October Review Budget 2014-15 $'000***
REVENUE		
Rates	7,441	7,441
Statutory Charges	361	361
User Charges	72	72
Grants, subsidies and contributions	1,218	1,314
Investment Income	1	1
Reimbursements	372	372
Other Revenues	39	39
TOTAL REVENUES	**9,504**	**9,601**
EXPENSES		
Employee Costs	4,740	4,740
Materials, contracts & other expenses	3,915	3,970
Finance Charges	455	455
Depreciation, amortisation & impairment	2,197	2,197
Loss of Revaluations	0	0
TOTAL EXPENSES	**11,308**	**11,363**
Operating Surplus(Deficit) before Capital Amounts	**(1,804)**	**(1,762)**
Share of profit - joint ventures & associates	0	0
Share of loss - joint ventures & associates	0	0
Net gain/(loss) on disposal or revaluation of assets	(6)	(6)
Amounts specifically for new or upgraded assets	681	958
Physical Resources Received Free of Charge	0	0
NET SURPLUS/(DEFICIT)	**(1,129)**	**(810)**

District Council of Mallala

October 2014 Budget Review

Budgeted Balance Sheet as at 30 June 2015

	Original Budget 2014-15 $'000	***October Review Budget 2014-15 $'000***
ASSETS		
Current Assets		
Cash and Cash Equivalents	157	260
Trade and Other Receivables	870	868
Other financial assets	0	0
Inventories	81	81
TOTAL CURRENT ASSETS	**1,108**	1,210
Non-current Assets		
Equity accounted for Regional Subsidiaries	4,383	4,966
Land	13,169	13,168
Buildings	14,901	14,802
Road Infrastructure	40,973	42,185
Other Infrastructure	3,213	3,442
Equipment	3,659	3,682
Other Assets	268	61
TOTAL NON-CURRENT ASSETS	**80,565**	82,307
TOTAL ASSETS	**81,673**	**83,517**
LIABILITIES		
Current Liabilities		
Trade and Other Payables	1,642	1,749
Borrowings	528	5,047
Short Term Provisions	454	1,017
TOTAL CURRENT LIABILITIES	**2,624**	**7,813**
Non-current Liabilities		
Long Term Provisions	66	34
Long Term Borrowings	8,035	3,406
TOTAL NON-CURRENT LIABILITIES	**8,101**	**3,440**
TOTAL LIABILITIES	**10,725**	**11,253**
NET ASSETS	**70,948**	**72,264**
EQUITY		
Accumulated Surplus	26,527	27,243
Asset Revaluation Reserve	44,330	44,926
Other Reserves	91	95
TOTAL EQUITY	**70,948**	**72,264**

District Council of Mallala

October 2014 Budget Review

Budgeted Cash Flow Statement for year ended 30 June 2015

	Original Budget 2014-15 $'000	*October Review Budget 2014-15 $'000*
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts		
Operating Receipts	9,503	9,600
Interest Receipts	1	1
Payments		
Payments	(8,663)	(8,710)
Finance Payments	(455)	(455)
NET CASH PROVIDED BY (OR USED IN) OPERATING ACTIVITIES	**386**	**435**
CASH FLOWS FROM INVESTMENT ACTIVITIES		
Receipts		
Grants specifically received for new or upgraded assets	500	777
Sale of replaced assets	98	98
Payments		
Expenditure on renewal/replacement of assets	(622)	(561)
Expenditure on new/upgraded assets	(2,018)	(2,933)
NET CASH PROVIDED BY (OR USED IN) INVESTING ACTIVITIES	**(2,042)**	**(2,619)**
CASH FLOWS FROM FINANCING ACTIVITIES		
Receipts		
Proceeds from Borrowings	2,000	2,700
Payments		
Repayments from Borrowings	(622)	(622)
NET CASH PROVIDED BY (OR USED IN) FINANCING ACTIVITIES	**1,378**	**2,078**
NET INCREASE (DECREASE) IN CASH HELD	**(278)**	**(106)**
CASH and CASH EQUIVALENTS AT BEGINNING OF PERIOD	**435**	**366**
CASH and CASH EQUIVALENTS AT END OF PERIOD	**157**	**260**

District Council of Mallala

October 2014 Budget Review

Budgeted Statement of Changes in Equity for year ended 30 June 2015

	Original Budget 2014-15 $'000	***October Review Budget 2014-15 $'000***
ACCUMULATED SURPLUS		
Balance at end of previous reporting period	27,664	28,053
Net Result for Year	(1,137)	(810)
Transfers from Other Reserves		
Transfers to Other Reserves		
Balance at end of reporting period	**26,528**	**27,243**
ASSET REVALUATION RESERVE		
Balance at end of previous reporting period	44,330	44,926
Gain on revaluation of infrastructure, property, plant & equipment		
Transfer from/to Accumulated Surplus on sale of infrastructure, property, plant & equipment		
Balance at end of reporting period	**44,330**	**44,926**
GENERAL RESERVE SUMMARY		
Balance at end of previous reporting period	91	95
Transfers from Accumulated Surplus		
Transfers to Accumulated Surplus		
Balance at end of reporting period	91	95
TOTAL EQUITY AT END OF REPORTING PERIOD	**70,948**	**72,264**

District Council of Mallala

October 2014 Budget Review

Budgeted Uniform Presentation of Finances for year ended 30 June 2015

	Original Budget 2014-15 $'000	***October Review Budget 2014-15 $'000***
Operating Revenues	9,504	9,601
Less Operating Expenses	11,316	11,363
Operating Surplus/(Deficit)	**(1,812)**	**(1,762)**
Less: Net Outlays on Existing Assets		
Capital Expenditure on renewal and replacement of Existing Assets	622	561
Less: Depreciation	2,197	2,197
Less: Proceeds on Sale of Replaced Assets	98	98
	(1,674)	**(1,735)**
Less: Net Outlays on New and Upgraded assets		
Capital Expenditure on New and Upgraded Assets	2,018	2,933
Less: Amounts received specifically for New and Upgraded Assets	500	777
Less: Proceeds from Sale of Surplus Assets	0	0
	1,518	**2,156**
Net Lending / (Borrowing) for Financial Year	**(1,656)**	**(2,184)**

District Council of Mallala

October 2014 Budget Review

Budget Financial KPI's 2014- 2015

Indicator		2011-12 Actual	2012-13 Actual	2013-14 Actual	2014-15 Budget Original	2014-15 Budget October
Indicator 1:	Operating Surplus **('000)**	(378)	272	(667)	(1,812)	(1,762)
Indicator 2:	Operating Surplus Ratio	(6%)	4%	(10%)	(25%)	(24%)
Indicator 3:	Net Financial Liabilities **('000)**	$5,700	$7,408	$7,744	$10,568	$10,124
Indicator 4:	Net Financial Liabilities Ratio	60%	69%	89%	109%	104%
Indicator 5:	Interest Cover Ratio	3.1%	3.9%	3.8%	4.9%	4.8%
Indicator 6:	Asset Sustainability Ratio	163%	56%	22%	22%	44%
Indicator 7:	Asset Consumption Ratio	67%	76%	71%	84%	71%

Targeted ratios

Indicator 1: Operating Surplus
To achieve a breakeven operating position or better over any 5 year period.

Indicator 2: Operating Surplus Ratio
To achieve an operating surplus ratio of between (5%) to 10%

Indicator 3: Net Financial Liabilities
To achieve net financial liabilities no greater than annual operating revenues and not less than zero.

Indicator 4: Net Financial Liabilities Ratio
Net Financial Liabilities Ratio greater than zero but less than 100% of operating revenues.

Indicator 5: Interest Cover Ratio
Net interest greater than zero but less than 8% of operating revenues.

Indicator 6: Asset Sustainability Ratio
Capital outlays on renewing/replacing assets net of the proceeds from sale of replaced assets is greater than 75% but less than 110% of depreciation over a rolling 3 year period.

Indicator 7: Asset Consumption Ratio
The average proportion of "as new condition" left in assets is greater than 40% and less than 80%.

