



*Wattle Range - a great place to live and work*



Des Noll  
Mayor



Back (Left to Right): Cr Peter Dunninghoff, Cr Graham Slarks, Cr Dean Burrow, Cr Kevin McGrath, Cr Deb Agnew,  
Cr Glenn Brown (Deputy Mayor to May 2019), Cr John Drew.  
Front (Left to Right): Cr Rick Paltridge, Cr Sharon Cox, Ben Gower (Chief Executive Officer), Des Noll (Mayor),  
Cr Moira Neagle (Deputy Mayor from May 2019), Cr Dale Price  
Insert photo: Cr Dennis Muhovics (Elected in September 2019 due to the resignation of Cr Brown in June 2019)



Ben Gower  
Chief Executive Officer

## NOTICE AND AGENDA OF ORDINARY MEETING OF WATTLE RANGE COUNCIL

Notice is hereby given the next Ordinary Meeting of Wattle Range Council will be held  
in the Supper Room, Millicent War Memorial Civic & Arts Centre,  
Ridge Terrace, Millicent  
on Tuesday 14 July 2020 at 5:00 pm.

Ben Gower  
**CHIEF EXECUTIVE OFFICER**

**Disclaimer: Please note that the contents of the Council Agenda has yet to be considered by Council and recommendations contained herein may be altered or changed by the Council in the process of formally making decisions of Council.**

GF/9.24.1 – 3.1 GDS:40

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020 the State Coordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

As a necessity due to COVID-19, Hon Stephan Knoll, Minister for Transport, Infrastructure and Local Government in accordance with section 302B of the *Local Government Act 1999* varied or suspended the operation of the specified provisions of the Act as set out in Schedule 1 to the "Electronic Participation in Council Meetings Notice (No 1) 2020" which was gazetted on Tuesday, 31 March 2020 (Page 619 – 627).



## ORDER OF BUSINESS

**Tuesday 14 July 2020**

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## **1 Opening Of The Meeting**

### **Civic Prayer**

Almighty God

We pray that in this meeting we speak honestly, listen attentively, think clearly and decide wisely, for the good of our District and the wellbeing of our people

Amen

### **Acknowledgement of Country**

We acknowledge the traditional custodians of the land on which we meet and pay respect to Elders past and present.

### **Recording of Meetings**

Council's Code of Practice 6 prohibits any person from photographing, filming, televising or recording by audio devices Council Meetings without written approval from the Mayor or Chief Executive Officer.

## 2 Present

## 3 Apologies

No apologies have been received at the point of publishing the Agenda.

## 4 Disclosure Of Interests

Any Councillor with one of the following Conflicts of Interest is asked to declare it now and prior to the Item being discussed:

**Material** – where any of a defined list of persons would gain a benefit, or suffer a loss (whether directly or indirectly, personal or pecuniary) depending on the outcome of the consideration of the matter at the meeting.

**Actual** – where a Member has a Conflict of Interest (not being a material conflict of interest) between their own interests and the public interest that might lead to a decision that is contrary to the public interest.

**Perceived** – where from the perspective of an impartial, fair-minded person it could reasonably be perceived that a Member has a Conflict of Interest in a matter.

Where an actual or perceived Conflict of Interest exists, the Member must inform the meeting of the interest and how (if they propose to participate in the meeting) they intend to deal with the actual / perceived Conflict of Interest. This information will be documented by the Minute Taker.

## 5 Confirmation Of Minutes

### 5.1 Ordinary Meeting of Council - 9 June 2020 (Folio 8978 - Folio 8986)

Report Type	Minutes from Previous Meeting
File Reference	GF/9.24.1/1
Attachments	1. coumin council 090620 [5.1.1 - 9 pages]

#### RECOMMENDATION

That the Minutes of the Ordinary Meeting dated 9 June 2020 be taken as presented and confirmed.

## WATTLE RANGE COUNCIL

Minutes of the Ordinary Meeting of Wattle Range Council held in the Supper Room, Millicent War Memorial Civic & Arts Centre, Ridge Terrace, Millicent on 9 June 2020 at 5.00 pm.

### 1. OPENING OF THE MEETING / CIVIC PRAYER / ACKNOWLEDGEMENT OF COUNTRY / RECORDING OF MEETINGS

#### 2. PRESENT

His Worship the Mayor D Noll

Cr D Agnew

Cr D Burrow

Cr S Cox

Cr J Drew

Cr P Dunnicliff

Cr K McGrath

Cr D Muhovics

Cr M Neagle

Cr R Paltridge

Cr D Price

Cr G Slarks

Messrs PA Duka (Acting Chief Executive Officer / Director Corporate Services)

PA Halton (Director Engineering Services)

SW Chapple (Director Development Services)

Ms CP Allen (Executive Assistant)

#### 3. APOLOGIES

Mr BJ Gower (Chief Executive Officer)

#### 4. COUNCIL MEETINGS

##### 4.1 Ordinary Meetings of Council

Cr Price moved that Council from 9 June 2020 (due to the easing of the public health emergency's restrictions) will hold its Council Meetings in the Supper Room of the Millicent War Memorial Civic & Arts Centre, Ridge Terrace, Millicent.

Cr McGrath seconded

**CARRIED**

#### 5. DISCLOSURE OF INTERESTS

NIL

#### 6. CONFIRMATION OF THE MINUTES

##### 6.1 Ordinary Meeting of Council – 12 May 2020 (Folio 8698 – Folio 8977)

Cr Muhovics moved that the Minutes of the Ordinary Meeting dated 12 May 2020 be taken as presented and confirmed.

Cr Paltridge seconded

**CARRIED**

#### 7. MATTERS ARISING FROM THE MINUTES

NIL

**8. ADJOURNMENTS****NIL****9. MAYORAL COMMUNICATIONS****9.1 Mayoral Communications**

Cr Neagle moved that Mayoral Communications be received and noted.

Cr Agnew seconded

**CARRIED****10. DEPUTATIONS****NIL****11. PETITIONS****NIL****12. REPORTS FROM COUNCIL MEMBERS****NIL****13. QUESTIONS WITH NOTICE****NIL****14. QUESTIONS WITHOUT NOTICE**

Various questions were asked but there was no resolution that entry be made into the Minutes.

**15. REPORTS FROM COUNCIL COMMITTEES****NIL****16. REPORTS FROM COUNCIL OFFICERS****16.1 Chief Executive Officer****16.1.1 Monthly Project Status Report**

Cr Paltridge moved that Council receive and note the report.

Cr Dunnicliff seconded

**CARRIED****16.1.2 Council Office**

Cr Burrow moved that Council receive and note the report

Cr Neagle seconded

**CARRIED**

Folio 8980

Cr Neagle moved that Council staff investigate possible sites for the new Council Office building in the business centre of George Street among other options.

Cr Agnew seconded

**LOST**

### **Short Term Suspension of Proceedings**

The Mayor, with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a period sufficient to facilitation informal discussion in relation to the Council Office.

Cr Drew moved that the meeting be suspended until 5.40 pm

Cr Price seconded

**CARRIED**

**The meeting adjourned at 5.20 pm.**

**The meeting reconvened at 5.43 pm.**

Cr Drew moved that Council proposes Apex Park as the preferred site location for a new Principal Office.

Cr Price seconded

Cr Burrow moved that the question lie on the table.

Cr McGrath seconded

**CARRIED**

## **16.2 Director Corporate Services**

### **16.2.1 Monthly Financial Performance Report**

Cr Dunnicliff moved that Council receive and note the 2019/20 May Financial Performance Report.

Cr Agnew seconded

**CARRIED**

### **16.2.2 Late Report – 2020/21 Draft Annual Business Plan and Budget – Written Submissions**

Cr Price moved that Council receive and note the report.

**A period of 5 minutes was provided for Elected Members to peruse the document before voting on the motion.**

Cr Agnew seconded

**CARRIED**

## **16.3 Director Development Services**

### **16.3.1 Visitor Information Centre Review**

Cr Paltridge moved that Council receive and note the report.

Cr Burrow seconded

**CARRIED**

#### 16.4 Director Engineering Services

##### 16.4.1 Domain Precinct Project Update

Cr Muhovics moved that Council receive and note the report.

Cr Dunnicliff seconded

**CARRIED**

##### 16.4.2 Penola Township Entrance Signage

Cr Burrow moved that Council lift the matter that lie on the table from 10 March 2020 Meeting being Item 15.3.1 – Penola Town Entrance Signage.

Cr Paltridge seconded

**CARRIED**

Cr Dunnicliff moved that Council not proceed with the Penola Town Entrance statement project until funding of \$10,000 has been received from the Penola District Business and Tourism Association.

Cr Paltridge seconded

#### **DIVISION**

Cr Paltridge called for a division.

The Mayor declared the vote set aside.

#### **Members voting in the affirmative:**

Councillors Cox, McGrath and Neagle

#### **Members voting in the negative:**

Councillors Agnew, Burrow, Drew, Dunnicliff, Muhovics, Paltridge, Price and Slarks

**The Mayor declared the motion LOST**

Cr Drew moved that Council proceed with the installation of Penola Town Entrance Signs as detailed in the report.

Cr Burrow seconded

**CARRIED**

#### **ADJOURNMENT OF MEETING**

Cr Neagle moved that the meeting be adjourned for short break until 7.18 pm.

Cr Cox seconded

**CARRIED**

**The meeting adjourned at 7.08 pm.**

**The meeting reconvened at 7.18 pm.**

##### 16.4.3 Federal Government Infrastructure Stimulus

Cr Muhovics moved that Council receive and note the report.

Cr Slarks seconded

**CARRIED**

Cr Burrow resumed the meeting at 7.20 pm

Cr Drew moved that Council adjust the draft budget for 2020/21 to undertake the following projects:

Project	Budget	Grant Funding	Contribution (other)	Council Contribution
Beachport Playground	\$350,000	\$200,000		\$150,000
Local Road Upgrade – Lossie Lane, Millicent	\$60,000	\$30,000		\$30,000
Mount Burr Service Road, Mt Burr	\$240,000	\$119,298		\$120,702
Penola Township Entrance Signage and landscaping of entrances into town	\$155,000	\$115,000	\$10,000	\$30,000
Beachport Bowling Club Building Renewal and Kitchen/Bar Upgrade	\$330,000	\$165,000	\$30,000	\$135,000
<b>Total</b>	<b>\$1,135,000</b>	<b>\$629,298</b>	<b>\$40,000</b>	<b>\$465,702</b>

Cr Cox seconded

**CARRIED**

## 17. CORRESPONDENCE

### 17.1 Feast Festival – Flying the Rainbow Flag – Celebrating Diversity in November

Cr Dunnicliff moved that the correspondence from Feast Festival regarding flying the Rainbow Flag in November 2020 be received and noted.

Cr Burrow seconded

**CARRIED**

Cr Dunnicliff moved that Council:

1. Purchase six Rainbow Flags and offer them to community groups to fly from their premises in recognition of Pridevevember upon request.
2. That the library set up a display celebrating inclusivity and diversity including a rainbow flag during the month of November.

Cr Neagle seconded

## DIVISION

Cr Burrow called for a division.

The Mayor declared the vote set aside.

### Members voting in the affirmative:

Councillors Agnew, Cox, Drew, Dunnicliff, McGrath, Muhovics, Neagle, Paltridge, Price, Slarks

### Members voting in the negative:

Councillor Burrow

**The Mayor declared the motion CARRIED**



Folio 8983

## 17.2 National Climate Emergency

Cr Neagle moved that the correspondence from Sandra Young dated 6 May 2020 be received and noted.

Cr McGrath seconded

**CARRIED**

Cr Drew moved that we seek a report from Council Officers on mechanisms that this Council can use to reduce its impact on our environment.

Cr Agnew seconded

**CARRIED**

## 17.3 2020/21 Regional Landscape Levy Arrangements for the Limestone Coast Landscape Region

Cr Cox moved that the correspondence from Mr Tim Collins dated 7 May 2020 be received and noted.

Cr Agnew seconded

**CARRIED**

## 17.4 Target Millicent - Closing

Cr Burrow moved that the correspondence from Marina Joanou and Tracie Walker dated 22 May 2020 and the response from Mayor Des Noll dated 1 June 2020 be received and noted.

Cr Cox seconded

**CARRIED**

## 17.5 Co-operation in regard to COVID19

Cr Cox moved that the correspondence from the Hon Steven Marshall MP and Professor Nicola Spurrier dated 8 May 2020 be received and noted.

Cr Agnew seconded

**CARRIED**

## 17.6 Limestone Coast Local Government Association – Meeting Summary

Cr Muhovics moved that the correspondence from the Limestone Coast Local Government Association dated 17 April 2020 be received and noted.

Cr Cox seconded

**CARRIED**

## 17.7 Limestone Coast Recovery and Rebuilding Action Plan (COVID19)

Cr Burrow moved that the correspondence from the Limestone Coast Local Government Association dated 22 May 2020 be received and noted.

Cr Dunnicliff seconded

**CARRIED**

## 17.8 Federal Funding – Southend Access Road from Southern Ports Highway to Watson Street, Southend - \$105,000 for line marking, signage and delineation

Cr McGrath moved:

1. That the Media Release - Federal Funding to fix 24 Dangerous Black Spots in South Australia from Hon Michael McCormack, MP; Hon Scott Buchholz MP and Tony Pasin MP dated 26 May 2020 be received and noted.

Folio 8984

2. That a letter of thanks be sent to Hon Michael McCormack, MP; Hon Scott Buchholz MP and Tony Pasin MP acknowledging their contribution.

Cr Agnew seconded

**CARRIED**

- 17.9 Local Government (Public Health Emergency) (Rate Relief) Amendment Bill 2020 – Nick McBride MP, Member for MacKillop

Cr Cox moved that the correspondence from Nick McBride MP dated 26 May 2020 be received and noted.

Cr Drew seconded

**CARRIED**

- 17.10 Penola & District Business & Tourism Association re Budget Proposals

Cr Neagle moved that the correspondence from Penola & District Business & Tourism Association dated 19 February 2020 be received and noted.