District Council of Mallala	14.2	Abolition of Sate Government Rate Concessions
	Container No:	CON 12/487
	Document No:	D 14/27615
Report Date: 15 December 2014	Prepared by:	Acting Chief Executive Officer
Corporate Objective:	5.5.3 *Provide a fair and equitable rating system*	

Purpose:	To provide information on a Local Government Association request to join to lobby the State Treasurer and relevant Minister to reinstate the pensioner concessions on Council rates.

Recommendation 1:	"that the Council having considered *Item 14.2 Abolition of State Government Rate Concessions:* 1. Will not replace the withdrawn Federal and State Government funding for pensioner concessions; 2. Agrees to participate in the LGA's campaign to seek reinstatement of the concessions; and 3. Agrees to insert a flyer in the next quarterly Council rates notice alerting ratepayers to the "Bill Shock" of the impact of removal of pensioner concessions on rates."

Impact Summary

Organisational and Governance	
Financial	Potential considerable financial impact on the community and Council with a total of $114,000 concession received in the 2013/2014 year
Legislation	Nil
Risk	Possible risk of increased number of ratepayers experiencing hardship in paying the rates
Consultation	The Draft Annual Business Plan which includes the council proposed rating structure for the upcoming year is consulted on around May of each year
Asset Management Plans	Nil
Service Standards	Nil

Background

Correspondence recently received from the Local Government Association (LGA) requests Council's to consider a joint State wide push to the State Government to reinstate the rate concessions. The below report and recommendations are based on the information provided by the LGA. Also included as an attachment to the report, is the introductory correspondence from the President of the LGA to Mayor Kennington.

Discussion

Within South Australia, the State Government has provided pensioners with a maximum concession of $190 ($100 for self-funded retirees) on Council rates within any financial year.

This funding has been supported through a Federal Agreement (the *National Partnership Agreement on Certain Concession Card and Senior Card Holders)* which provided funding to the State Government to enable concessions to be paid to part pension concession holders on utilities, water and Council rates.

Specifically for South Australia, the Agreement provided approximately $27.7 million in funding for the 2013/2014 financial year to cover all concessions to part pensioners.

Earlier this year the Commonwealth Government made a decision to cut the Agreement on Certain Concessions for Pensioner Concession Card and Senior Card Holders.

The State Government agreed to fill this funding gap for the 2014/2015 financial year, however; in its 2014/2015 Budget the State Government announced that concessions on Council rates would cease as of June 2015.

Despite the Agreement providing funding for part pensioners across various taxes and utility charges, the State Government decision will pass cuts entirely onto Council rate concession recipients from next year. This will impose significant hardship on only one category of concession recipient.

For our Council the funding for pensioner concessions received from the State Government is a total of $114,000. Approximately 13.2% of our assessments receive these concessions.

The specific cost impost on each pensioner concession entitlement will vary across the Council area (and collectively other Councils); however by way of example the average "bill shock" on a pensioner rate payer will be approximately 20.7%

The average SA Council rates 2014/15 are approximately $1240 and using that average, pensioners receiving the $190 concession paid, on average, a net $1050 this year.

When pensioners lose this concession and you also factor in the annual Local Government Price Index, (2.6% based on 2013/14), the total increase for pensioners will be $217 or an increase of 20.7%.

A letter addressing concerns with cutting the pensioner concession on Council rates was sent by the LGA to the Treasurer, the Hon Tom Koutsantonis, in July 2014. A subsequent meeting was held on 13 August 2014 between the LGA President and Chief Executive Officer and the Treasurer to discuss concessions on Council rates.

Historically rate payers may be eligible for a pensioner concession on Council rates if they own or part-own their principal place of residence on the date that the first Council rates account is payable for that financial year and responsible for paying the rates on that property. Also, they must have one of the following cards:

- a Pensioner Concession Card;
- Gold Card from the Department of Veterans' Affairs;
    - Totally and Permanently Incapacitated (TPI);
    - Extreme Disablement Adjustment (EDA);
    - War Widow;
- Gold Card from the Department of Veterans' Affairs issued to a person with 80 or more overall impairment points under the *Military Rehabilitation and Compensation Act 2004;*
- Seniors Card; and/or
- State Concession Card.

In light of the significant impact to pensioners and the wider community and the lack of commitment by the State and Federal Government, the LGA Board meeting on 20 November 2014 resolved:

That the LGA Board:

1. *authorises the LGA President and CEO to continue to lobby the State Treasurer and relevant Minister to reinstate the pensioner concession on Council rates;*
2. *authorises the President to write to all Councils advising that the LGA's position is not to support Councils funding pensioner or self-funded retiree concessions;*
3. *authorises the Executive Committee to work with the Secretariat on a campaign to support Councils in their discussions with the community and local MPs on the matter of pensioner and self-funded retiree concessions; and*
4. *establish a Local Government policy position in consultation with Councils on the removal of pensioner/self-funded retiree's concession from Council rates from the 2015 budget.*

Pursuant to this decision the LGA is now seeking the co-operation of all Councils to participate in a State-wide concerted campaign on this issue.

The LGA also advises that to date:

- the President has again written to the State Government to request the reinstatement of pensioner concessions on Council rates;

- the President has written to the Commonwealth seeking the reinstatement of the Agreement;
- the Secretariat has provided all Councils with a draft pro-forma letter to be sent to Local Federal Members of Parliament and relevant Ministers seeking the reinstatement of the Agreement; and
- the Secretariat wrote a discussion paper to outline the issues and complexities of pensioner concessions on Council rates, with recommendation that Councils consult their communities on this issue. A copy of this paper was provided to all Councils as an attachment to an email to all CEOs on 23 October 2014.

To assist in this campaign, the Council Mayor sent a copy of the pro-forma letter to Local Federal Members of Parliament on 28 October 2014. A copy of this letter was provided to the LGA.

The campaign strategy is being finalised and further details will be provided to Council.

The LGA envisages providing model resources, such as wording for inserts, pro-forma petitions and media releases to Councils for each of the proposed elements in this campaign.

The LGA is continuing to have ongoing discussions with the Minister for Local Government, the Hon Geoff Brock, and Treasurer, the Hon Tom Koutsantonis.

Office of the President

In reply please quote our reference: 613059 / SS : LC

4 December 2014

Mayor Duncan Kennington
Mayor
District Council of Mallala
PO Box 18
MALLALA SA 5502

Dear Mayor Kennington

Abolition of State Government Rate Concessions

As you would be aware, the holders of pensioner concession cards and others who receive payments from Centrelink or the Department of Veterans Affairs have been entitled to receive from the State Government a concession of $190 per year ($100 for self-funded retirees) on Council rates.

Earlier this year the Commonwealth Government made a decision to cut the National Partnership Agreement (NPA) on Certain Concessions for Pensioner Concession Card and Senior Card Holders.

For South Australia, the NPA provided approximately $27.7 million in funding for the 2013/2014 financial year to cover these concessions including to part pensioners.

The State Government agreed to fill this funding gap for the 2014/2015 financial year, however in its 2014/2015 Budget the State Government announced that these concessions on Council rates would cease as of June 2015.

As a consequence of this decision, in June or July next year, when your Council determines its annual rates increase those ratepayers who have in the past received the concession will likely react to both your rates increase and the discontinuation of their $190 concession.

The average SA Council rates 2014/15 are approximately $1240 and using that average, pensioners receiving the $190 concession paid, on average, a net $1050 this year.

When pensioners lose this concession and you also factor in your annual rate rise, likely to be based upon the annual Local Government Price Index, (2.6% based on 2013/14), the total increase for pensioners, on average will be $217 or an increase of 20.7%.

When this vulnerable section of your community is confronted by this increase in their first rates notice for the 2015-16 financial year, it is likely to prompt substantial public and media reaction.

…/2

In light of the significant impact to pensioners and the wider community and the lack of commitment by the State and Federal Government, the LGA Board meeting of 20 November 2014 resolved:

That the LGA Board:

1. *authorises the LGA President and CEO to continue to lobby the State Treasurer and relevant Minister to reinstate the pensioner concession on Council rates;*
2. *authorises the President to write to all Councils advising that the LGA's position is not to support Councils funding pensioner or self-funded retiree concessions;*
3. *authorises the Executive Committee to work with the Secretariat on a campaign to support Councils in their discussions with the community and local MPs on the matter of pensioner and self-funded retiree concessions; and*
4. *establish a Local Government policy position in consultation with Councils on the removal of pensioner/self-funded retirees concession from Council rates from the 2015 budget.*

I now seek the co-operation of your Council in a State-wide campaign on this issue.

We seek your support by encouraging your Council to pass a resolution - that the Council:

1. Will not replace the withdrawn Federal and State Government funding for pensioner concessions;
2. Agrees to participate in the LGA's campaign to seek reinstatement of the concessions; and
3. Agrees to insert a flyer in the next quarterly Council rates notice alerting ratepayers to the "Bill Shock" of the impact of removal of pensioner concessions on rates.

There will be other activities which the LGA will ask Councils to be involved with and we will provide model resources, such as wording for leaflets, pro forma petitions and media releases to Councils for each of the proposed elements in this campaign.

The first necessary step, however, is for me to ask your Council to participate in the campaign.

I have enclosed a draft Council report including a proposed Council resolution that we encourage your Council to adopt at the earliest possible opportunity, preferably at a Council meeting in December 2014.

In anticipation, I thank you for your support and kindly request that you provide a copy of any Council resolution regarding this matter by email to shane.sody@lga.sa.gov.au.

I also remind you of a previous request to write to local Federal MPs on this issue if this has not already been achieved.

I will write to you again in early January 2015 to provide the relevant resources.

For further information please contact David Hitchcock, Director Infrastructure via email on david.hitchcock@lga.sa.gov.au or phone 08 8224 2052.

Kind regards

Mayor David O'Loughlin
President

Telephone: 8224 2022
Email: lgapresident@lga.sa.gov.au

Attach: Draft suggested Council Report and Resolution

District Council of Mallala	14.3	Barossa Regional Procurement – Shared Resource Proposal
	Container No:	CON 13/49
	Document No:	D 14/27617
Report Date: 15 December 2014	Prepared by:	Acting Chief Executive Officer
Corporate Objective:	5.5.1	*Investigate and provide financial services and opportunities to support cost effective Council operations and service delivery*

Purpose:	To provide update information to members in regards to Regional Procurement and seek support to progress the regional arrangements through a shared resource proposal

Recommendation 1:	"that the Council having considered *Item 14.3 Barossa Regional Procurement – Shared Resource Proposal* agree to support Council continued involvement in the Barossa Regional Procurement Group Shared Resource Model Proposal and allocate funds outlined in the report."

Impact Summary

Organisational and Governance	
Financial	Commitment from Council to continue involvement with the Barossa Regional Procurement Group via a shared resource proposal with an initial commitment of $29,160 over 18 months. Expected savings from efficiencies gained from the joint arrangements are estimated to be estimated between 3-5% of Council's annual procurement spend on those targeted regional market approaches identified via the ArcBlue data assessment and market analysis.
Legislation	Nil
Risk	Nil
Consultation	Nil
Asset Management Plans	Nil
Service Standards	Improvement in service standards by working with local contractors across the region through a consistent process

Background

During 2014, a key focus of Council has been the development of regional partnerships to generate savings. To this end, The Barossa Council, The Town of Gawler, Light Regional Council, Mid Murray Council and the District Council of Mallala have worked in partnership to form the Barossa Regional Procurement Group. The focus of the group is to capitalise on opportunities for collaborative procurement to generate cost savings, process efficiencies and economic benefits to the region by growing local business capacity to meet minimum standards, tender and win Council work.

In May 2014, the Regional Procurement Group committed to participate in the Regional Procurement Roadmap Program facilitated by ArcBlue which was subsidised by Local Government Association Procurement (LGAP) to develop a strategic procurement roadmap for the region. In addition, each CEO formalised their Council's commitment to working collaboratively with member Council's in the Barossa Regional Procurement Group, via entering into a Memorandum of Understanding.

The above work culminated in the finalisation of a two-year Barossa Regional Procurement Roadmap setting out agreed actions to improve both member Council's and the region's capability and performance in procurement in terms of probity and compliance; external cost savings and improvements; administrative cost savings, use of technology and internal process improvements; and strategies to achieve triple-bottom-line objectives through procurement.

Discussion

Current Status

The Barossa Regional Procurement Roadmap sets out a comprehensive program of initiatives to generate costs savings, implement process efficiencies, deliver economic benefits to the region and ultimately to grow both member Council's and the region's maturity in procurement. Coordination of the implementation of the roadmap, including collaboration between the member Council's is resource intensive and it has been determined that a project management approach beyond the capacity of individual members of the existing Working Group is required to ensure that the Barossa Regional Procurement Group is able to capitalise on opportunities for savings and improvements in accordance with the proposed roadmap schedule.

Proposed Shared Resource Model

The Regional Procurement Working Group has developed a Project Scope for the implementation of the Regional Road Map and proposal for a shared Regional Procurement Resource (see attached). The project plan sets out the objectives for engaging a shared resource to move the regional roadmap and associated activity forward; the specific deliverables the project officer will be required to achieve; Project success measures and KPIs; a proposed resourcing model (including the Shared Project Officer and ArcBlue and Vendor Panel commitment); total project costs overall and by council for 2014/15 and 2015/16; and project governance arrangements.

In summary, it is proposed that each of the five member Council's will co-fund the employment of a mid-level Central Regional Procurement Project Officer on a full time contract for 18 months in the first instance to manage the implementation of key initiatives arising from the Barossa Regional Procurement Roadmap in accordance with the attached project plan. The Project Officer will be hosted by The Barossa Council with in-kind line management, accommodation and other operating costs support provided by The Barossa Council. Councils will also co-fund (equal investment) ICT/Software requirements to support joint procurement/collaboration initiatives.

Analysis of Costs and Benefits Associated with the Proposed Approach

Costs

- Re-direction of Council funds of approximately $30,000 during 2014/15-2015/16 to support the implementation of the regional procurement roadmap.
- The adoption of a standardised procurement framework for the region will likely result in some, if not all, member councils having to review and update internal processes and documentation to accommodate the regional approach.
- The introduction of regional initiatives such as regional supplier panels, consistent procurement documentation and processes, joint contracts and forward procurement planning may be met with some staff resistance, requiring individual Council's to implement change management processes and strategies specific to their culture and organisational structure.
- In addition to the financial contribution required to fund the Central Regional Procurement Project Officer and any ICT/Software requirement, Council's will also be required to continue to provide management resources to participate in the Regional Procurement Working Group and associated activities.

Benefits

- Direct external cost savings estimated between 3-5% of each Council's annual procurement spend on those targeted regional market approaches identified via the ArcBlue data assessment and market analysis.
- Internal productivity efficiency savings (eg: single regional process and management of supplier panels, combined approaches to the market for target contracts such as road-reseal, reduction in WHS/Induction duplication of effort etc).
- Completion of Regional Procurement Roadmap milestones in a timely and sustainable manner.
- Improved compliance across member Council's (eg: compliance to delegation thresholds; invoices without purchase orders; WHS management system compliance; and greater standards of probity/procurement integrity; higher standards of contractor performance management).
- Improved supplier relationships, competition and compliance with suppliers in the region accessing consistent and where appropriate a single/simultaneous, Request for Tender/Request for Quote and prequalification processes for all five councils resulting in supplier time and money savings.

- All staff across the five Council's will have a consistent process for accessing panel contracts for high volume and routine purchases – eg vendor panel and a simple automated RFQ process for procurement from panel contractors where a quotation is required due to the complexity of the project or risks associated with the works or deliverable ($ investment in vendor panel will only be $1,000 p.a for each Council in joint approach versus $10,000 p.a per council for individual licence).
- The Central Regional Procurement Project Officer, to be hosted by The Barossa Council, will be able to leverage off The Barossa Council Procurement Systems and Registers to streamline the management of Panel Contracts to deliver contract management efficiencies and savings to member Councils.