Cr Paltridge seconded

**CARRIED**

- 17.11 Beachport District Development Association Inc - Requesting further financial support for the Beachport Business and Tourism Website

Cr Price moved that the correspondence from Beachport District Development Association be received and noted.

Cr Dunnicliff seconded

**CARRIED**

## **18. MOTIONS ON NOTICE**

NIL

## **19. URGENT MOTIONS WITHOUT NOTICE**

NIL

## **20. ITEMS FOR CONSIDERATION IN CONFIDENCE**

- 20.1 Confidential – Southend Caravan Park and Bush Camp EOI Response Summary

Cr Muhovics moved that:

1. Pursuant to Sections 90(2) and 90(3)(b)(d)(k) of the *Local Government Act, 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 20.1, excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr PE Halton – Director Engineering Services
- Mr SW Chapple – Director Development Services
- Ms CP Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 20.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in

Folio 8985

confidence the following information or matter relating to Item 20.1 information the disclosure of which:

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
- (ii) would, on balance, be contrary to the public interest.

Commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- (i) Could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.

Tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to consideration of options for the future of the Southend Caravan Park.

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

Cr Agnew seconded

**CARRIED**

Cr Dunnicliff moved that Council receive and note the report.

Cr Agnew seconded

**CARRIED**

Cr Price moved that Council:

1. Terminate the current REOI for the operation and management of Southend Caravan Park and or Bush Camp or other proposal.
2. Commence the Request for Quotations (RFQ) or Request for Tender (RFT) (above \$75k) process for the removal of all relevant structures on the Southend caravan park site.
3. Recommends the commencement of the tender process for the operation and management of Southend Caravan Park and Bush Camp as an RV only Park.

Cr Drew seconded

**CARRIED**

Cr Agnew moved:

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b)(d)(k) of the Act:

- **The Report and attachments of Item No. 20.1 of 9 June 2020**

On the grounds that the document(s) (or part):

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
- (ii) would, on balance, be contrary to the public interest.

Commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.

Tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to consideration of options for the future of the Southend Caravan Park.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Muhovics seconded

**CARRIED**

Meeting closed at 8.44 pm.

Taken as presented and confirmed.

.....  
**MAYOR**

.....  
**DATE**

## 5.2 Confidential Meeting of Council - 9 June 2020 (CM 872 - CM 874) - Released Immediately

Report Type	{report-type}
File Reference	GF/9.24.1/1
Attachments	1. coumin con council 090620 - released immediately [5.2.1 - 3 pages]

### RECOMMENDATION

That the Minutes of the Confidential Meeting dated 9 June 2020 be taken as presented and confirmed.

## WATTLE RANGE COUNCIL

Confidential Minutes of the Ordinary Meeting of Wattle Range Council held in the Supper Room, Millicent War Memorial Civic & Arts Centre, Ridge Terrace, Millicent on 9 June 2020 at 5.00 pm.

### 1. OPENING OF THE MEETING / CIVIC PRAYER / ACKNOWLEDGEMENT OF COUNTRY / RECORDING OF MEETINGS

#### 2. PRESENT

His Worship the Mayor D Noll  
 Cr D Agnew  
 Cr D Burrow  
 Cr S Cox  
 Cr J Drew  
 Cr P Dunnicliff  
 Cr K McGrath  
 Cr D Muhovics  
 Cr M Neagle  
 Cr R Paltridge  
 Cr D Price  
 Cr G Slarks

Messrs PA Duka (Acting Chief Executive Officer / Director Corporate Services)  
 PA Halton (Director Engineering Services)  
 SW Chapple (Director Development Services)  
 Ms CP Allen (Executive Assistant)

#### 3. APOLOGIES

Mr BJ Gower (Chief Executive Officer)

### 20. ITEMS FOR CONSIDERATION IN CONFIDENCE

#### 20.1 Confidential – Southend Caravan Park and Bush Camp EOI Response Summary

Cr Muhovics moved that:

1. Pursuant to Sections 90(2) and 90(3)(b)(d)(k) of the *Local Government Act, 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 20.1, excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr PE Halton – Director Engineering Services
- Mr SW Chapple – Director Development Services
- Ms CP Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 20.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 20.1 information the disclosure of which:

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
- (ii) would, on balance, be contrary to the public interest.

CM 873

Commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- (i) Could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.

Tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to consideration of options for the future of the Southend Caravan Park.

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

Cr Agnew seconded

**CARRIED**

Cr Dunnicliff moved that Council receive and note the report.

Cr Agnew seconded

**CARRIED**

Cr Price moved that Council:

- 1. Terminate the current REOI for the operation and management of Southend Caravan Park and or Bush Camp or other proposal.
- 2. Commence the Request for Quotations (RFQ) or Request for Tender (RFT) (above \$75k) process for the removal of all relevant structures on the Southend caravan park site.
- 3. Recommends the commencement of the tender process for the operation and management of Southend Caravan Park and Bush Camp as an RV only Park.

Cr Drew seconded

**CARRIED**

Cr Agnew moved:

- 1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b)(d)(k) of the Act:

- **The Report and attachments of Item No. 20.1 of 9 June 2020**

On the grounds that the document(s) (or part):

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
- (ii) would, on balance, be contrary to the public interest.

CM 874

Commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.

Tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to consideration of options for the future of the Southend Caravan Park.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Muhovics seconded

**CARRIED**

Taken as presented and confirmed.

.....  
**MAYOR**

.....  
**DATE**



### **5.3 Special Meeting of Council - 23 June 2020 (Folio 8989 - Folio 8997)**

Report Type	Minutes from Previous Meeting
File Reference	GF/9.24.1/1
Attachments	1. coumin special council 230620 [ <b>5.3.1</b> - 9 pages]

#### **RECOMMENDATION**

That the Minutes of the Special Meeting of Council dated 23 June 2020 be taken as presented and confirmed.

## WATTLE RANGE COUNCIL

Minutes of the Special Meeting of Wattle Range Council held in the Supper Room, Millicent War Memorial Civic & Arts Centre, Ridge Terrace, Millicent on Tuesday, 23 June 2020 at 5.00 pm.

### 1. OPENING OF THE MEETING / CIVIC PRAYER / ACKNOWLEDGEMENT OF COUNTRY / RECORDING OF MEETINGS

#### 2. PRESENT

His Worship the Mayor D Noll  
 Cr D Agnew  
 Cr D Burrow  
 Cr S Cox  
 Cr J Drew  
 Cr P Dunnicliff  
 Cr K McGrath  
 Cr D Muhovics  
 Cr M Neagle  
 Cr R Paltridge  
 Cr D Price

Messrs PA Duka (Acting Chief Executive Officer / Director Corporate Services)  
 PA Halton (Director Engineering Services)  
 SW Chapple (Director Development Services)  
 Ms CP Allen (Executive Assistant)

#### 3. APOLOGIES

Mr BJ Gower (Chief Executive Officer)  
 Cr G Slarks

#### 4. DISCLOSURE OF INTERESTS

Cr Cox disclosed that she had a Material Conflict of Interest in regard to Item 14.1.

#### 5. CONFIRMATION OF THE MINUTES

5.1 Audit & Risk Committee Meeting – 23 June 2020 (Folio 8987 to Folio 8988) – Late Item

Cr Burrow moved that the Minutes of the Audit & Risk Committee dated 23 June 2020 be taken as presented and confirmed.

Cr Price seconded

**CARRIED**

#### 6. DEPUTATIONS

NIL

#### 7. PETITIONS

NIL

#### 8. QUESTIONS WITH NOTICE

NIL

## 9. QUESTIONS WITHOUT NOTICE

Various questions were asked but there was no resolution that entry be made into the Minutes.

## 10. REPORTS FROM COUNCIL OFFICERS

### 10.1 Acting Chief Executive Officer / Director Corporate Services

#### 10.1.1 2020/21 Annual Business Plan, Budget and Declaration of Rates and Charges

Cr Muhovics moved that Council:

1. Pursuant to and in accordance with Section 123 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* and having considered all submissions in accordance with Section 123(6) of the *Local Government Act 1999*, adopt the 2020/21 Annual Business Plan as presented.

Cr Drew seconded

**CARRIED**

Cr Price moved that Council:

2. Pursuant to, and in accordance with Section 123 of the *Local Government Act 1999* and Regulation 7 of the *Local Government (Financial Management) Regulations 2011*, the Council adopt a budget comprising the following Financial Budget Statements for 2020/21 as presented having considered the budget in conjunction with, and determined it to be consistent with, the Council's Annual Business Plan:

- Budgeted Statement of Comprehensive Income
- Budgeted Cash Flow Statement
- Budgeted Balance Sheet
- Budgeted Statement of Changes in Equity
- Budgeted Uniform Presentation of Finances
- Budgeted Financial Indicators

Cr Paltridge seconded

**CARRIED**

Cr Cox moved that Council:

3. In accordance with Section 167(2)(a) of the *Local Government Act 1999*, adopt for the financial year ending 30 June 2021, the most recent valuations of the capital value of land by the Valuer-General available to the Council that are to apply to land in the area of the Council for rating purposes, with the total of the valuations being \$4,183,706,900.

Cr Neagle seconded

**CARRIED**

Folio 8991

Cr Muhovics moved that Council:

4. Sections 152(1)(c)(i), 153(1)(b) and 156(1)(a) of the *Local Government Act 1999*, declares the following differential general rates on rateable land within its area for the year ending 30th June 2021, based upon the capital value of the land which rates vary by reference to land use categories as per Regulation 14 of the *Local Government (General) Regulations 2013* as follows:
  - a) Residential - a differential rate of 0.47099 cents in the dollar
  - b) Commercial Shop - a differential rate of 0.40031 cents in the dollar
  - c) Commercial Office – a differential rate of 0.40031 cents in the dollar
  - d) Commercial Other – a differential rate of 0.40031 cents in the dollar
  - e) Industry Light - a differential rate of 0.40031 cents in the dollar
  - f) Industry Other – a differential rate of 0.40031 cents in the dollar
  - g) Primary Production – a differential rate of 0.32915 cents in the dollar
  - h) Vacant Land – a differential rate of 0.56736 cents in the dollar
  - i) Other - a differential rate of 0.56736 cents in the dollar

Cr Dunnicliff seconded

**CARRIED**

Cr Price moved that Council:

5. Pursuant to Section 153(3) of the *Local Government Act 1999* determine that it will not fix a maximum increase in the general rate to be charged on rateable land within its area that constitutes the principal place of residence of a principal ratepayer.

Cr Dunnicliff seconded

**CARRIED**

Cr Dunnicliff moved that Council:

6. Annual Service Charges

- a. Waste Collection Service (2 Bin)

Pursuant to and in accordance with Section 155 of the *Local Government Act 1999*, the Council impose an annual service charge based on the level of usage of the service, on all land to which the Council provides or makes available the prescribed service of the collection, treatment disposal and recycling of waste via Council's two-bin waste management service of \$270.00 in respect of each set of bins, provided on the basis that the sliding scale provided for in Regulation 13 of the *Local Government (General) Regulations* will be applied to reduce the service charge payable, as prescribed.

- b. Waste Collection Service (3 Bin)

Pursuant to and in accordance with Section 155 of the *Local Government Act 1999*, the Council impose an annual service charge based on the level of usage of the service, on all land to which the Council provides or makes available the prescribed

Folio 8992

service of the collection, treatment, disposal and recycling of waste via Council's three-bin waste management service of \$346.00 in respect of each set of bins, provided on the basis that the sliding scale provided for in Regulation 13 of the Local Government (General) Regulations will be applied to reduce the service charge payable, as prescribed.

c. Community Wastewater Management Systems

Pursuant to and in accordance with Section 155 of the Local Government Act 1999 the Council impose the following annual service charge based on the nature of the service and varying according to the CWMS Property Units Code in accordance with Regulation 12 of the Local Government (General) Regulations 1999 on all land in the Townships of Penola, Southend, Kalangadoo and Beachport to which it provides or makes available the Community Wastewater Management Systems being prescribed services for the collection, treatment and disposal of waste for the financial year ending 30 June 2021 as follows:

i.	Penola, Southend & Kalangadoo - Occupied Unit	\$627.00
ii.	Penola, Southend & Kalangadoo - Vacant Unit	\$469.00
iii.	Beachport - Occupied Unit	\$712.00
iv.	Beachport - Vacant Unit	\$534.00

Cr Neagle seconded

**CARRIED**

Cr Drew moved that we express our concerns to City of Mount Gambier and the State Government for increases in waste charges and request an explanation as to why.

Cr Price seconded

**CARRIED**

Cr Dunnicliff moved that Council:

7. Separate Rates

Limestone Coast Regional Landscape Levy

Pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999* in order to reimburse the Council for amounts contributed to the Limestone Coast Landscape Board, the Council declares a differential separate rate for the financial year ending 30 June 2021 based on a fixed charge, varying on the basis of land use categories prescribed by regulation, on all rateable land in the area of the Council and the Limestone Coast Landscape Board:

- i. for land assigned land use category (a), (h) & (i) (Residential, Vacant & Other): \$81.20
- ii. for land assigned land use category (b), (c) & (d) (Commercial Shop, Commercial Office & Commercial Other): \$118.10
- iii. for land assigned land use category (e) & (f) (Industry Light & Industry Other): \$187.95

Folio 8993

- iv. for land assigned land use category (g) (Primary Production):  
\$350.05

Cr Muhovics seconded

**CARRIED**

Cr Cox moved that Council:

8. Minimum Amount Payable by way of Rates 2020/21

Pursuant to Section 158(1)(a) of the *Local Government Act 1999* and in accordance with Section 158(2) of the *Local Government Act 1999* the Council declares that the minimum amount payable by way of rates in respect of any one piece of rateable land in the Council area shall be \$600.00.