Financial Implications

Total Project Cost

(Excluding internal resources)

2014/15

Procurement Project Officer = $45,500 (1.0 FTE @ GOS Level 5 for 6 months)

ArcBlue Subscription = $2,000

Vendor Panel = $1,000

TOTAL = $48,500

2015/16

Procurement Project Officer = $94,300 (1.0 FTE @ GOS Level 5 (incl. EB pay increase) for 12 months)

ArcBlue Subscription = $2,000

Vendor Panel = $1,000

TOTAL = $97,300

Total Investment Per Council

(Excluding internal resources & including shared Project Officer resource, ArcBlue Data Dashboard Subscription and Vendor Panel Access)

2014/15
$9,700

2015/16
$19,460

Long Term Vision for Regional Procurement

From a practical perspective, the long term vision for the Barossa Regional Procurement Group is to achieve a self-funded regional procurement resourcing model that can continue to deliver savings and efficiencies to the member Councils, undertake procurement activity and manage the delivery of contractual arrangements in accordance with best practice principles and regulatory requirements, and continue to grow the capacity of local suppliers to bid for, secure and deliver on a broader range of contracts, ultimately contributing to the ongoing sustainability of the regional economy .

From a developmental or continuous improvement perspective, it is anticipated that full implementation of the regional roadmap will result in both individual member Council's and the group's collective maturity in procurement practice and performance from the current Level 1 (Emergent)/Level 2 (Basic) status where procurement is largely uncoordinated, there are gaps in compliance and the focus is primarily on meeting legislative requirements; to Level 3 (Developing) in the medium term (with procurement foundations in place with improved controls and some functional and category strategies in place); and ultimately Level 4 (Advanced) at the regional level in the long term (a Regional Centre of Excellence for procurement across all expenditure).

Summary

Next Steps

Following Council endorsement of the proposed project scope and resourcing model, The Barossa Council will coordinate the recruitment of a suitable candidate for the Project Officer role in consultation with members of the Barossa Regional Procurement Working Group as per the following indicative timelines:

- Report to Councils Seeking Approval for Funding of Shared Resource at December 2014 Council Meeting
- Development & Approval of Job Specification by Friday 19 December 2014
- Agreement on Selection Panel Membership by Friday 19 December 2014
- Advertise Position from Monday 5 January 2015
- Applications Close Friday 16 January 2015
- Applications Reviewed and Shortlised by Selection Panel and Interviews Offered during 19-24 January 2015
- Interviews held Wednesday 28 January 2015
- Referee Checks and Preferred Candidate Selected and Approved by 30 January 2015
- Formal Offer Made to Preferred Candidate Monday 2 February 2015
- Commencement of Project Officer Monday 16 February 2015

In accordance with governance arrangements outlined within the attached project plan, the Barossa Regional Procurement Working Group will provide strategic oversight and support to the Central Regional Procurement Officer, with project progress reports to be provided at monthly working group meetings, bi-monthly progress reports to be provided to the CEO group and 6 monthly reviews of the project direction and progress against milestones to be undertaken by the Barossa Regional Procurement Group (including the steering committee).

Barossa Regional Procurement Group – Shared Resource - Project Scope	
Change Champion:	Chief Executive Officers of Regional Procurement Group Councils
Project Coordinator:	Barossa Regional Procurement Group – Project Officer
Project Team:	Jo Wilson (Barossa), Jo Thomas (Barossa), Debra Scott (Gawler), Megan Renzella (light), Richard Dodson (Light), Gary Graham (Mallala), Gary Mavrinac (Mallala) & Greg Hill (Mid-Murray)

1. Description of Project:
Implement key initiatives arising from the Barossa Regional Procurement Group Procurement Roadmap to generate costs savings, implement process efficiencies and deliver economic benefits to the region.

2. Objectives:	
1.	Utilise a project management approach to implement short to medium term priority actions arising from the Barossa Regional Procurement Roadmap Program.
2.	Develop and adopt a standardised procurement framework for the region with an overarching Procurement Policy, consistent subsidiary administrative processes (where appropriate), and a standard suite of operational templates to provide practical guidance on all aspects of procurement including planning, risk management, tendering, purchasing, contracting and financial control.
3.	Deliver direct savings and or organisational efficiencies and limit exposure to organisational risk, via improved, and where appropriate regionally centralised, procurement planning, purchasing, and contract management across the region.
4.	Provide necessary change management, training, communication, audit and human resource management to ensure the above objectives are delivered.

3. Deliverables & Milestones:	
Project Deliverables:	***Timeframe***
a) Coordinate the ongoing development, implementation and monitoring of the Regional Roadmap Action Plan, including the development of individual project plans for key phase 1 and 2 deliverables in the first instance, including: a. Co-ordination and Administration of Barossa Regional Procurement Group b. Regional Procurement Framework c. Regional Panel Contracts – Building Maintenance Services, Arboriculture and Horticultural Services & Civil Works d. Regional Road Reseal Contract e. Additional Wave 1 and 2 Collaborative Procurement Opportunities f. Regional Strategic Procurement Planning	Jan 2015 - July 2016

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b) ***Project 1 – Barossa Regional Procurement Group*** a. Co-ordinate monthly Working Group Meetings including agenda and minute preparation and distribution b. Co-ordinate Barossa Regional Procurement Group Agendas and Minutes, and associated projects c. Liaise with all stakeholders, including LGAP, ArcBlue, suppliers, etc on any matters relating to processes and practices.	Jan 2015 - July 2016
c) ***Project 2 - Regional Procurement Framework*** a. Develop and Implement Standard Procedures (where appropriate) and templates b. Develop regional contract register (including review dates) and establish process/arrangements for ongoing sharing of performance data, compliance status and supplier relationship management outcomes for regional contracts c. Develop and implement communication strategy d. Develop regional training plan e. Develop standard procurement KPIs and targets and associated reporting framework	Jan 2015 – June 2015
d) ***Project 3 – Regional Panel Contracts*** a. Finalise Regional Panel Categories and Sub-Categories b. Review and establish common service standards, specifications and contractor prequalification standards for proposed panels c. Develop regional panel management process and rules d. Finalise RFT documentation, Panel Deed and Conditions of Engagement for proposed panels and establish membership for each Panel's Tender Evaluation Panel. e. Establish panel access/hosting arrangements (ie vendor panel or SharePoint solution) f. Release RFT's for panel categories g. Coordinate RFT evaluations, approvals and contract execution h. Coordinate set up and administration of panel suppliers via agreed ICT platform i. Ensure compliance with records management and ongoing contract management requirements associated with regional supplier panels. j. Develop Prequalified Supplier Register Model, including a range of pre-qualification requirements.	Jan 2015 – June 2015
e) ***Project 4 – Regional Road Reseal Contract*** a. Review and establish common service standards, specifications and contractor prequalification standards b. Confirm current Council contract status for Road Reseal and timing of each Council's capacity to sign on to regional contract c. Finalise RFT documentation and Contract and establish membership for Tender Evaluation Panel d. Release RFT for Road Reseal Contract e. Coordinate RFT evaluation, approval and contract execution f. Ensure compliance with records management and ongoing contract management requirements	July 2015 – Dec 2015
f) ***Project 5 - Wave 1 & 2 Opportunities*** a. Explore and validate additional wave 1 and 2 opportunities for joint procurement contracts (including building maintenance, bulk cartage and line marking) in accordance with Project 2 and 3 project management methodology and deliverables.	July 2015 – Dec 2015

DRAFT

g) ***Project 6 - Regional Strategic Procurement Planning*** a. Explore Demand Management to accurately determine future requirements b. Develop & Manage Annual Procurement Plan c. Conduct research on Supply Market capability including contractor consultation d. Determine Contract Commercial Model and future contract management model e. Develop compliance audit controls f. Develop Regional Supplier Education Program g. Develop Standard Contract & Contract Management processes h. Develop Procurement IT Strategy i. Develop & Implement Compliance Audit controls j. Explore regional opportunities for Grant & Asset Management Planning k. Develop and Implement Project Management methodology l. Develop and Implement full Risk Management methodology m. Develop & Implement KPI's	July 2015 – June 2016 and beyond

4. Project Success Measures

- Cost Savings (direct external) – Target 3-5% Saving on those activities undertaken under the regional procurement initiative
- Internal Productivity Efficiency savings – eg: reduction in low value transactions
- Roadmap Milestone Completion
- Compliance – eg: compliance to delegation thresholds; invoice without PO
- Spend Under Regional Contract
- Qualitative Surveys – Suppliers & Staff
- Training program delivered
- Compliance to audit requirements

5. Proposed Project Resourcing Model

- Co-funded Central Regional Procurement Project Officer – 18 months in first instance
- Mid-level Project Officer (GOS 5 - 1.0 FTE $72,893 plus 25% on costs – total = $91,000 for 2014/15 full year or $48,500 for six months)
- Project Officer to be hosted by Barossa Council or Town of Gawler (to be confirmed by CEO group)
- In-kind Line Management Support Provided by Manager Strategic Projects – Barossa Council
- Project Officer Resource to be funded after 18 months by savings generated through the achievement of project milestones
- Councils to co-fund (equal investment) ICT/Software requirements to support joint procurement/collaboration initiatives – ie ArcBlue data dashboard analysis ($2,000 per annum per council) and vendor panel via LGAP enterprise ($1,000 per council per annum)

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6. Estimated Project Cost:
Total Project Cost (excluding internal resources) ***2014/15*** Procurement Project Officer = $45,500 (1.0 FTE @ GOS Level 5 for 6 months) ArcBlue Subscription = $2,000 Vendor Panel = $1,000 **TOTAL = $48,500** ***2015/16*** Procurement Project Officer = $94,300 (1.0 FTE @ GOS Level 5 (incl. EB pay increase) for 12 months) ArcBlue Subscription = $2,000 Vendor Panel = $1,000 **TOTAL = $97,300** **Total Investment Per Council** (excluding internal resources & including shared Project Officer resource, ArcBlue Data Dashboard Subscription and Vendor Panel Access) ***2014/15*** $9,700 ***2015/16*** $19,460

7. Project Governance:
a) Project Officer to meet with host council working group representative (Manager Strategic Projects if Barossa Council or Team Leader – Property & Procurement if Gawler) weekly to discuss progress, issues, approach.
b) Project Officer to provide progress reports at monthly Working Group meeting involving representatives from each Council
c) Project Officer Project Progress Report to be submitted to CEO group (5) for consideration at bi-monthly meeting.
d) The Barossa Regional Procurement Group, involving the joint Working Group and Steering Committee, will conduct 6 monthly reviews of the project direction and progress against milestones.

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Project Brief Sign-Off:

Henry Inat
CEO Town of Gawler …….

Peter Sellar
Acting CEO DC Mallala …….

Martin McCarthy
CEO The Barossa Council …….

Russell Peate
CEO Mid Murray Council …….

Brian Carr
CEO Light Regional Council …….

DRAFT

District Council of Mallala	14.4	Code of Conduct Ombudsman Final Report
	Container No:	CON12/547
	Document No:	D14/27619
Report Date: 15 December 2014	Prepared by:	Acting Chief Executive Officer
Corporate Objective:	5.1.5 Create a positive and professional team culture through development opportunities, cooperation and accountability	

Purpose:	To provide members with the final report from the Ombudsman SA Office in its consideration of the alleged breaches of the Council Member Code of Conduct from Councillor Jones against then Councillor Heley.

Recommendation 1:	"that Council having considered *Item 14.4 Code of Conduct – Ombudsman Final Report,* dated 15 December 2014, receives the report and notes the findings from the Acting Ombudsman SA that there was found to be no breach of the Local Government Act and clause 3.13 of Part 3 of the Code of Conduct. "

Impact Summary

Organisational and Governance	
Financial	Nil
Legislation	Alleged breaches of the Council Member Code of Conduct must be investigated against the procedure adopted by Council for such matters. The application of the Code is mandatory.
Risk	Nil
Consultation	Nil
Asset Management Plans	Nil
Service Standards	Nil

Background

The Ombudsman SA office received an alleged breach of the Council Member Code of Conduct from Councillor Steve Jones against then Councillor Jan Heley. This report provides Council with an update on these allegations following consideration by the Acting SA Ombudsman.

Discussion

An alleged breach was received by the Office of Ombudsman SA on 16 August 2014 from Councillor Steve Jones against then Councillor Jan Heley. The complaint alleges a breach of Part 3 of the Code of Conduct for Council Members for an incident that occurred at the Council meeting on 28 July 2014. The Final Report is included as an attachment.

Summary

The report provides Council with information related to the alleged breach and response from the Ombudsman SA following consideration of the information provided to them. The Acting SA Ombudsman has found that no breach had occurred.

OmbudsmanSA

Enquiries: Mr Denis Carey
Telephone: (08) 8226 8687
Ombudsman reference: 2014/06632
Agency reference:

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

Dear Mr Sellar

Preliminary investigation of complaint by Cr Steve Jones

I refer to my provisional report dated 30 October 2014.

I have now concluded my investigation; and the purpose of this letter is to provide you with my final views about the complaint. They are set out in the enclosed report. I have sent a copy to (former) Cr Heley and the complainant.

As you may be aware, the Ombudsman Act imposes certain obligations[1] on my office and others, including complainants, officers and members of the council, to keep information about my investigation confidential. However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.

In my opinion, there is a public interest in disclosure of my final reports under the Ombudsman Act. Therefore, I authorise disclosure of this report by you as you see fit. I advise that I may publish my report on the Ombudsman SA and AustLII websites.

Yours sincerely

Megan Philpot
ACTING SA OMBUDSMAN

27 November 2014

Encl.

[1] *Ombudsman Act 1972*, section 26.

Level 5 East Wing
50 Grenfell Street
Adelaide SA 5000

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OmbudsmanSA

Final Report

Preliminary investigation - *Ombudsman Act 1972*

Complainant	Councillor Steve Jones
Council member	Councillor Jan Heley[1]
Council	District Council of Mallala
Ombudsman reference	2014/06632
Date complaint received	16 August 2014
Issues	Whether Cr Jan Heley had an interest in Item13.1.3 considered at the council meeting on 28 July 2014

Jurisdiction

The complaint alleges a breach of Part 3 of the Code of Conduct for Council Members made pursuant to section 63 of the *Local Government Act 1999* (**the Code of Conduct**).[2] An act of a council member that may constitute grounds for complaint under the Local Government Act is taken to be an 'administrative act' for the purposes of the Ombudsman Act.[3]

The complaint is within the jurisdiction of the Ombudsman under the *Ombudsman Act 1972*.

Investigation

My investigation has involved:

- assessing the information provided by the complainant
- seeking a response from Cr Heley
- considering the Local Government Act
- preparing a provisional report
- providing Cr Heley, the council and the complainant with my provisional report for comment
- preparing this report.

Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be

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1 Cr Heley was not returned as a councillor of the District Council of Mallala at the election held in November 2014.
2 The Code of Conduct was gazetted on 29 August 2013.
3 Section 263A(4) Local Government Act; section 3, Ombudsman Act.

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upheld. That decision recognises that greater care is needed in considering the evidence in some cases.[4] It is best summed up in the decision as follows:

> The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ... .[5]

Response to my provisional report

In response to my provisional report, neither the complainant nor Cr Heley provided comment.

The council responded by informing my office[6] that it had no comment to make.

Background

1. On 3 March 2014 the former Ombudsman received a complaint from the complainant alleging that Cr Heley had breached the Local Government Act and the Code of Conduct on 24 February 2014.

2. An investigation under the Ombudsman Act was conducted. On 1 July 2014 I provided the council, Cr Heley and the complainant with my final report (**the report**) in which I determined that Cr Heley had not breached the Local Government Act and the Code of Conduct.

3. At the time of providing the report I informed the council, Cr Heley and the complainant as follows:

> As you may be aware, the Ombudsman Act imposes certain obligations[7] on my office and others, including complainants, officers and members of the department, to keep information about my investigation confidential. However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.
>
> In my opinion, there is a public interest in disclosure of my final reports under the Ombudsman Act. Therefore, I authorise disclosure of this report by the parties as they see fit. I advise that I may publish my report on the Ombudsman SA and AustLII websites.

4. The agenda for the council meeting scheduled for 28 July 2014 informed the councillors that *inter alia*, the meeting would consider the report at item 13.1.3, and a copy was provided with the agenda documents.