Cr Neagle seconded

**CARRIED**

Cr Muhovics moved that Council:

9. Payment of Rates

Pursuant to Section 181 of the *Local Government Act 1999* the Council declares that all rates declared or payable for the year ending 30 June 2021 will fall due in four equal or approximately equal instalments with the:

- first instalment payable on 2 September 2020;
- second instalment payable on 2 December 2020;
- third instalment payable on 3 March 2021;
- fourth instalment payable on 2 June 2021.

Cr Neagle seconded

**CARRIED**

Cr Paltridge moved that Council:

10. Rate Rebates

- a. Pursuant to Chapter 10, Part 1, Division 5 of the *Local Government Act 1999* the Council grant Discretionary Rebates of Rates in respect of those pieces of land listed in the attachment to this report;
- b. Pursuant to Section 182(1) of the *Local Government Act 1999* the Council grants a remission of:

- \$120.00 for a 3 bin service; and
- \$90.00 for a 2 bin service,

to all ratepayers liable to pay these annual service charges in respect of their principal place of residence who are:

- Age Pension recipients;
- Disability Support Pension recipients; and
- Veteran Gold Card holders,

who are not self-funded retirees, for the purposes of providing

Folio 8994

relief to such persons for 2020/21 in recognition of increased costs in living, in satisfaction that payment of these annual service charges by these persons in accordance with the Local Government Act 1999 would cause hardship, provided that such remission is reduced on the same basis as the sliding scale provided in Regulation 13 of the Local Government (General) Regulations 2013 for those ratepayers entitled to the proportionate reduction of the service charge prescribed the sliding scale.

Cr Price seconded

**CARRIED**

Cr Cox moved that Council:

## 11. Fees and Charges

- a. Pursuant to Section 188 of the *Local Government Act 1999*, that Council adopt the Fees and Charges Schedule 2020/21 attached within the Annual Business Plan as Appendix 4.

Cr Dunnicliff seconded

**CARRIED**

Cr Price moved that Council write to the State Government requesting a review of the inequitable rebates given to Unity Housing pointing out that some Councils in the State are not lumbered with this impost.

Cr Cox seconded

**CARRIED****11. CORRESPONDENCE**

NIL

**12. MOTIONS ON NOTICE**

NIL

**13. URGENT MOTIONS WITHOUT NOTICE**

NIL

**14. ITEMS FOR CONSIDERATION IN CONFIDENCE**

## 14.1 Confidential – Tender Process Millicent Airfield Land - Investigation

Cr Neagle moved that:

1. Pursuant to Sections 90(2) and 90(3)(a)(b)(k) of the *Local Government Act, 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 14.1, excepting the following persons:
  - Mr PA Duka – Acting Chief Executive Officer / Director Corporate Services
  - Mr PE Halton – Director Engineering Services
  - Mr SW Chapple – Director Development Services
  - Ms CP Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 14.1 in confidence on the basis the Council

Folio 8995

considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 14.1:

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Specifically, the present matter relates to information pertaining to the personal affairs of Mr James Mowbray and Mr Greg Bell.

- b) information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
  - (ii) would, on balance, be contrary to the public interest.

Specifically, the disclosure of this information could reasonably be expected to be commercially advantageous to tenderers for the land as the matter is still in negotiation and those parties could adjust their bargaining position based on the positions of the Council disclosed in this report.

- (k) Tenders for the supply of goods, the provision of services or the carrying out of works;

Specifically, the present matter relates to the tender process regarding the lease of land situated at Lots 51,53 and 54, Hundred of Mount Muirhead, and Part Section 503, Hundred of Mount Muirhead.

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

Cr Burrow seconded

**CARRIED**

***Cr Cox advised that she had a Material Conflict of Interest in regard to the Tender Process Millicent Airfield Land – Investigation as her husband is an employee of BN & JM Bell & Sons.***

***Cr Cox left the chamber throughout the discussions.***

[Cr Cox declared a Conflict of Interest and left the chamber at 5.44 pm]



Folio 8996

Cr Burrow moved that Council receive and note the report.

Cr Agnew seconded

**CARRIED**

Cr Paltridge moved that Council is satisfied that the tender process conducted so far, as described in the report, has been appropriate.

Cr Drew seconded

**CARRIED**

Cr Neagle moved that, in accordance Council's resolution of 10 March 2020, the Chief Executive Officer should now proceed to conduct public consultation and (depending on the outcome of that consultation) negotiate and grant a lease in respect of the land situated at Lots 51, 53 and 54, Hundred of Mount Muirhead and Part Section 503, Hundred of Mount Muirhead.

Cr Burrow seconded

**CARRIED**

Cr McGrath moved that the Chief Executive Officer advise Mr Greg Bell from BN & JM Bell and Sons, and/or his lawyer Mr P Westley, of the outcome of the review of the tender process.

Cr Dunnicliff seconded

**CARRIED**

Cr Muhovics moved that:

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a)(b)(k) of the Act:

- **The Report and Attachments of Item No. 14.1**

On the grounds that the document(s) (or part):

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Specifically, the present matter relates to information pertaining to the personal affairs of Mr James Mowbray and Mr Greg Bell.

- b) information the disclosure of which:
  - i. could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
  - ii. would, on balance, be contrary to the public interest.

Specifically, the disclosure of this information could reasonably be expected to be commercially advantageous to tenderers for the land as the matter is still in negotiation and those parties could adjust their bargaining position based on the positions of the Council disclosed in this report.

- k) Tenders for the supply of goods, the provision of services or the carrying out of works.

Folio 8997

Specifically, the present matter relates to the tender process regarding the lease of land situated at Lots 51,53 and 54, Hundred of Mount Muirhead, and Part Section 503, Hundred of Mount Muirhead.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Burrow seconded

**CARRIED**

[Cr Cox did not return to the Chamber]

Meeting closed at 6.13 pm.

Taken as presented and confirmed.

.....  
**MAYOR**

.....  
**DATE**

## **5.4 Special Confidential Meeting of Council - 23 June 2020 (CM 875 - CM 877) - Released Immediately**

Report Type	Minutes from Previous Meeting
File Reference	GF/9.24.1/1
Attachments	1. coumin special concouncil 230620 - released immediately [ <b>5.4.1</b> - 3 pages]

### **RECOMMENDATION**

That the Minutes of the Special Confidential Meeting dated 23 June 2020 be taken as presented and confirmed.

## WATTLE RANGE COUNCIL

Minutes of the Confidential Special Meeting of Wattle Range Council held in the Supper Room, Millicent War Memorial Civic & Arts Centre, Ridge Terrace, Millicent on Tuesday, 23 June 2020 at 5.00 pm.

### 1. OPENING OF THE MEETING / CIVIC PRAYER / ACKNOWLEDGEMENT OF COUNTRY / RECORDING OF MEETINGS

#### 2. PRESENT

His Worship the Mayor D Noll  
 Cr D Agnew  
 Cr D Burrow  
 Cr S Cox  
 Cr J Drew  
 Cr P Dunnicliff  
 Cr K McGrath  
 Cr D Muhovics  
 Cr M Neagle  
 Cr R Paltridge  
 Cr D Price

Messrs PA Duka (Acting Chief Executive Officer / Director Corporate Services)  
 PA Halton (Director Engineering Services)  
 SW Chapple (Director Development Services)  
 Ms CP Allen (Executive Assistant)

#### 3. APOLOGIES

Mr BJ Gower (Chief Executive Officer)  
 Cr G Slarks

### 14. ITEMS FOR CONSIDERATION IN CONFIDENCE

#### 14.1 Confidential – Tender Process Millicent Airfield Land - Investigation

Cr Neagle moved that:

1. Pursuant to Sections 90(2) and 90(3)(a)(b)(k) of the *Local Government Act, 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 14.1, excepting the following persons:

- Mr PA Duka – Acting Chief Executive Officer / Director Corporate Services
- Mr PE Halton – Director Engineering Services
- Mr SW Chapple – Director Development Services
- Ms CP Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 14.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 14.1:

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Specifically, the present matter relates to information pertaining to the personal affairs of Mr James Mowbray and Mr Greg Bell.

CM 876

- b) information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
  - (ii) would, on balance, be contrary to the public interest.

Specifically, the disclosure of this information could reasonably be expected to be commercially advantageous to tenderers for the land as the matter is still in negotiation and those parties could adjust their bargaining position based on the positions of the Council disclosed in this report.

- (k) Tenders for the supply of goods, the provision of services or the carrying out of works;

Specifically, the present matter relates to the tender process regarding the lease of land situated at Lots 51,53 and 54, Hundred of Mount Muirhead, and Part Section 503, Hundred of Mount Muirhead.

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

Cr Burrow seconded

**CARRIED**

***Cr Cox advised that she had a Material Conflict of Interest in regard to the Tender Process Millicent Airfield Land – Investigation as her husband is an employee of BN & JM Bell & Sons.***

***Cr Cox left the chamber throughout the discussions.***

[Cr Cox declared a Conflict of Interest and left the chamber at 5.44 pm]

Cr Burrow moved that Council receive and note the report.

Cr Agnew seconded

**CARRIED**

Cr Paltridge moved that Council is satisfied that the tender process conducted so far, as described in the report, has been appropriate.

Cr Drew seconded

**CARRIED**

Cr Neagle moved that, in accordance Council's resolution of 10 March 2020, the Chief Executive Officer should now proceed to conduct public consultation and (depending on the outcome of that consultation) negotiate and grant a lease in respect of the land situated at Lots 51, 53 and 54, Hundred of Mount Muirhead and Part Section 503, Hundred of Mount Muirhead.

Cr Burrow seconded

**CARRIED**

Cr McGrath moved that the Chief Executive Officer advise Mr Greg Bell from BN & JM Bell and Sons, and/or his lawyer Mr P Westley, of the outcome of the review of the tender process.

Cr Dunnicliff seconded

**CARRIED**

CM 877

Cr Muhovics moved that:

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a)(b)(k) of the Act:

- **The Report and Attachments of Item No. 14.1**

On the grounds that the document(s) (or part):

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Specifically, the present matter relates to information pertaining to the personal affairs of Mr James Mowbray and Mr Greg Bell.

- b) information the disclosure of which:
  - i. could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
  - ii. would, on balance, be contrary to the public interest.

Specifically, the disclosure of this information could reasonably be expected to be commercially advantageous to tenderers for the land as the matter is still in negotiation and those parties could adjust their bargaining position based on the positions of the Council disclosed in this report.

- k) Tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to the tender process regarding the lease of land situated at Lots 51,53 and 54, Hundred of Mount Muirhead, and Part Section 503, Hundred of Mount Muirhead.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Burrow seconded

**CARRIED**

[Cr Cox did not return to the Chamber]

Taken as presented and confirmed.

.....  
**MAYOR**

.....  
**DATE**

## **6 Matters Arising From The Minutes**

No matters have been presented at the point of publishing the Agenda.

## **7 Adjournments**

No adjourned reports are included in this Agenda.



## 8 Mayoral Communications

### 8.1 Mayoral Communications

Report Type	Mayoral Report
Author	Mayor Noll
File Reference	GF/9.24.1/2
Attachments	1. Mayoral Communication July <b>[8.1.1 - 1 page]</b>

#### RECOMMENDATION

That the Mayoral Communications be taken as presented and confirmed.

## Mayoral Communication 14 July 2020

### Growing Together:

As our communities re-build on the way out of COVID-19, and economically things change from what we are used to, ***it's not the time to scale back, it's not the time to down size our thinking, it's not the time to re-think our position on things, it's time to stand up, move forward, drive change, stimulate our economy, and build a stronger community.***

### Wattle Range Council Office Development:

I was pleased to read the detailed information regarding the Council office development in the June Council meeting agenda. Importantly it reflected detailed information on how this development will stimulate our local economy and support local services. Jobs and local service providers being the winners. Our community is now, very much aware of this project. More detailed information will be forthcoming for Community consultation. Keeping the Community informed will be paramount. I am receiving positive feedback about this project.

### Millicent Target Closure:

I received a written response from Kmart Group General Manager, Tracie Walker, who wrote, *"We are very aware that our recent announcement will have a significant impact on many people in Millicent, most importantly our team members and customers. Regrettably, our Millicent store is not suitable for conversion, and while we appreciate the sentiment behind, and intent of, your community's wishes to keep the store open, we are unable to revisit the decision."*

### Tantanoola Primary School Review Committee:

On Thursday 11<sup>th</sup> June 2020, I participated in the final meeting of the Tantanoola Primary School Review Committee. After consideration of public consultation responses, a motion was tabled, "That Tantanoola Primary School be closed." Result: Yes 7 / No 3. I voted No. A final recommendation report will be crafted and forwarded to the Education Minister for a decision.

### Attended:

- Uni SA/Wattle Range Council Scholarship Meeting – 28/5/20
- ABC Radio Interview with Christine ANU, Wattle Range Tourism – 29/5/20
- Beachport Business Visits (Nine Business contacts) re COVID-19 – 2/6/20
- TAFESA Zoom meeting - TAFE CEO David Coltman – 3/6/20
- Boneham Aged Care, Bingo Calling via Skype – 3/6/20
- Community Wellbeing Night Webinar by speaker Anthony Hart, Zoom Link – 3/6/20
- Kalangadoo Railway Museum tour – 4/6/20
- LCLGA Mayoral zoom catchup – 5/6/20
- Tantanoola Primary School Review Committee meeting – 11/6/20
- Glen Street Toilet Opening, Tour/Photo's – 11/6/20
- Meeting with RSL President re Potential Council Office Development – 12/6/20
- Millicent CFS Training – 17/6/20
- Kalangadoo Hotel re social dinner – 19/6/20
- Fosters Food Land – 50-year service celebration – 22/6/20
- Nangwarry CFS Training – 24/6/20
- Meeting with Southend Progress Association – 25/6/20

## 9 Deputations

### 9.1 Sandra Young - Declaring a Climate Emergency

Report Type	Deputations
Organisation	N/A
Representative	Sandra Young
File Reference	GF/9.24.1/2
Attachments	Nil

Sandra Young will make a presentation to Council regarding declaring a Climate Emergency at 5.10 pm.