5. The minutes of the council meeting on 28 July 2014 record the following:

> At this juncture 8.25 pm, Cr Jones left the chamber as a conflict of interest had been declared in item 13.1.3 - Involved Ombudsmen [sic] Investigation Outcome (CON 12/592) as Cr Jones was involved in the investigation.
>
> 13.1.3 Ombudsmen [sic] Investigation Outcome (CON12/592)
>
> Moved Cr Summerton Seconded Cr Wasley

---

4 This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

5 *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

6 Telephone call from the council's Chief Executive Officer to my office on 10 November 2014.

7 *Ombudsman Act 1972*, section 26.

"that the Council having considered Item 13.1.3 Ombudsman Investigation Outcome dated 28 July 2014 notes and receives the report."

CARRIED (2014/339)

Cr Jones returned to the chamber at 8.37 pm.

6. In this matter, the complainant alleges that Cr Heley, as the subject of his complaint, did not declare her interest in item 13.1.3 on 28 July 2014 and accordingly, was in breach of the Local Government Act and the Code of Conduct.

Relevant law

7. Section 73(1) defines the circumstances in which a council member has 'an interest in a matter':

> 73–Conflict of interest
> (1) A member of a council has an interest in a matter before the council if–
>
> (a) the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment; or
> (b) the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, obtain or have a reasonable expectation of obtaining a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a non-pecuniary detriment,
>
> (not being a benefit or detriment that would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the area or a ward or some other substantial class of persons).

8. Section 74(1) provides:

> A member of a council who has an interest in a matter before the council must disclose the interest to the council.

9. Section 74(4) provides:

> A member of a council who has an interest in a matter before the council must not–
>
> (a) propose or second a motion relating to the matter; or
> (b) take part in discussion by the council relating to that matter; or
> (c) while such discussion is taking place, be in, or in the close vicinity of, the room in which or other place at which that matter is being discussed; or
> (d) vote in relation to that matter.

10. Clause 3.13 of Part 3 of the Code of Conduct provides:

> Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

11. Part 3 also provides:

> A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council.

Whether Cr Jan Heley had an interest in Item 13.1.3 considered at the council meeting on 28 July 2014

12. The issue is whether Cr Heley had an interest in item 13.1.3 for the purposes of section 73(1) of the Local Government Act.

13. To decide whether Cr Heley had 'an interest', I must be satisfied that Cr Heley would receive a benefit or suffer a detriment or would have a reasonable expectation of receiving a benefit or suffering a detriment of the type described in section 73(1) if the item was decided in a particular manner. Such benefit or detriment should not be shared with all or a substantial proportion of ratepayers, electors or residents of the area, or some other substantial class of persons.

14. In the case of *Petrovski v Dolling,*[8] the SA District Court emphasised that the legislation is confined to the type of interest referred to in section 73 and 'not to conflicts of interest at large'.[9] The disclosure requirement in section 74 is confined to disclosure of the type of interest in a matter described in section 73.

15. Further, the court said that the question of whether a council's resolution gives rise to a section 73(1) interest, must be determined by considering the actual terms of the 'motion'.[10]

16. In my view, the sole purpose for the council considering the Ombudsman's report was to receive and note the findings of the investigation. It was required to do nothing more than that. As I had found no breach by Cr Heley, I made no recommendations under the Ombudsman Act. Accordingly, council would not have been required to provide my report to a public meeting of the council.[11] I am advised it is the council's standard practice that it tables reports on investigations of council members at council meetings.[12]

17. I note that I had given approval to the council, Cr Heley and the complainant to disclose my report in any manner of their choosing. I consider that the tabling of the report should be seen in the context of the parties being at liberty to publish my report more broadly, if one of them chose to do so.

18. Having regard to the purpose of item 13.1.3 my view is that Cr Heley did not have an interest under section 73(1) of the Local Government Act. Consequently, Cr Heley did not have an interest to disclose under section 74(1) of the Local Government Act.

19. I note that the complainant disclosed an interest prior to the council considering item 13.1.3, and vacated the chamber for about 12 minutes before returning after the item had been dealt with. This was, of course, his decision to make. I make the observation that this decision did not seem to persuade Cr Heley to take the same course of action. This could be seen by a fair minded and informed member of the public as Cr Heley having a perceived conflict of interest.

20. I note that the Local Government Association's (**LGA**) guidelines advise that council members should be alert to perceptions of conflict of interest and act accordingly:

> It is not relevant whether the affected person thinks that he or she would actually be influenced - the important question is whether the impartial observer could form the

[8] *Petrovski v Dolling* [2013] SADC 27 (5 March 2013).
[9] Ibid, [41].
[10] Ibid, [34].
[11] Part 3 of the Code of Conduct for Council Members.
[12] Telephone conversation between my officer and Mr Derek Lawson, Compliance Officer with the council, 28 October 2014.

> opinion that in the given set of circumstances, the affected person could be influenced by the nature of his or her possible or perceived interest.[13]

21. The LGA recommends that in the circumstances above, the affected council member should declare their interest and withdraw from voting on the particular matter which lies for decision.

22. I agree with the LGA's position; and I consider it accords with community expectations.

23. In reaching my view above, it is worthy to emphasise the District Court's views in the decision of *Petrovski v Pain*,[14] and the court's comments about the importance of the role of council members and their responsibility to properly discharge their public duties:

> The business of local council is an important one. Those who are elected to council must take their responsibilities and obligations seriously so as to reassure the public, who elected them that they are acting in a proper manner in the discharge of their public duties. This is particularly relevant in relation to any conflict of interest that may arise.

24. In my view, Cr Heley would have done well to have disclosed an interest and absented herself from the chamber.

Opinion

In light of the above, I consider that Cr Heley did not breach the Local Government Act and clause 3.13 of Part 3 of the Code of Conduct. Accordingly, Cr Heley did not act in a manner that was contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act.

Megan Philpot
ACTING SA OMBUDSMAN

27 November 2014

[13] LGA, 'Conflict of Interest Provisions: Guidelines and Examples', November 2010, p15.
[14] *Petrovski v Pain* [2013] SADC 6 [52].

District Council of Mallala	14.5 Mallala Community Wastewater Management System – Gum Estate	
	Container No:	CON 12/334
	Document No:	D14 / 27745
Report Date: 15 December 2014	Prepared by:	Strategic Infrastructure Coordinator
Corporate Objective:	4.2.3 *Plan, manage and regulate Community Wastewater Management Schemes (CWMS) in townships*	

Purpose:	To provide Council Members with information on the Gum Estate development effluent connections for the purpose of consideration as part of the Mallala CWMS Project.

Recommendation 1:	"that the Council, having considered *Item 14.5 Mallala Community Wastewater system Gum Estate* dated *15 December 2014,* endorses Council Administration to seek approval from the Gum Estate Community Strata Corporate to include the Gum Estate Development to construct and install the remaining twelve allotments to the Mallala CWMS system in accordance with user pays principles modelled on a 50% recovery scheme and that a report be brought back to Council on the outcomes of the negotiations"

Impact Summary

Organisational and Governance	
Financial	There are financial implications for the inclusion of the Gum Estate development. Council Administration has provided in this report user pays payment options analysis modelling for consideration.
Legislation	Nil
Risk	If this is not approved then the Gum Estate will be the only section in the township not connected to the Community Wastewater Management System. The system has been designed to incorporate the whole of the township for the purpose of irrigation to the sporting oval and open space facilities.
Consultation	Nil
Asset Management Plans	The constructed infrastructure data will be required to be included in Councils Asset Management System Conquest.
Service Standards	The infrastructure is required to be constructed as per the design specifications provided by the Consultant Engineers.

Background

The District Council of Mallala engaged a consultant to investigate and prepare designs for the proposed Community Wastewater Management System (CWMS) to service the township of Mallala in August 2007. Formal public consultation was undertaken during the months of May – June 2012. On the 22 October 2012 Council resolved to proceed with the full CWMS that includes:

- Treatment plant with a 10ML winter storage pond.
- Two Woodlot area's for excess disposal of treated water.
- Irrigation plant to irrigate the township multi purpose sports oval.
- Automatic sprinkler system installed on the oval.
- Pumping stations.

The civil construction began in February 2014 on the rising main, treatment pond and pump station network. The construction component of the project is 95% completed and is expected to be completed at the end of December 2014.