## **9.2            Scott & Nicole Altschwager - Southend Progress Association - Southend Caravan Park**

Report Type	Deputations
Organisation	Southend Progress Association
Representative	Scott & Nicole Altschwager
File Reference	GF/9.24.1/2
Attachments	Nil

Scott & Nicole Altschwager will make a presentation to Council regarding the Southend Caravan Park at 5.30 pm.

See letter Item 16.11 in Correspondence.

## **10 Petitions**

No petitions have been presented at the point of publishing the Agenda.

## **11 Reports From Council Members**

No reports have been submitted at the point of publishing the Agenda.

## **12 Questions With Notice**

No Questions with Notice have been received at the point of publishing the Agenda.

## **13 Questions Without Notice**

Questions without Notice from Elected Members may be forthcoming at this point in the Meeting.



## **14 Reports From Council Committees**

No Reports from Council Committees have been received at the point of publishing the Agenda.

## 15 Reports From Council Officers

### 15.1 Chief Executive Officer

#### 15.1.1 Monthly Project Status Report

Report Type	Officer Report
Department	Executive
Author	David Wallis
Disclosure of Interest	No Council officers or contractors have declared a conflict of interest regarding the matter under consideration.
Current Risk Rating	Medium
Strategic Plan Reference	<b>Theme 1 - Community Vibrancy &amp; Presentation</b> 1.1 Enhance public space areas including parks, public places, car parking, street lighting and streetscapes to provide vibrant, attractive areas. 1.2 Through appropriate planning, develop vibrant, presentable townships throughout the Wattle Range area. 1.3 Provide sustainable, vibrant community facilities.  <b>Theme 4 - Infrastructure &amp; Asset Sustainability</b> 4.1 Create a sustainable stock of assets, with appropriate long term asset planning and optimal use. 4.2 Plan and provide for a safe local road network that meets the future and current needs of our community. 4.4 Plan for and optimise Council's stock of building assets whilst meeting the future and current needs of community. 4.5 Plan and provide for the expansion and replacement of Council's stock of footpaths, walkways and trails to meet the future and current needs of our community.  <b>Theme 5 - Organisational Excellence</b> 5.2 Govern in a responsible and responsive way.
File Reference	GF/7.73.1/4
Attachments	1. Project Status July 20 [15.1.1.1 - 4 pages]

#### Purpose of Report

To provide an update on the progress of works and financial status of Council's capital and operational projects.

#### Report Details

The 2019/20 budget includes 195 projects worth \$10.2 million. As at 6<sup>th</sup> of July 2020 the completion rate for 2019/20 projects was 89% with a financial expenditure rate of 64%. Capital project completion rate was 93% with an operational project completion rate of 79%.

Project status can be further broken down as follows:

- 149 have been completed
- 29 are in the delivery phase
- 6 are in the procurement phase
- 2 are in the approval phase
- 1 are in the design phase
- 0 are in the planning phase
- 0 is in the services phase
- 0 have not been started
- 8 have been deferred

### **Individual Project Status Update**

#### **Free Township WIFI**

The Millicent phase of the public Wi-Fi installation is complete, Beachport is currently being installed and will be ready by the end of July and Penola will begin after that.

#### **Parklet Construction**

The parklet is designed to be portable and placed on site at major events, or on roadways in car parking spaces on Council land. The parklet will be accessible to wheelchairs and prams. They will be a multi-use platform to enhance streetscapes and events. The construction of this project is continuing.



#### **Glencoe War Memorial**

Construction of the Memorial Wall at the Glencoe War Memorial Park is continuing with the besser block wall now completed. A long delivery time of the Granite veneer and capping is expected to delay the project completion date.



### **Millicent Cemetery**

Extension of the Millicent cemetery is currently progressing with earthworks and levelling to provide for future planning. Good quality gravel was found in the area that could be utilised for future projects.



### **Millicent Domain**

The successful tenderer has started soil tests for the new pedestrian bridge for the Western end of the parklands.

The Nature playground has had one of the last major elements fitted with the new slide installed.

Picnic benches are being installed and landscaping is continuing. Pathways are ready for a final layer of compact gravel in readiness for an external audit to be completed later in the month.

In the open parklands a set of goal posts have been installed, adding another element to the park.

4 x Entrance statement Marquette's will be in Millicent for display in August for public consultation before a decision on the final statement piece is made.





### **Glen Street Toilets**

The toilet block refurbishment is completed with positive feedback from the community.

The renovation included several innovations that minimise personal contact with surfaces in the toilet.



## **The Datascape Project**

Datascape is the replacement software for the current legacy administration software SynergySoft. To date progress has been made in the following four areas.

Antenno – The Antenno product is a mobile application that will enable two-way communication between Council and the Community. Once fully implemented it will allow Council to communicate notifications and send alerts to the community and it will also provide an important portal to receive feedback from the community including reporting issues directly to Council. Antenno training has commenced and Go Live is scheduled to occur at the end of July 2020.

Online Bookings – This module will allow the Community greater access and control in managing their bookings for venues and resources by being able to browse and search for venues and resources, view availability of venues, create, update, change or cancel bookings and pay online. Council staff are working through the requirements for this module and have organised for Virtual Tours to be built at specific sites. All current forms and processes are being reviewed in readiness for the move to online bookings.

Finance – These modules will allow the Community to make payments online and to streamline Council's financial processes. Workshops commenced in June and are scheduled to continue through to August 2020.

Subscribe HR – This software will streamline human resources functions such as the recruitment, onboarding and offboarding processes. The new software is integrated with Datascape and will create efficiencies in human resources and payroll functions once fully implemented. Work will commence Monday 20<sup>th</sup> July 2020 on the installation of the software.

## **Millicent Childcare centre**

New front security doors were installed, and the new security access system is now operational.



## **Various Road and Various Works**

- SOTP repair of internal pathways 100% complete
- Ford Ranger Crew cab ordered and awaiting delivery
- Minor Plant Replacement 95% completed

## **Deferred Projects**

- Caltex Service Station Floor replacing - current Lessee has advised in writing that it does not wish to proceed with the works this financial year. Timing of future works would be dependent on the expression of interest process currently open for the site.
- Environment Projects proposed were mainly revegetation works using volunteers but due to the COVID 19 were cancelled.
- Some roadworks has been deferred until weather improves.

## **Financial Considerations**

Budget Allocation	\$10,179,740
Budget Spent to Date	\$ 6,471,329
Budget Variation Requested	\$0

## **Risk Considerations**

Refer to Wattle Range Council's SharePoint Risk Register – Capital Works Progress.

## **Policy Considerations**

There are no known policy considerations related to this report.

## **Legislative Considerations**

There are no known legislative considerations related to this report.

## **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

## **Communication & Consultation Considerations**

A series of media releases have and will continue to be prepared for Capital Works projects to keep the community informed about their progress.

## **RECOMMENDATION**

That Council receive and note the report.

Project Name	Project Category	Asset Classification	Project Manager	Project Status	% Complete	19/20 Budget	19/20 Actual Cost	Planning Commencement Date	Works Commencement Date	Project Completion Date
SOTP Recreational Hall	Capital	Buildings and Other Structures	Daryl Sexton;#132	Approvals	15%	\$ 220,550	\$ -	1/07/2019		30/06/2020
Tantanoola Town Entrance Signs	Capital	Buildings and Other Structures	Steve Chapple;#35	Approvals	50%	\$ 5,000	\$ -	1/07/2019	8/01/2020	30/06/2020
Reseal- Burston Road	Capital	Sealed Roads	Peter Halton;#32	Completed	100%	\$ 45,922	\$ 45,922			
Halls L&B Cap Civic & Arts Centre (foyer area)	Capital	Buildings and Other Structures	Paul Duka;#31	Completed	100%	\$ 75,000	\$ 71,746	1/01/2017	3/07/2017	30/09/2017
Ridge Tce Millicent Footpath	Capital	Footpaths	Graham Knaggs;#51	Completed	100%	\$ 3,200	\$ 3,197	11/09/2017	22/01/2018	16/02/2018
McLaughlin Park Internal Roads	Capital	Sealed Roads	Daryl Sexton;#132	Completed	100%	\$ 150,000	\$ 145,370	11/09/2017	5/03/2018	13/04/2018
Greenrise Pump Shed	Capital	Buildings and Other Structures	Peter Halton;#32	Completed	100%	\$ 102,355	\$ 102,356	1/01/2018	28/06/2019	28/06/2019
Davenport Street Footpath	Capital	Footpaths	Kerri Baker;#65	Completed	100%	\$ 93,234	\$ 93,234	6/02/2018	1/04/2019	29/11/2019
SOTP, Playground equipment.	Capital	Buildings and Other Structures	Roger Babolka;#151	Completed	100%	\$ 33,374	\$ 34,547	1/07/2018		30/11/2018
Reseal- Riddoch Avenue (Mt Burr)	Capital	Sealed Roads	Graham Knaggs;#51	Completed	100%	\$ 4,656	\$ 4,656	1/07/2018		30/04/2019
Reseal- Agricultural Bureau Drive	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 91,239	\$ 91,239	1/07/2018		8/02/2020
Reseal- Chicory Terrace (Rendelsham)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 9,883	\$ 9,883	1/07/2018		30/01/2020
Reseal- Scott Street (Penola)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 8,680	\$ 8,680	1/07/2018		9/01/2020
Reseal- South East Terrace (Kalangadoo)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 8,480	\$ 8,480	1/07/2018		13/01/2020
Reseal- John Street (Penola)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 6,638	\$ 6,638	1/07/2018		9/01/2020
Reseal- Nitschke Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 6,960	\$ 6,960	1/07/2018		8/02/2020
Reseal- McCourt Street (Beachport)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 2,194	\$ 2,194	1/07/2018		30/01/2020
Community Hub Millicent, Traffic Management	Capital	Buildings and Other Structures	Peter Halton;#32	Completed	100%	\$ 170,000	\$ 156,058	1/07/2018	15/04/2019	28/06/2019
Records Storage- Shed	Capital	Buildings and Other Structures	Daryl Sexton;#132	Completed	100%	\$ 102,888	\$ 102,888	1/07/2018	30/04/2019	30/06/2019
Nangwarry Pool Steps	Capital	Buildings and Other Structures	Lauren Oxlade;#67	Completed	100%	\$ 11,080	\$ 6,580	1/07/2018	24/09/2019	31/10/2019
Replacement of Isuzu Crane Truck	Capital	Plant and Equipment	Daryl Sexton;#132	Completed	100%	\$ 53,410	\$ 53,409	29/10/2018		15/01/2019
Rymill Hall Disabled Toilets	Capital	Buildings and Other Structures	Daryl Sexton;#132	Completed	100%	\$ 150,000	\$ 125,976	3/01/2019	28/01/2020	30/06/2019
SOTP Power Pods Upgrade	Capital	Buildings and Other Structures	David Davis;#61	Completed	100%	\$ 2,980	\$ 2,980	1/07/2019		30/06/2020
SOTP Repair of Internal Pathways	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 2,728	\$ 4,929	1/07/2019		30/06/2020
SOTP A Block Refurbishment	Capital	Buildings and Other Structures	David Davis;#61	Completed	100%	\$ 53,466	\$ 53,466	1/07/2019		30/06/2020
SOTP Internal Roadworks	Capital	Sealed Roads	Peter Wight;#117	Completed	100%	\$ 16,560	\$ 11,401	1/07/2019		24/04/2020
SOTP- Increase Coverage Public WIFI	Capital	Plant and Equipment	Jamie Sneddon;#12	Completed	100%	\$ 11,210	\$ 5,823	1/07/2019		30/06/2020
Childcare Staffroom Upgrade	Capital	Buildings and Other Structures	David Davis;#61	Completed	100%	\$ 11,920	\$ 11,920	1/07/2019		30/06/2020
Poets Corner Penola	Capital	Buildings and Other Structures	Graham Knaggs;#51	Completed	100%	\$ 4,215	\$ 4,215	1/07/2019		30/06/2020
Beachport RV Dump Point	Capital	Buildings and Other Structures	David Wallis;#188	Completed	100%	\$ 31,469	\$ 33,259	1/07/2019		30/06/2020
Footway Renewal- Giddings Street Footways (Millicent)	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 3,600	\$ 3,600	1/07/2019		12/11/2019
Footway Renewal- Nitschke Street Footways (Millicent)	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 3,605	\$ 3,604	1/07/2019		12/11/2019
Footways- Pram Ramps (Various)	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 21,800	\$ -	1/07/2019		30/06/2020
Park Terrace Footways (Millicent)	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 30,000	\$ 24,973	1/07/2019		30/06/2020
Penola Primary School Footways	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 4,728	\$ 11,395	1/07/2019		30/06/2020
Beachport Recreation Centre Entry and Roof	Capital	Buildings and Other Structures	Daryl Sexton;#132	Completed	100%	\$ 231,000	\$ 210,607	1/07/2019		30/06/2020
Computer Replacement Program	Capital	Plant and Equipment	Jamie Sneddon;#12	Completed	100%	\$ 22,000	\$ 25,640	1/07/2019		30/06/2020
Kerb Renewal- Bowman Street (Millicent)	Capital	Kerbs and Gutters	Peter Wight;#117	Completed	100%	\$ 33,279	\$ 34,751	1/07/2019		30/06/2020
Brooks Street Kerb (Millicent)	Capital	Kerbs and Gutters	Peter Wight;#117	Completed	100%	\$ 34,000	\$ 27,964	1/07/2019		30/06/2020
Kerb Renewal- Short Street Kerb (Millicent)	Capital	Kerbs and Gutters	Peter Wight;#117	Completed	100%	\$ 16,050	\$ 26,854	1/07/2019		30/06/2020
Seventh Street Kerb (Millicent)	Capital	Kerbs and Gutters	Peter Wight;#117	Completed	100%	\$ 44,000	\$ 30,756	1/07/2019		30/06/2020
Kerb Renewal- Tenth Street (Millicent)	Capital	Kerbs and Gutters	Peter Wight;#117	Completed	100%	\$ 10,570	\$ 10,571	1/07/2019		30/06/2020
Records Storage Facility Fit Out - Compactus Units	Capital	Buildings and Other Structures	Cathy Bell;#36	Completed	100%	\$ 68,189	\$ 68,190	1/07/2019		30/06/2020
Saleyards - Replace Treated Timber Fence Posts	Capital	Buildings and Other Structures	Andrew Robinson;#83	Completed	100%	\$ 12,000	\$ -	1/07/2019		30/06/2020
Isuzu Tip Truck	Capital	Plant and Equipment	Daryl Sexton;#132	Completed	100%	\$ 220,000	\$ 198,540	1/07/2019		30/06/2020
Isuzu Tip Truck	Capital	Plant and Equipment	Daryl Sexton;#132	Completed	100%	\$ 220,000	\$ 198,540	1/07/2019		
Mistubishi Fuso Dual Cab Canter	Capital	Plant and Equipment	Tim Whennen;#50	Completed	100%	\$ 90,000	\$ 81,696	1/07/2019		30/06/2020
Semi Water Tanker	Capital	Plant and Equipment	Tim Whennen;#50	Completed	100%	\$ 140,000	\$ 133,962	1/07/2019		30/06/2020
Hino Street Sweeper	Capital	Plant and Equipment	Tim Whennen;#50	Completed	100%	\$ 340,000	\$ 355,892	1/07/2019		30/06/2020
John Deere Tractor	Capital	Plant and Equipment	Tim Whennen;#50	Completed	100%	\$ 100,000	\$ 72,289	1/07/2019		30/06/2020
Front Deck Mower	Capital	Plant and Equipment	Daryl Sexton;#132	Completed	100%	\$ 90,000	\$ 103,410	1/07/2019		30/06/2020
Triaxle Cleanline Dog Trailer	Capital	Plant and Equipment	Daryl Sexton;#132	Completed	100%	\$ 70,000	\$ 84,125	1/07/2019		30/06/2020
Major Plant Replacement- Triaxle Cleanline Dog Trailer	Capital	Plant and Equipment	Daryl Sexton;#132	Completed	100%	\$ 70,000	\$ 84,125	1/07/2019		30/06/2020
Reseal- Sebastopol Spring Road (Millicent)	Capital	Sealed Roads	Peter Wight;#117	Completed	100%	\$ 90,100	\$ 102,778	1/07/2019		30/06/2020
Reseal- Laffer Street (Nangwarry)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 16,870	\$ 16,870	1/07/2019		13/01/2020
Reseal- Old Kalangadoo Penola Road (Kalangadoo)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 88,089	\$ 88,089	1/07/2019		13/01/2020



Project Name	Project Category	Asset Classification	Project Manager	Project Status	% Complete	19/20 Budget	19/20 Actual Cost	Planning Commencement Date	Works Commencement Date	Project Completion Date
Reseal- South West Terrace North (Beachport)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 7,064	\$ 7,064	1/07/2019		30/01/2020
Reseal- Wentworth Street (Beachport)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 6,336	\$ 6,336	1/07/2019		30/01/2020
Reseal- Rivoli Drive (Beachport)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 21,485	\$ 21,485	1/07/2019		30/01/2020
Reseal- Cape Buffon Drive (Southend)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 53,357	\$ 53,357	1/07/2019		17/01/2020
Reseal- Bonney Street (Southend)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 3,269	\$ 3,269	1/07/2019		20/01/2020
Reseal- Bridge Drive (Southend)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 18,053	\$ 18,053	1/07/2019		20/01/2020
Reseal- Southend Boat Ramp Access Road (Southend)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 4,516	\$ 4,516	1/07/2019		20/01/2020
Reseal- McDonald Street	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 3,385	\$ 3,385	1/07/2019		20/01/2020
Reseal- Bridges Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 13,907	\$ 13,907	1/07/2019		8/02/2020
Reseal- Eighth Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 4,154	\$ 4,154	1/07/2019		8/02/2020
Reseal- Grigg Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 2,954	\$ 2,954	1/07/2019		8/02/2020
Reseal- Monash Terrace (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 17,699	\$ 17,699	1/07/2019		8/02/2020
Reseal- Rendelsham Road Residential Access (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 6,690	\$ 6,690	1/07/2019		8/02/2020
Reseal- Fifth Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 3,848	\$ 5,198	1/07/2019		8/02/2020
Reseal- Bowering Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 9,979	\$ 9,979	1/07/2019		8/02/2020
Reseal- Park Terrace (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 50,837	\$ 51,727	1/07/2019		8/02/2020
Reseal- Walker Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 5,481	\$ 5,481	1/07/2019		8/02/2020
Reseal- Bramwell Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 1,666	\$ 1,666	1/07/2019		8/02/2020
Reseal- Stratford Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 7,491	\$ 7,491	1/07/2019		8/02/2020
Reseal- Thyne Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 6,721	\$ 6,721	1/07/2019		8/02/2020
Reseal- Warr Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 3,206	\$ 3,206	1/07/2019		8/02/2020
Reseal- Kentish Place (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 4,602	\$ 4,602	1/07/2019		8/02/2020
Reseal- Olive Street (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 14,381	\$ 14,381	1/07/2019		8/02/2020
Reseal- Sandon Ave (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 36,684	\$ 36,684	1/07/2019		8/02/2020
Reseal- Industrial Access Road (Millicent)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 11,813	\$ 11,813	1/07/2019		8/02/2020
Reseal- Julian Street West (Penola)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 17,636	\$ 17,636	1/07/2019		9/01/2020
Reseal- Beachport-Penola Road (Kangaroo Inn)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 32,181	\$ 32,181	1/07/2019		8/02/2020
Reseal- Gray Terrace (Mt Burr)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 21,134	\$ 21,134	1/07/2019		8/02/2020
Reseal- Ingram Street (Mt Burr)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 8,454	\$ 8,454	1/07/2019		8/02/2020
Reseal- Kay Terrace (Mt Burr)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 4,555	\$ 4,555	1/07/2019		8/02/2020
Reseal- South Terrace (Tantanoola)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 6,134	\$ 6,134	1/07/2019		14/01/2020
Reseal- Serle Road (Tantanoola)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 2,045	\$ 2,045	1/07/2019		14/01/2020
Reseal- Seeborn Street (Tantanoola)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 9,452	\$ 9,452	1/07/2019		14/01/2020
Wandilo Forest Road	Capital	Sealed Roads	Wayne Thomas;#37	Completed	100%	\$ 250,000	\$ 188,579	1/07/2019		30/06/2020
Stormwater Pit Renewal (Millicent)	Capital	Stormwater	Peter Wight;#117	Completed	100%	\$ 20,000	\$ 10,998	1/07/2019		30/06/2020
Resheet- Throy Chain Road	Capital	Unsealed Roads	Wayne Thomas;#37	Completed	100%	\$ 125,009	\$ 150,977	1/07/2019		6/04/2020
Resheet- Glenroy - Maaoepe Road	Capital	Unsealed Roads	Wayne Thomas;#37	Completed	100%	\$ 147,347	\$ 145,596	1/07/2019		30/06/2020
Resheet- Bog Lane	Capital	Unsealed Roads	Wayne Thomas;#37	Completed	100%	\$ 135,219	\$ 135,219	1/07/2019		30/06/2020
Resheet- Lake George Road	Capital	Unsealed Roads	Wayne Thomas;#37	Completed	100%	\$ 82,487	\$ 82,487	1/07/2019		30/06/2020
Resheet- Rogers Road	Capital	Unsealed Roads	Wayne Thomas;#37	Completed	100%	\$ 90,000	\$ 68,786	1/07/2019		30/06/2020
Childcare Air-conditioner (Emu Room)	Operational	Operating	David Davis;#61	Completed	100%	\$ 3,905	\$ 2,794	1/07/2019		30/06/2020
Childcare Trainee	Operational	Operating	Clara Walker;#43	Completed	100%	\$ 56,574	\$ -	1/07/2019		30/06/2020
Penola Main Office Air-conditioner	Operational	Operating	David Davis;#61	Completed	100%	\$ 2,000	\$ 420	1/07/2019		30/06/2020
Childcare Front Doors	Operational	Operating	David Davis;#61	Completed	100%	\$ 5,000	\$ -	1/07/2019		30/06/2020
Policy Updates	Operational	Operating	Paul Duka;#31	Completed	100%	\$ 25,000	\$ -	1/07/2019		30/06/2020
Beachport VIC Air-conditioners	Operational	Operating	David Davis;#61	Completed	100%	\$ 4,000	\$ 2,794	1/07/2019		30/06/2020
SOTP D Block Upgrade	Operational	Operating	David Davis;#61	Completed	100%	\$ 15,000	\$ 13,957	1/07/2019		30/06/2020
Corella Management Plan	Operational	Operating	Tim Wilson;#55	Completed	100%	\$ 3,615	\$ -	1/07/2019		30/06/2020
Noise Net Barking Dog Monitoring	Operational	Operating	Tim Wilson;#55	Completed	100%	\$ 3,000	\$ -	1/07/2019		30/06/2020
Dog Pound Surveillance	Operational	Operating	Tim Wilson;#55	Completed	100%	\$ 4,400	\$ 2,857	1/07/2019		30/06/2020
Film Hire and Showings	Operational	Operating	Steve Chapple;#35	Completed	100%	\$ 2,000	\$ 2,000	1/07/2019		30/06/2020
SOTP D Block Painting	Operational	Operating	David Davis;#61	Completed	100%	\$ 18,770	\$ 1,081	1/07/2019		19/12/2020
Millicent Skate Park Event & Training Session	Operational	Operating	Sarah Marzec;#33	Completed	100%	\$ 6,898	\$ 6,011	1/07/2019		30/06/2020
Community Event Funding Support	Operational	Operating	Steve Chapple;#35	Completed	100%	\$ 10,000	\$ -	1/07/2019		30/06/2020
Local Business Success Story Development	Operational	Operating	Steve Chapple;#35	Completed	100%	\$ 6,600	\$ -	1/07/2019		30/06/2020
Arts Project Seed Funding	Operational	Operating	Steve Chapple;#35	Completed	100%	\$ 15,000	\$ 3,000	1/07/2019		30/06/2020