The treatment plant facility on Wasleys road has been completed and will be commissioned in the new year a date has not been confirmed.

Financial

The subsidy funding agreement to construct the CWMS for blackwater effluent to service the town of Mallala estimated capital cost of $4.6 m.

Council's indicative contribution costs for the project is $1,910,000 for the connection of approximately 322 allotments, which included the Gum Estate.

The approved scheme designs by the consultant accounted for all the allotments within the township at that time.

Discussion

Strata Corporation Definition

The process of subdivision of a property for multi-unit development results in the need for a body to manage common ownership aspects of the property. On registration of a Strata Scheme, a "Strata Corporation" becomes incorporated. Strata Corporations are regulated by legislation that has undergone many revisions both to deal with the changing property ownership trends and to adjust to the continually evolving body of knowledge and experience gained from regulating the industry.

Strata Corporations offer members more affordable property with reduced shared costs of property maintenance. There are different types of bodies corporate including apartment blocks, attached townhouses, double-storey villa units or mixed-use developments (residential and commercial) (Reference: Ace Body Corporate Management website). A community Strata corporation recommendations or decisions must be put to a vote of the corporation as per the Community Titles Act, this would require a special resolution which can only be approved if less than 25% of the owners object to the request.

During the construction stage, Council Administration raised the need to seek right of entry to the Gum Estate (Strata Corporation) to construct the CWMS infrastructure on private land.

The right of entry was raised with the LGA CWMS project manager, who then indicated that the State Government subsidy scheme will not fund the CWMS infrastructure on private land. This raised concern given that the CWMS were promoted as covering the entire township.

Council Administration proceeded to engage a consultant engineer to survey the Gum Estate development to ensure construction is possible. The survey advice provided from the consultant engineers indicated this will be possible and a gravity system could be installed to service the Estate.

The remaining total number of blocks in the Gum Estate development (not included in the project scope and will not be connected to the CWMS) is twelve. The number of established and constructed houses is eight, with four houses still to be constructed. (Attachment 1)

As the connection to Gum Estate is outside of the subsidy scheme, Council will need to find an alternative mechanism to pay for and recoup cost for connections within the estate.

Council's Infrastructure department provided a report to the Audit Committee on the 1 December 2014 to seek support of the Committee and recommendation to Council that the remaining connections of twelve allotments within in the Estate be constructed and connected to the CWMS. The Audit Committee recommended the following recommendation to be presented to Council for consideration.

> "that the Audit committee having considered *Item 4.4 Mallala Community Wastewater System - Gum Estate* dated *1 December 2014,* recommends to Council to endorse the inclusion of the Gum Estate Strata to construct and install the infrastructure to connect this development to the Mallala CWMS system, subject to user pays principles being applied."

CARRIED

Council's Audit Committee Chairman has provided Council Administration with a user pays principle business model based on a 50% recovery of the costs, shared between the twelve allotments. This model has provided informative options for Council Elected Members to decide the best outcome for Council and the Gum Estate community residents. (Attachment 2)

A 50% recovery rate has been used in the model and also included in the recommendation but the level of recovery is a decision of Council. The decision may be to recover 100% of the additional costs from the 12 properties. The 50% is a reflection of having the additional properties, over time is an advantage to the scheme and Council with users paying for the scheme and showing a consistent approach that all of the properties within the township being connected to the CWMS.

Option 1

Share the costs between the twelve properties over a 20 year period, annualised costs per property $638.00 (This does not include the internal property connection)

Option 2

Share the costs between the twelve properties over a 30 year period, annualised costs per property $538.00 (This does not include the internal property connection)

Option 3

Share the costs between the twelve properties over a 50 year period, annualised costs per property $477.00 (This does not include the internal property connection)

Option 4

Share the upfront one off payment costs of the whole project between the twelve properties for the total of $7,030.25.(This does not include the internal property connection)

Note: There has been no contingency funds allowed in the construction costs provided.

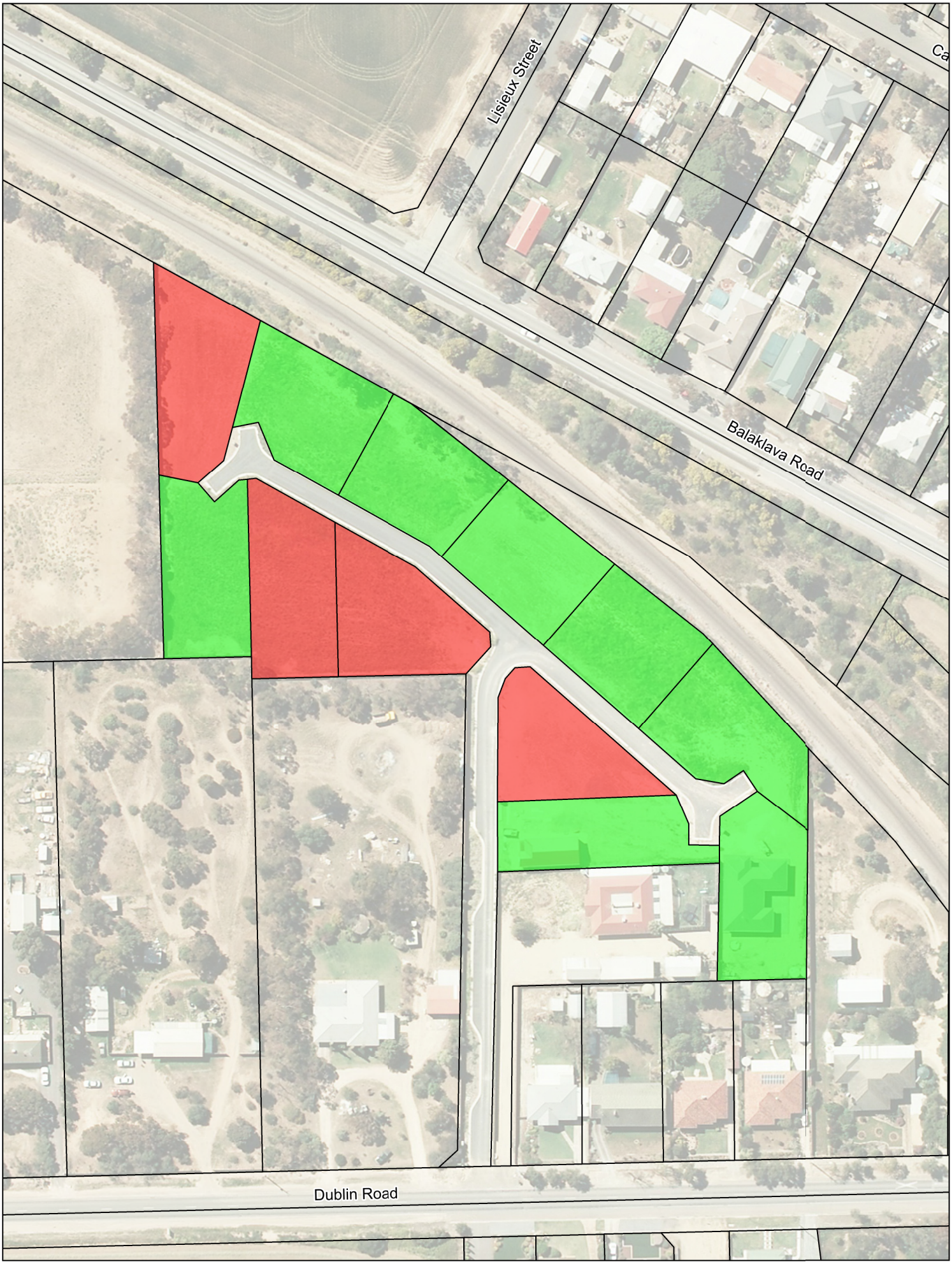
Summary

Due to unforeseen limitation to the subsidy scheme, twelve allotments within the Gum Estate cannot be connected as part of the overall construction currently in progress. Connection to the CWMS requires action by Council to contract a civil contractor to construct the gravity line to service the blocks.

In order to do so, Council will need to commit additional funds to allow for the construction of the new gravity line.