Project Name	Project Category	Asset Classification	Project Manager	Project Status	% Complete	19/20 Budget	19/20 Actual Cost	Planning Commencement Date	Works Commencement Date	Project Completion Date
Drinking Fountain (Nangwarry)	Operational	Operating	David Davis;#61	Completed	100%	\$ 5,000	\$ -	1/07/2019		30/06/2020
Administration Officer - Development Services	Operational	Operating	Steve Chapple;#35	Completed	100%	\$ 75,182	\$ -	1/07/2019		30/06/2020
Tourism Volunteers Christmas Show	Operational	Operating	Tamara North;#49	Completed	100%	\$ 3,000	\$ 115	1/07/2019		30/06/2020
2020 Geocaching Mega Event	Operational	Operating	Tamara North;#49	Completed	100%	\$ 2,200	\$ 2,000	1/07/2019		30/06/2020
Tourism Staff and Volunteers Famil	Operational	Operating	Tamara North;#49	Completed	100%	\$ 2,200	\$ 320	1/07/2019		30/06/2020
Industry Sector Mapping	Operational	Operating	Steve Chapple;#35	Completed	100%	\$ 10,000	\$ -	1/07/2019		30/06/2020
Economic/Investment Initiatives	Operational	Operating	Roger Babolka;#151	Completed	100%	\$ 10,000	\$ 250	1/07/2019		30/06/2020
Co-operative Cat Desexing Program	Operational	Operating	Rick Grimes;#408	Completed	100%	\$ 2,000	\$ -	1/07/2019		30/06/2020
Millicent Depot Air-conditioners	Operational	Operating	David Davis;#61	Completed	100%	\$ 5,000	\$ 900	1/07/2019		30/06/2020
Tantanoola Solar Lighting	Operational	Operating	David Wallis;#188	Completed	100%	\$ 5,000	\$ -	1/07/2019		30/06/2020
Resheet- Mount Hope Road	Capital	Unsealed Roads	Wayne Thomas;#37	Completed	100%	\$ 220,338	\$ 220,338	1/07/2019		9/10/2019
Kerb Renewal- Fifth Street (Millicent)	Capital	Kerbs and Gutters	Peter Wight;#117	Completed	100%	\$ 76,180	\$ 76,179	1/07/2019		30/06/2020
Footway Renewal- Bowden Street (Penola)	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 17,822	\$ 17,822	1/07/2019		30/06/2020
Spoon Drains Millicent (Various)	Capital	Kerbs and Gutters	Peter Wight;#117	Completed	100%	\$ 11,000	\$ 5,368	1/07/2019		30/06/2019
Alfred Street (Penola)	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 18,000	\$ 11,715	1/07/2019		30/06/2020
Muggleton Walking Track	Capital	Footpaths	Graham Knaggs;#51	Completed	100%	\$ 13,108	\$ 13,108	1/07/2019		
Plant Machinery	Capital	Plant and Equipment	Tim Whennen;#50	Completed	100%	\$ 173,630	\$ 190,106	1/07/2019		
North Terrace (Millicent)	Capital	Sealed Roads	Graham Knaggs;#51	Completed	100%	\$ 3,067	\$ 3,067	1/07/2019		30/06/2020
SOTP - Renovations of A Block	Capital	Buildings and Other Structures	David Davis;#61	Completed	100%	\$ 21,895	\$ 21,895	1/07/2019		30/06/2020
SOTP C Block	Capital	Buildings and Other Structures	David Davis;#61	Completed	100%	\$ 12,386	\$ 12,386	1/07/2019		30/06/2020
Safety Improvements Williams Rd/Stuckey St/ Holzgreffe St	Capital	Sealed Roads	Graham Knaggs;#51	Completed	100%	\$ 7,736	\$ 7,928	1/07/2019		30/06/2020
Reseal- Canunda Causeway	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 176,085	\$ 176,085	1/07/2019		30/06/2020
Reseal- McArthur Street (Penola)	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 22,443	\$ 22,443	1/07/2019		30/06/2020
Reseal- Nilsson Street	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 7,718	\$ 7,718	1/07/2019		30/06/2020
Reseal- Darwent Street	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 4,209	\$ 4,209	1/07/2019		30/06/2020
Reseal- Rendelsham Centre Link Road	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 4,007	\$ 4,007	1/07/2019		30/06/2020
Reseal- Delaneys Road	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 2,905	\$ 2,905	1/07/2019		30/06/2020
Reseal- Julia Moore Street	Capital	Sealed Roads	Kerri Baker;#65	Completed	100%	\$ 2,357	\$ 2,357	1/07/2019		30/06/2020
Riddoch Street Footways (Penola)	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 58,000	\$ 2,881	1/07/2019		30/06/2020
O'Neils Lane Intersection Upgrade	Capital	Unsealed Roads	Graham Knaggs;#51	Completed	100%	\$ 6,900	\$ 6,879	1/07/2019		30/06/2020
Millicent Library- RFID Stage 2	Capital	Furniture and Fittings	Janice Nitschke;#76	Completed	100%	\$ 25,000	\$ 21,988	1/07/2019	10/07/2019	30/06/2020
Millicent Library Furniture & Shelving	Capital	Furniture and Fittings	Janice Nitschke;#76	Completed	100%	\$ 6,000	\$ 4,539	1/07/2019	4/09/2019	30/06/2020
Footway Renewal- Holzgreffe Street (Millicent)	Capital	Footpaths	Peter Wight;#117	Completed	100%	\$ 9,445	\$ 9,445	1/07/2019	1/10/2019	11/10/2019
Supervision of the Inflatable Obstacle Course	Operational	Operating	Lauren Oxlade;#67	Completed	100%	\$ 12,500	\$ -	1/07/2019	1/12/2019	31/03/2020
Rymill Hall Painting	Operational	Operating	Daryl Sexton;#132	Completed	100%	\$ 36,000	\$ -	1/07/2019	28/01/2020	30/06/2020
Penola Stadium Roof	Capital	Buildings and Other Structures	Daryl Sexton;#132	Completed	100%	\$ 70,150	\$ 42,731	1/07/2019	10/02/2020	30/06/2020
Penola Gallery Lights	Operational	Operating	David Davis;#61	Completed	100%	\$ 5,000	\$ 152	1/07/2019	26/02/2020	30/06/2020
Glenn Street Toilets	Capital	Buildings and Other Structures	Andrew Thorne;#211	Completed	100%	\$ 50,000	\$ 44,149	1/07/2019	27/04/2020	30/06/2020
Beachport Green Waste Storage	Capital	Buildings and Other Structures	Lauren Oxlade;#67	Completed	100%	\$ 12,966	\$ 12,966	5/08/2019	3/02/2020	30/04/2020
Resheet- Lamont Road	Capital	Unsealed Roads	Wayne Thomas;#37	Deferred	10%	\$ 2,238	\$ 2,579	1/07/2019		30/06/2020
Adelaide University Student Scholarship Program	Operational	Operating	Steve Chapple;#35	Deferred	50%	\$ 5,000	\$ 5,000	1/07/2019		30/06/2020
Coastal Erosion	Operational	Operating	Lauren Oxlade;#67	Deferred	5%	\$ 30,000	\$ -	1/07/2019		26/02/2021
Environmental Projects	Operational	Operating	Lauren Oxlade;#67	Deferred	15%	\$ 10,000	\$ -	1/07/2019		30/06/2020
Swimming Facilities	Operational	Operating	Lauren Oxlade;#67	Deferred	40%	\$ 5,000	\$ 4,485	1/07/2019		30/06/2020
Intersection Upgrade Program	Capital	Sealed Roads	Lauren Oxlade;#67	Deferred	15%	\$ 36,845	\$ -	1/07/2019		
Adaptation Strategy for Beachport Town Beaches	Operational	Operating	Lauren Oxlade;#67	Deferred	10%	\$ 38,500	\$ -	1/07/2019	13/01/2020	30/04/2021
Library Services	Operational	Operating	Janice Nitschke;#76	Deferred	0%	\$ 10,000	\$ -	1/07/2019	18/03/2020	30/06/2020
Childcare - Shade Structure & Sandpit upgrade	Capital	Buildings and Other Structures	David Davis;#61	Delivery	40%	\$ 14,101	\$ -	1/07/2018		30/06/2018
Penola Place Makin Design Strategy	Operational	Buildings and Other Structures	Steve Chapple;#35	Delivery	85%	\$ 35,000	\$ -	1/07/2018		30/06/2019
Penola Town Square (Stage 3)	Capital	Furniture and Fittings	Peter Halton;#32	Delivery	100%	\$ 19,810	\$ 19,810	30/07/2018	30/07/2018	26/04/2019
Glencoe War Memorial	Capital	Buildings and Other Structures	David Wallis;#188	Delivery	75%	\$ 60,000	\$ 17,273	9/10/2018	4/12/2018	29/03/2019
Millicent Civic Hall - Glass safety rail for the Hall balcony area.	Capital	Buildings and Other Structures	Andrew Thorne;#211	Delivery	60%	\$ 20,000	\$ 12,661	4/03/2019	4/04/2019	30/06/2020
Childcare Storage Shed Roof	Capital	Buildings and Other Structures	David Davis;#61	Delivery	80%	\$ 8,000	\$ -	1/07/2019		30/06/2020
Millicent Depot Offices & Lunch Room (Design Works)	Capital	Buildings and Other Structures	Ryan Domleo;#230	Delivery	20%	\$ 8,000	\$ 3,320	1/07/2019		30/06/2020
Dog Park (Millicent)	Capital	Buildings and Other Structures	Chris Tully;#142	Delivery	80%	\$ 16,500	\$ 700	1/07/2019		30/06/2020
Fire Danger Rating Signs	Capital	Buildings and Other Structures	Tim Wilson;#55	Delivery	90%	\$ 43,000	\$ 10,243	1/07/2019		30/06/2020

Project Name	Project Category	Asset Classification	Project Manager	Project Status	% Complete	19/20 Budget	19/20 Actual Cost	Planning Commencement Date	Works Commencement Date	Project Completion Date
Kentish Place Footways (Millicent)	Capital	Footpaths	Peter Wight;#117	Delivery	20%	\$ 13,000	\$ -	1/07/2019		30/06/2020
Millicent Domain	Capital	Buildings and Other Structures	David Wallis;#188	Delivery	75%	\$ 935,000	\$ 531,530	1/07/2019		30/06/2020
Corporate Vehicles	Capital	Plant and Equipment	Tim Whennen;#50	Delivery	75%	\$ 124,723	\$ 34,723	1/07/2019		30/06/2020
Minor Plant Replacement	Capital	Plant and Equipment	Graham Knaggs;#51	Delivery	95%	\$ 20,000	\$ 14,527	1/07/2019		30/06/2020
Kennedy Road - Widening Upgrade	Capital	Sealed Roads	Wayne Thomas;#37	Delivery	75%	\$ 646,000	\$ 166,727	1/07/2019		30/06/2020
Arthur Street (Penola)	Capital	Stormwater	Daryl Sexton;#132	Delivery	40%	\$ 931,100	\$ 88,116	1/07/2019		30/06/2020
Penola Main Office Disability Access	Operational	Operating	David Davis;#61	Delivery	20%	\$ 5,000	\$ -	1/07/2019		30/06/2020
Childcare Veranda	Operational	Operating	David Davis;#61	Delivery	25%	\$ 7,000	\$ -	1/07/2019		30/06/2020
Council Management System - Stage 2	Operational	Operating	Paul Duka;#31	Delivery	100%	\$ 500,000	\$ 42,662	1/07/2019		30/06/2020
Disability and Inclusion Plan Implementation	Operational	Operating	Steve Chapple;#35	Delivery	90%	\$ 15,000	\$ -	1/07/2019		30/06/2020
Nangwarry Toilets	Operational	Operating	Lauren Oxlade;#67	Delivery	60%	\$ 10,000	\$ -	1/07/2019		30/06/2020
McCorquindale Park Front Gates	Operational	Operating	David Davis;#61	Delivery	60%	\$ 5,000	\$ 3,560	1/07/2019		25/09/2020
Penola Main Office Doors	Operational	Operating	David Davis;#61	Delivery	95%	\$ 5,000	\$ -	1/07/2019		30/06/2020
Beachport Museum	Operational	Operating	David Davis;#61	Delivery	80%	\$ 5,000	\$ -	1/07/2019		30/06/2019
Tantanoola Hall Hot Water	Operational	Operating	David Davis;#61	Delivery	15%	\$ 5,000	\$ -	1/07/2019		28/08/2020
Road Asset Management Plan	Operational	Operating	Daryl Sexton;#132	Delivery	80%	\$ 80,000	\$ 41,795	1/07/2019		30/06/2020
Domain - Security	Capital	Buildings and Other Structures	David Wallis;#188	Delivery	95%	\$ 37,000	\$ 25,767	1/07/2019		30/06/2020
Penola Stormwater Queen Street/South Terrace Catchment	Capital	Stormwater	Daryl Sexton;#132	Delivery	50%	\$ 49,130	\$ 500	1/07/2019		30/06/2019
Parklett Construction	Capital	Plant and Equipment	Chris Tully;#142	Delivery	90%	\$ 44,000	\$ -	1/07/2019	15/01/2020	30/06/2020
WIFI Spine for Community Access Millicent/Penola	Capital	Plant and Equipment	Jamie Sneddon;#12	Delivery	80%	\$ 75,000	\$ 38,430	1/07/2019	23/03/2020	31/08/2020
Heritage Restoration Fund	Operational	Operating	Steve Chapple;#35	Design	45%	\$ 15,000	\$ -	1/07/2019		30/06/2020
Penola Town Square- Electrical works	Operational	Buildings and Other Structures	Peter Halton;#32	Procurement	30%	\$ 5,000	\$ 5,462	1/07/2018		30/06/2019
Library & Council Office Courtyard Entrance	Capital	Buildings and Other Structures	Graham Knaggs;#51	Procurement	20%	\$ 10,000	\$ -	1/07/2019		30/06/2020
Road Safety School	Capital	Buildings and Other Structures	David Wallis;#188	Procurement	10%	\$ 10,000	\$ 6,402	1/07/2019		30/06/2020
Ford Ranger Crewcab	Capital	Plant and Equipment	Tim Whennen;#50	Procurement	75%	\$ 35,000	\$ -	1/07/2019		30/06/2020
Tourism Town Signage (Beachport and Southend)	Operational	Operating	Roger Babolka;#151	Procurement	50%	\$ 10,000	\$ -	1/07/2019		30/06/2020
Woakwine Cutting Promotional Signage	Operational	Buildings and Other Structures	Roger Babolka;#151	Procurement	80%	\$ 2,200	\$ -	1/07/2019	18/12/2019	30/06/2020

## 15.2 Director Corporate Services

### 15.2.1 Monthly Financial Performance Report

Report Type	Officer Report
Department	Corporate Services
Author	Emily Strother
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Not Applicable
Strategic Plan Reference	<b>Theme 5 - Organisational Excellence</b> 5.2 Govern in a responsible and responsive way.
File Reference	GF/7.73.1/4
Attachments	1. Monthly GL Report - June 2020 [15.2.1.1 - 3 pages]

#### Purpose of Report

Council consideration of the Monthly Financial Performance Report.

#### Report Details

The attached Financial Performance report for the year to 30 June 2020 shows that Council is currently within its approved 2019/20 budget based on current expenditure and income trends.

The 2019/20 Financial Performance Report provides a snapshot of Council's financial performance for the period to 30 June 2020. The report includes the year to date actual expenditure and income for both operating and capital comparative to the adopted 2019/20 original budget. In addition, the report also provides an update of the Key Financial Indicators used to measure Council's Financial Sustainability.

#### Operating Expenditure and Revenue

The attached Income Statement shows that after the completion of twelve (12) months of the 2019/20 financial year, Council is within its overall budget parameters and is expected to remain so at year end when accounts are completed.

#### Capital Expenditure

Council's current capital budget is \$9.022M of which \$6.863M has been spent and/or committed for expenditure.

#### Balance Sheet

Council did not budget to borrow any funds in 2019/20. Repayment of existing loans is scheduled for various times throughout 2019/20. Council's current loan principal is \$5M.

### Rates Debtors

Aged Rates Debtors constitute 5.41% (\$0.821M) of total rates raised in 2019/20. It should be noted that the number of properties with rates outstanding more than three years is 26. The amount outstanding is expected to decrease in July due to outstanding amounts from the 19/20 fourth quarter instalment being paid. It should be noted that amount of rates debts outstanding and the number of ratepayers who owe rates are less than at the same time as last financial year.

### **Financial Considerations**

Budget Allocation	Refer to Attachment
Budget Spent to Date	Refer to Attachment
Budget Variation Requested	Refer to Attachment

The financial implications are as detailed in the attached budget papers.

### **Policy Considerations**

Information reflected in this report forms part of Council's 2019/20 Annual Business Plan and Budget, which is required to be reviewed periodically by Council, in accordance with the *Local Government Act 1999* and *Local Government (Financial Management) Regulations 2011*.

### **Legislative Considerations**

There are no known legislative considerations related to this report.

### **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

### **Communication & Consultation Considerations**

There are no known communication and consultation considerations related to this report.

### **RECOMMENDATION**

That Council receive and note the 2019/20 June Financial Performance Report.