Council Administration with the support of the Audit Committee is seeking endorsement from Council to commit the required funds to complete the construction of the Gum Estate development to ensure the whole of the township and any potential future development within the area is connected to the CWMS.

Council Administration will approach the Community Strata Corporate on the outcome of the decision to either seek consensus approval on an option report for a user pays repayment scheme, or to notify the residents that Council will not go ahead with the completion of the CWMS in the Gum Estate development.



District Council of Mallala

Gums Estate

Developed Land

Undeveloped Land

This map is a representation of the information currently held by District Council of Mallala. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

Attachment 2

Gum Estate cost recovery over 20 years Option 1

Assumed Capital Costs of Extension to Gum Estate =	$168,726
Share costs to be recovered from property owners say =	50%
Period of time over which to be recovered (say) =	20
Assumed number of capital (say)*=	6.5%
Annualised cost =	$15,313
Assumed number of properties =	12
Annualised cost per property =	$638.00

* note if use nominal interest rate (say eg 6.5%) then annualised cost remains constant over period
if use real interest rate (say eg 4.0%) then annualised cost remains constant over period

Gum Estate cost recovery over 30 years Option 2

Assumed Capital Costs of Extension to Gum Estate =	$168,726
Share costs to be recovered from property owners say =	50%
Period of time over which to be recovered (say) =	30
Assumed number of capital (say)*=	6.5%
Annualised cost =	$12,921
Assumed number of properties =	12
Annualised cost per property =	$538.00

* note if use nominal interest rate (say eg 6.5%) then annualised cost remains constant over period
if use real interest rate (say eg 4.0%) then annualised cost remains constant over period

Gum Estate cost recovery over 50 years Option 3

Assumed Capital Costs of Extension to Gum Estate =	$168,726
Share costs to be recovered from property owners say =	50%
Period of time over which to be recovered (say) =	50
Assumed number of capital (say)*=	6.5%
Annualised cost =	$11,459
Assumed number of properties =	12
Annualised cost per property =	$477.00

* note if use nominal interest rate (say eg 6.5%) then annualised cost remains constant over period
if use real interest rate (say eg 4.0%) then annualised cost remains constant over period

Gum Estate cost recovery upfront one off payment Option 4

Assumed Capital Costs of Extension to Gum Estate =	$168,726
Share costs to be recovered from property owners say =	50%
Assumed number of properties =	12
One off cost per property =	$7.030.25

District Council of Mallala	14.6	2015 Council Meeting Schedule
	Container No:	CON12/541
	Document No:	D14/27746
Report Date: 15 December 2014	Prepared by:	Acting Chief Executive Officer
Corporate Objective:	4.1.4	Support strategic alliances, stakeholder forums and advisory committees that assist Council in policy development and service planning
	4.6.2	Provide professional corporate and administrative services to support Council operations

Purpose:	To provide members with a proposed 2015 Schedule for Ordinary Council Meetings and Section 41 Committee Meetings.

Recommendation 1:	"that Council having considered *Item 14.6 2015 Council Meeting Schedule Report,* dated 15 December 2014 adopt Current 2015 Council Meeting Schedule, subject to alteration as deemed by the individual committees."

Impact Summary

Organisational and Governance	
Financial	Nil
Legislation	Nil
Risk	Nil
Consultation	Nil
Asset Management Plans	Nil
Service Standards	Nil

Background

Historically every calendar year a proposed schedule is provided to Council on the proposed dates for Ordinary Council and Section 41 Committees meetings, subject to alteration if deemed by the individual committees.

Summary

Council to adopt the schedule with the Executive Assistant to send out calendar invites to all Councillors for the 2015 Ordinary Council Meetings.

2015 Council Meeting Schedule

Note: Council's Strategic Planning and Development Policy Committee and Development Assessment Panel meets as required.

Month	Meeting	Date	Time	Location
January	Ordinary Council	27-Jan-15	7.00pm	Council Chambers
February	Environmental Management Advisory Committee	02-Feb-15	5.00pm	Two Wells Chambers
	Odinary Council	09-Feb-15	7.00pm	Council Chambers
	Community Development & Advisory Committee	12-Feb-15	7.00pm	Two Wells Chambers
	Audit Committee		2.30pm	Council Chambers
	Facilities & Infrastructure Advisory Committee	17-Feb-15	5.00pm	Council Chambers
	Ordinary Council	23-Feb-15	7.00pm	Council Chambers
	Economic Development Advisory Committee		6.30pm	Council Chambers
March	Mallala and Districts Homes Committee	04-Mar-15	10.30am	Council Chambers
	Ordinary Council	10-Mar-15	7.00pm	Council Chambers
	Ordinary Council	23-Mar-15	7.00pm	Council Chambers
April	Environmental Management Advisory Committee	07-Apr-15	5.00pm	Two Wells Chambers
	Community Development & Advisory Committee	09-Apr-15	7.00pm	Two Wells Chambers
	Ordinary Council	13-Apr-15	7.00pm	Council Chambers
	Facilities & Infrastructure Advisory Committee	21-Apr-15	5.00pm	Council Chambers
	Ordinary Council	27-Apr-15	7.00pm	Council Chambers
	Economic Development Advisory Committee		6.30pm	Council Chambers
May	Audit Committee		10.00am	Council Chambers
	Ordinary Council	11-May-15	7.00pm	Council Chambers
	Ordinary Council	25-May-15	7.00pm	Council Chambers
June	Environmental Management Advisory Committee	01-Jun-15	5.00pm	Two Wells Chambers
	Mallala and Districts Homes Committee	03-Jun-15	10.30am	Council Chambers
	Ordinary Council	09-Jun-15	6.00pm	Council Chambers
	Community Development & Advisory Committee	11-Jun-15	7.00pm	Two Wells Chambers
	Facilities & Infrastructure Advisory Committee	16-Jun-15	5.00pm	Council Chambers
	Ordinary Council	22-Jun-15	7.00pm	Council Chambers
	Economic Development Advisory Committee		6.30pm	Council Chambers
July	Ordinary Council	13-Jul-15	7.00pm	Council Chambers
	Ordinary Council	27-Jul-15	7.00pm	Council Chambers
August	Environmental Management Advisory Committee	03-Aug-15	5.00pm	Two Wells Chambers
	Audit Committee		2.30pm	Council Chambers
	Ordinary Council	10-Aug-15	7.00pm	Council Chambers
	Community Development & Advisory Committee	13-Aug-15	7.00pm	Two Wells Chambers
	Facilities & Infrastructure Advisory Committee	18-Aug-15	5.00pm	Council Chambers
	Ordinary Council	24-Aug-15	7.00pm	Council Chambers
	Economic Development Advisory Committee		6.30pm	Council Chambers
September	Mallala and Districts Homes Committee	02-Sep-15	10.30am	Council Chambers
	Ordinary Council	14-Sep-15	7.00pm	Council Chambers
	Ordinary Council	28-Sep-15	7.00pm	Council Chambers
October	Environmental Management Advisory Committee	06-Oct-15	5.00pm	Two Wells Chambers
	Community Development & Advisory Committee	08-Oct-15	7.00pm	Two Wells Chambers
	Ordinary Council	12-Oct-15	7.00pm	Council Chambers
	Facilities & Infrastructure Advisory Committee	20-Oct-15	5.00pm	Council Chambers
	Ordinary Council	26-Oct-15	7.00pm	Council Chambers
	Economic Development Advisory Committee		6.30pm	Council Chambers
November	Ordinary Council	09-Nov-15	7.00pm	Council Chambers
	Audit Committee		2.30pm	Council Chambers
	Ordinary Council	23-Nov-15	7.00pm	Council Chambers
December	Mallala and Districts Homes Committee	02-Dec-15	10.30am	Council Chambers
	Ordinary Council	07-Dec-15	7.00pm	Council Chambers
	Ordinary Council	21-Dec-15	7.00pm	Council Chambers

Note: December meetings brought forward 1 week

Items:

15.1

Items:

16.1 Council Development Assessment Panel Appointment of Members (CON12/218)

16.2 Australia Day Awards - Nominations (CON12/206)

District Council of Mallala	17 Meeting Close
MONDAY 15 DECEMBER 2014	