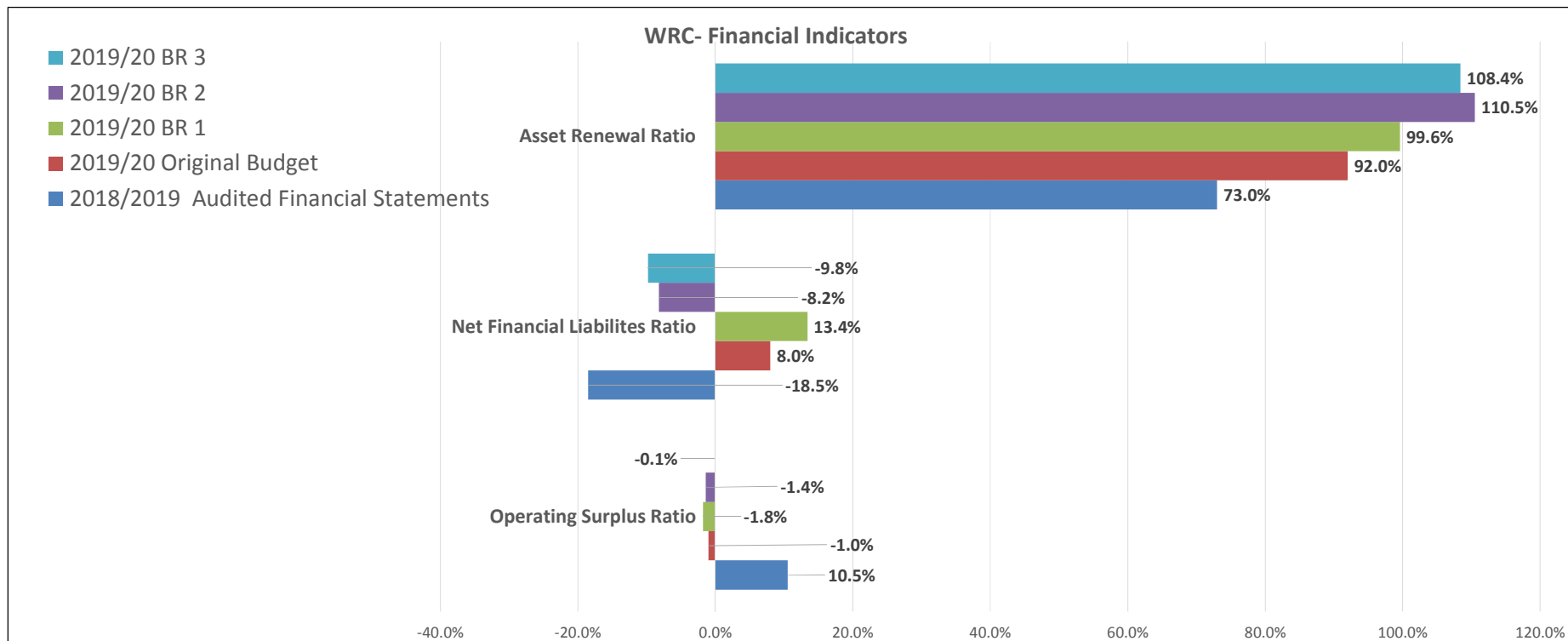
**WATTLE RANGE COUNCIL**  
**2019/20 MONTHLY BUDGET REPORT**  
AS AT  
30-June-2020

OPERATING ACTIVITIES									
Adopted 2019/2020 BUDGET \$'000		YTD 2019/2020 BUDGET \$'000	BR 1 2019/2020 BUDGET \$'000	BR 2 2019/2020 BUDGET \$'000	BR 3 2019/2020 BUDGET \$'000	YTD 2019/2020 ACTUAL \$'000	YTD 2019/2020 VARIANCE \$'000	YTD 2019/2020 VARIANCE %	
	OPERATING INCOME	A				E	=A-E		NOTE
18,759	Rates	18,794	18,756	18,799	18,794	18,809	(16)	0.1%	
288	Statutory Charges	304	288	307	304	332	(28)	9.2%	1
2,045	User Charges	2,244	2,046	2,126	2,244	2,323	(79)	3.5%	2
3,840	Grants Subsidies and Contributions	4,125	4,106	4,162	4,125	3,882	243	-5.9%	3
140	Investment Income	146	140	140	146	139	6	-4.4%	10
442	Other	670	446	262	670	708	(38)	5.7%	4
<b>25,514</b>	<b>Total Operating Income</b>	<b>26,283</b>	<b>25,783</b>	<b>25,796</b>	<b>26,283</b>	<b>26,194</b>	<b>89</b>	<b>0.3%</b>	
OPERATING EXPENSES									
9,642	Wages and Salaries	9,188	10,151	9,193	9,188	8,801	(387)	-4.2%	8
10,956	Materials, contracts & other expenses	11,917	11,027	11,775	11,917	9,260	(2,657)	-22.3%	7
376	Finance Costs	372	372	372	372	338	(35)	-9.3%	5
4,700	Depreciation, amortisation & impairment	4,821	4,700	4,821	4,821	4,403	(418)	-8.7%	9
<b>25,674</b>	<b>Total Operating Expenses</b>	<b>26,298</b>	<b>26,251</b>	<b>26,161</b>	<b>26,298</b>	<b>22,802</b>	<b>(3,496)</b>	<b>-13.3%</b>	
<b>(160)</b>	<b>OPERATING SURPLUS/(DEFICIT) BEFORE CAPITAL AMOUNTS</b>	<b>(15)</b>	<b>(468)</b>	<b>(365)</b>	<b>(15)</b>	<b>3,392</b>	<b>(3,407)</b>	<b>23356.1%</b>	
CAPITAL ACTIVITIES									
Net Outlays in Existing Assets									
4,438	Capital Expenditure on renewal and replacement of Existing Assets	5,013	5,010	5,104	5,013	4,272	(741)	-14.8%	6
(4,700)	Depreciation, Amortisation and Impairment	(4,821)	(4,700)	(4,821)	(4,821)	(4,403)	418	-8.7%	9
(190)	Proceeds from Sale of Replaced Assets	(201)	(190)	(201)	(201)	(251)	(50)	24.9%	
<b>(452)</b>		<b>(9)</b>	<b>120</b>	<b>82</b>	<b>(9)</b>	<b>(382)</b>	<b>373</b>	<b>-4228.6%</b>	
Net Outlays on New and Upgraded Assets									
3,838	Capital Expenditure on New and Upgraded Assets	4,009	4,310	4,158	4,009	2,084	(1,925)	-48.0%	6
(1,553)	Amounts received specifically for New and Upgraded Assets	(1,178)	(1,553)	(1,553)	(1,178)	(736)	442	-37.6%	3
-	Proceeds from Sale of Surplus Assets	(204)	-	(204)	(204)	-	204	100.0%	
<b>2,285</b>		<b>2,627</b>	<b>2,756</b>	<b>2,401</b>	<b>2,627</b>	<b>1,348</b>	<b>1,279</b>	<b>48.7%</b>	
<b>(1,993)</b>	<b>Net Lending / (Borrowing) for Financial Year (A-B-C)</b>	<b>(2,633)</b>	<b>(3,344)</b>	<b>(2,848)</b>	<b>(2,633)</b>	<b>2,426</b>	<b>5,058</b>	<b>-192.1%</b>	
	<b>Net Operating Surplus / Deficit (A+B+C+D)</b>	<b>2,615</b>	<b>2,099</b>	<b>2,039</b>	<b>2,615</b>	<b>4,489</b>	<b>(1,874)</b>	<b>-71.7%</b>	

**WATTLE RANGE COUNCIL**  
**2019/20 MONTHLY BUDGET REPORT**  
**AS AT**  
**30-June-2020**

**NOTES**

#	Description	Status	Action Required
1	Income for Dog registration and Development Fees greater than originally forecasted.		No Action Required
2	Greater income than forecasted for Saleyards (\$11k), SOTP (\$17k) and Childcare (\$60k), Cemeteries (\$7k) under forecasted budget.		No Action Required
3	Timing issues in relation to Grant allocations Roads to Recovery (\$161k) and Eyre Street Beach Access Grant \$8k less than budgeted for and the balance remaining includes unreceived grants (Adaptation Strategy \$30k).		No Action Required
4	Greater income received than originally forecasted, Private works (\$21k), Saleyard stock sales (\$5k), Library income for Management of Robe Library (\$5k), reimbursement from Southend Progress Association (\$7k)		No Action Required
5	Journal required to acknowledge accrued Interest expense		Journal
6	Some projects expected to balance out when year end process has been completed and some will be carried forward to the 20/21 budget at Budget Review 1.		No Action Required
7	<p>Various areas under budget including;</p> <ul style="list-style-type: none"> <li>•Advertising (\$35k) – largely relates to Tourism that should balance out at year end.</li> <li>•Electricity (\$70k- due to \$50k credit being received) – minor changes likely when year end is finalised</li> <li>•Fringe Benefits Tax (\$17k) – FBT cost under forecasted budget - will remain underspent</li> <li>•Financial Assistance (\$129k) - \$100k consist of Community Infrastructure Grant</li> <li>•Telephone costs (\$15k) – May balance out at year end</li> <li>•Licence Fees (\$50k) – Not likely to change</li> <li>•Postage (\$10k) – May balance out at year end</li> <li>•Rates NRM Levy Remitted (\$250k) – likely to change when year end is finalised</li> <li>•Training (\$16k) – Underspent, not likely to change</li> <li>•Uniform (\$13k) – Likely to have minor changes</li> <li>•Wages and Salaries External - Trainees (\$70k) – likely to change when year end is finalised</li> <li>•Line Marking (\$125k) – Not likely to change</li> <li>•Council Office design (\$30k) – Carryover</li> <li>•Effluent Maintenance (\$50k) – not spent</li> <li>•Library Review (\$10k) – not spent</li> <li>•Nangwarry Pool family bathroom design (\$10k) – not spent</li> <li>•Penola (\$33k) and Millicent (\$42k) place making project– not spent (carryover)</li> <li>•Seed funding for community art, cultural events (\$10k) – not spent</li> <li>•Emergency event funding support (\$10k) – not spent</li> <li>•Policy update assistance (\$25k) – not spent</li> <li>•Establish &amp; maintain firebreaks (\$20k) – not spent</li> <li>•Waste disposal (\$205k) – likely to change when year end is finalised</li> <li>•Waste transfer station expenses (\$110k) – likely to change when year end is finalised</li> <li>•Coastal erosion Post Office Rocks &amp; Salmon Hole (\$30k) – not spent (carryover)</li> <li>•Rivoli Bay project (\$20k) – not spent (carryover)</li> <li>•Beachport Metocean Data Project \$84k – not spent (carryover)</li> <li>•Adaptation Strategy Beachport beaches (\$69k) – not spent (carryover)</li> <li>•Childcare painting (\$17k) – not spent (carryover)</li> <li>•Childcare front doors &amp; veranda (\$12k) – orders raised, likely to balance out at year end</li> <li>•Rymill Hall painting (\$40k) – likely to change when year end is finalised</li> <li>•Council management system (\$270k) – not spent (carryover)</li> <li>•Green waste investigations (\$30k) – not spent</li> </ul> <p>The remainder consists of 19/20 invoices that will be paid in July.</p>		Year end process to be completed
8	Various positions that were budgeted for the full year have been vacant for a portion of the year, this has resulted in the year to date actual tracking under budget. Journal required for accrued wages		Journal
9	Depreciation costs still to be finalised for year end. Journal required for June depreciation		Journal
10	Journal required for remaining June interest		Journal





## 15.2.2 Committee Meetings

Report Type	Officer Report
Department	Corporate Services
Author	Catherine Loder
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Low
Strategic Plan Reference	<b>Theme 5 - Organisational Excellence</b> 5.2 Govern in a responsible and responsive way.
File Reference	GF/7.14.1/1; 7.14.1/5; 16.14.1/10; 16.14.1/21; 18.14.1/2; 16.14.1/20; 16.14.1/22
Attachments	Nil

### Purpose of Report

For Council to consider ceasing the temporary suspension of Committee meetings.

### Report Details

At Council's meeting on the 14 April 2020 (Folio 8950; Item 16.1.2) it was resolved to temporarily suspend the requirements for the following Section 41 committees to meet:

- Beachport Recreation Centre Management Committee (at least 4 times per year)
- Greenrise Lake Advisory Committee (at least 4 times per year)
- Kalangadoo Riddoch Memorial Institute Hall Management Committee (once every three months)
- Lake McIntyre Management Committee (at least 4 times per year)
- Rendelsham Community Hall Management Committee (at least 4 times per year)
- Wattle Range Youth Development Foundation (by order of the Chairperson)

The suspension was a consequence of the State Government restrictions put in place at this time to reduce the risk of spread of Coronavirus (COVID-19). Both the suspension and the raising of these suspension orders can only be done through resolution of the Council.

Since these suspension orders have been enacted there has been a gradual easing of the restrictions related to COVID-19. This includes the ability for Council Committees to be able to meet in person as per the specifications in the *Emergency Management (Public Activities No 2) (COVID-19) Direction 2020*.

The Local Government Functional Support Group (LGFSG) has provided Council with its document *Operational Advice – Council, Committee & Subsidiary Meetings* dated 29/05/2020 to assist Council in complying with the requirements. COVID Safe Plans have been prepared for many council facilities. Committees would need to ensure that they follow the COVID safe plan for their relevant meeting location or ensure one is in place before commencing meetings.

It is recommended that Council lift the temporary suspension of meetings, to allow Council's Section 41 committees to meet.

### **Financial Considerations**

Budget Allocation	\$ 0
Budget Spent to Date	\$ 0
Budget Variation Requested	Nil

There are no known financial considerations related to this report.

### **Risk Considerations**

Please refer to Wattle Range Council's SharePoint Register – Item 3.

### **Policy Considerations**

Beachport Recreation Centre Management Committee Charter  
Greenrise Lake Advisory Committee Charter  
Kalangadoo Riddoch Memorial Institute Hall Management Committee Charter  
Lake McIntyre Management Committee Terms of Reference  
Rendelsham Community Hall Management Committee Charter  
Wattle Range Youth Development Foundation Charter

### **Legislative Considerations**

*Local Government Act 1999*  
*Local Government (Procedures at Meetings) Regulations 2013*  
*Emergency Management (Public Activities No 2) (COVID-19) Direction 2020* (Emergency Management Direction) (18 June 2020)

### **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

### **Communication & Consultation Considerations**

All Committees will need to be made aware of the requirements under the Emergency Management Direction and need for a COVID Safe Plan to be in place.

### **RECOMMENDATION**

That Council:

1. End the temporary suspension of meetings that was resolved at Council's Ordinary Meeting on 14 April 2020 (Folio 8950; Item 16.1.2.1) for the following Committees:
  - a. Beachport Recreation Centre Management Committee;
  - b. Greenrise Lake Advisory Committee;
  - c. Kalangadoo Riddoch Memorial Institute Hall Management Committee;
  - d. Lake McIntyre Management Committee;
  - e. Rendelsham Community Hall Management Committee; and
  - f. Wattle Range Youth Development Foundation.

### 15.2.3 Proposed Road Closure & Sale, Hundred of Hindmarsh

Report Type	Officer Report
Department	Corporate Services
Author	Cathy Bell
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Not Applicable
Strategic Plan Reference	<b>Theme 5 - Organisational Excellence</b> 5.4 Optimise Council operation of businesses and assets, to ensure value for money is returned to the community.
File Reference	GF/14.16.1/1
Attachments	Nil

#### Purpose of Report

To consider a request from Mr Damien Earl on behalf of PG & B Earl for the closure and purchase of a portion of unmade road reserve adjoining Lot 5, Princes Highway, Burrungule, Hundred of Hindmarsh.

#### Report Details

Council has received written advice from Mr Earl on behalf of his parents PG & B Earl who is seeking to purchase a portion of unmade road reserve located immediately adjacent to their property located at Lot 5, Princes Highway, Burrungule, Hundred of Hindmarsh. The subject road reserve is located on the boundary of Wattle Range Council and the District Council of Grant.

The proposal is seeking to undertake a formal road closure (that marked red) and merge with the adjoining land (Lot 5, Hundred of Hindmarsh – area marked green). The unmade road reserve is accessible from the Princes Highway, Burrungule and is located immediately north of boundary road.



The road reserve is a standard chain road reserve (20 metres wide) and has a total area of approximately 2.2 hectares. The proposed closure has been sought to commence from a location where an existing gate is located running the full length of the adjoining parcel of land. The road reserve is surplus to Council's requirements.

The subject road reserve is a joint boundary road with the District Council of Grant. An initial discussion has been held with the Grant Council about how the proposal will work. It has indicated that the process would run as per our normal procedures, however 50% of the net income will need to be referred to the joint Council.

To enable Council to sell the road reserve to the adjoining landowner, a formal process under the *Roads (Opening and Closing) Act, 1991* is required. This process is conducted by a licensed surveyor.

In addition to the formal roads process, Council will also need to determine the value of the road reserve for sale purposes. It has been Council's previous policy to obtain the value by engaging a licensed valuer to prepare a valuation report for the purpose of determining the sale price.

All costs associated with the formal road closure including the preparation of the valuation report will be sought from the adjoining landowner in addition to the agreed sale price

following the completion of the road reserve process and the issuing of new Certificate of Titles. The costs associated with the formal road closure process is approximately \$7,000.

It is recommended that Council approve in principle the closure of the unmade road subject to complying with the provisions of the *Roads (Opening and Closing) Act, 1991* with the applicant being responsible for all costs associated with the closure and sale of the road reserve.

### **Financial Considerations**

Budget Allocation	\$10,000
Budget Spent to Date	\$0
Budget Variation Requested	Nil

All costs associated with the formal road closure process are recoverable.

### **Risk Considerations**

There are no known risk considerations related to this report.

### **Policy Considerations**

There are no known policy considerations related to this report.

### **Legislative Considerations**

The formal process will be undertaken in accordance with the *Roads (Opening and Closing) Act, 1991*.

### **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

### **Communication & Consultation Considerations**

Council will conduct public consultation in relation to the proposal by placing an advertisement in the local paper and written advice to adjoining landowners prior to commencing the formal road closure process.

### **RECOMMENDATION**

That Council approve in principle the closure of the road reserve as amended, being that portion of unmade road reserve immediately Lot 5, Princes Highway, Hundred of Hindmarsh to PG & B Earl subject to:

1. Council undertaking public consultation in relation to the road closure proposal including consent from the District Council of Grant;
2. The road closure and sale complying with the provisions of the *Roads (Opening and Closing) Act, 1991*;
3. A market valuation of the road reserve being undertaken by an independent licensed Valuer to establish the sale price of the road reserve;

4. The purchasers being responsible for all costs, including the road closure and valuation, associated with the purchase of the road reserve; and
5. Subject to no objections being received throughout the consultation period and the applicants agreeing to all terms and conditions, the Mayor and CEO be authorised to execute the necessary documents relating to the proposed road closure and sale including the affixing of the common seal if required.



## 15.2.4

### Independent Audit Committee Member and Amended Charter

Report Type	Officer Report
Department	Corporate Services
Author	Paul Duka
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	N/A
Strategic Plan Reference	<b>Theme 5 - Organisational Excellence</b> 5.2 Govern in a responsible and responsive way.
File Reference	GF/7.14.1/1
Attachments	1. Terms of Reference ID340 [15.2.4.1 - 9 pages] 2. EOI Independent Member Audit and Risk Committee E Wilson 25 May 2020 [15.2.4.2 - 5 pages]

#### Purpose of Report

To review expressions of interest (EOI) nominations for another independent member of the Audit & Risk Committee.

#### Report Details

The Audit & Risk Committee provides an important independent role between both a Council and its management and between a Council and its community. One of the primary roles of the Committee is to provide suggestions and recommendations to Council and/or management, about actions to be taken to enhance financial governance, considered to be in the best interests of local communities.

The Audit & Risk Committee plays a critical role in the financial reporting framework of a Council, by overseeing and monitoring the participation of management and external auditors in the financial reporting process. In addition, the Audit & Risk Committee also addresses issues such as business risk, corporate and financial governance responsibilities and legal compliance.

At the 10 December 2019 Audit & Risk Committee Meeting, the Committee recommended that the Charter be amended to include an additional appropriately skilled professional person as another independent member on the Audit & Risk Committee. The proposed change was incorporated into the Charter (membership section) and other related clauses adjusted accordingly. This change to the Charter was endorsed by Council at the 10 March 2020 Ordinary Council meeting, and the EOI was advertised for a 21-day period.

As a result of the EOI process Council received 2 nominations 1) Erica Wilson and 2) Marina Wagner. Both registrants have a broad range of skills and experience that are aligned to the requirements of the Audit & Risk Committee. Erica has broad experience in risk management and Local Government compliance interstate and Marina has extensive experience in financial management, governance and knowledge of Local Government compliance in South Australia.

At the Audit & Risk Committee held 23rd June 2020, the Committee recommended the following;

- *Recommends to Council that pursuant to Section 126(2) of the Local Government Act 1999 that Council appoints Erica Wilson as an Independent Member of the Wattle*

*Range Audit & Risk Committee for a period coinciding with the four-year term of Council, expiring 11 November 2022.*

- *Recommends to Council that the Audit & Risk Committee Charter be amended to four elected members and two appropriately skilled independent members on the Audit & Risk Committee.*

In making the above recommendations the Committee were of the opinion that Erica's knowledge and experience with risk management practices in addition to being located in the Council area would be of benefit to the Committee.

Furthermore, the Committee were of the opinion that it would be beneficial to maintain the current four (4) Council representatives in addition to the two (2) independent Committee members. If Council is agreeable this will avoid the requirement for a vote to determine membership and consequently, there will be no need to change the current Elected Member membership being the Mayor, Cr Slarks, Cr Drew and Cr Burrow.

On that basis it is recommended that Erica Wilson be appointed as an independent member of the Audit & Risk Committee for a period coinciding with the four year term of Council expiring 11 November 2022, and the Audit & Risk Committee Charter be amended to include six members on the Committee being 2 independent, the Mayor and 3 Council Elected Members.

### **Financial Considerations**

Budget Allocation	\$2,000
Budget Spent to Date	\$1,600
Budget Variation Requested	Nil

### **Risk Considerations**

There are no known risk considerations related to this report.

### **Policy Considerations**

There are no known policy considerations related to this report.

### **Legislative Considerations**

Section 126 of The *Local Government Act 1999*.

### **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

### **Communication & Consultation Considerations**


The Expressions of Interest (EOI) were advertised for a period of 21 days in local media.



## RECOMMENDATION

That Council:

1. Receive and note the Report.
2. That pursuant to Section 126 (2) of the *Local Government Act 1999* that Council appoints Erica Wilson as an Independent Member of the Wattle Range Audit & Risk Committee for a period coinciding with the four-year term of Council, expiring 11 November 2022.
3. Amend the Audit & Risk Committee Terms of Reference, by altering the membership to six (6) Committee members being, the Mayor, 3 Elected Members and 2 Independent Members.

 Wattle Range COUNCIL	<b>Terms of Reference ID340</b>	Version:	6
	<b>Wattle Range Council Audit and Risk Committee</b>	Date Adopted:	14/04/2020
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On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the South Australian Public Health Act 2011, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the Emergency Management Act 2004, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 (Notice No 1) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

For the period Notice No 1 has effect (as provided for in Notice No 1), this Terms of Reference is altered as set out below and those alterations have effect notwithstanding any other provision in this Terms of Reference to the contrary.

For the avoidance of doubt, save for the alterations to the Terms of Reference as set out below, this Terms of Reference otherwise applies to all meetings of the Committee.

## Definitions

**electronic means** includes a telephone, computer or other electronic device used for communication.


## ALTERATION TO TERMS OF REFERENCE

Members of the Committee may participate in a meeting of the Committee by electronic means.

Members must follow the same processes and procedures as Council for meeting by electronic means as detailed in Council's:

- Discretionary Procedures (Procedures at Meetings) Code of Practice; and
- Public Access to Council and Committee Meetings and Associated Documents.

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## 1. COMMITTEE NAME

The name of the Committee shall be the Wattle Range Council Audit and Risk Committee (hereinafter called 'the Committee').

## 2. ESTABLISHMENT

The Wattle Range Council Audit and Risk Committee is a Committee established by the Wattle Range Council (hereinafter called 'the Council') pursuant to section 126 of the *Local Government Act 1999* (hereinafter referred to as 'the Act') on the 14th March 2006 (Refer to Folio 3633; Item 11.1.18).

The Committee and Charter was reviewed by the Council on:

- a) 13th February 2007 (Refer to Folio 3805; Item 11.1.2)
- b) 27th November 2018 (Refer to Folio 7984, Item 13.1.4)
- c) 10th March 2020 (Refer to Folio 8941, Item 15.2.3)

## 3. PURPOSE & FUNCTIONS FOR WHICH THE COMMITTEE IS ESTABLISHED

The Wattle Range Council Audit and Risk Committee is a Committee charged with the responsibilities of undertaking the functions detailed in section 126 of the Act, namely:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council;
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan;
- proposing, and reviewing, the exercise of powers under section 130A of the Act;
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.


(hereinafter called "the purpose").

## 4. ROLE OF THE COMMITTEE

### 4.1 Financial reporting

- 4.1.1 The Committee shall monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.
- 4.1.2 The Committee shall review and challenge where necessary:
  - The consistency of, and/or any changes to, accounting policies;
  - The methods used to account for significant or unusual transactions where different approaches are possible;
  - Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;

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- The clarity of disclosure in the Council's financial reports and the context in which statements are made; and
- All material information presented with the financial statements

## 4.2 Internal controls and risk management systems

The Committee shall:

- Keep under review the effectiveness of the Council's internal controls and risk management systems; and
- Review and recommend the approval, where appropriate, of any material to be included in the annual report concerning internal controls and risk management.
- Note that it is important that the Audit Committee understands the business of the Council to appreciate the risks it manages on a daily basis, and to ensure that there are appropriate management plans to manage and mitigate those risks. This will include insurance matters, financial reporting, legal and regulatory compliance, business continuity, and statutory compliance. This can be facilitated by discussions with the internal and external auditors and by presentations by management on how business risks are identified and managed.

## 4.3 Public Interest Disclosure (Whistle blowing)


The Committee shall review the Council's arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial recording or reporting or other matters. The Committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

## 4.4 Internal audit (if applicable where a Council has a separate internal audit function)

The Committee shall:

- Monitor and review the effectiveness of the Council's internal audit function in the context of the Council's overall risk management system;
- Consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards. Note that this may include the review of the areas that have been identified for review and the frequency of review.
- Monitor whether the function of internal audit has adequate standing and is free from management or other restrictions. Whilst internal audit focuses on a Council's systems and procedures, it is important that the internal auditor retains her or his independence and is not subject to any influence from management or Council that impedes her/his ability to report objectively.
- Review all reports on the Council's operations from the internal auditors; Note that the reports to the Audit Committee need not be the detailed reports that are

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presented to management for their review. Ordinarily a high level review report is all that is required detailing the work undertaken, the findings and management response.

- Review and monitor management's responsiveness to the findings and recommendations of the internal auditor, and where appropriate, meet the "head" of internal audit (internal or outsourced) at least once a year, without management being present, to discuss any issues arising from the internal audits carried out. In addition, the head of internal audit shall be given the right of direct access to the Principal Member of the Council and to the Presiding Member of the Committee.

#### 4.5 External audit

The Committee shall:


- Develop and implement a policy on the supply of non-audit services by the external auditor, taking into account any relevant ethical guidance on the matter; Consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor.
- The Committee shall oversee the selection process for new auditors and if an auditor resigns the Committee shall investigate the issues leading to this and decide whether any action is required;

##### 4.5.1 Oversee Council's relationship with the external auditor including, but not limited to:

Recommending the approval of the external auditor's remuneration, covering fees for both audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;

- Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
- Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
- Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
- Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
- Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the Audit Committee's own internal quality procedures;

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#### 4.5.2 Meet as needed with the external auditor.

- The Committee shall meet the external auditor at least once a year, with or without management being present; to discuss the external auditor's report and any issues arising from the audit;
- Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;

#### 4.5.3 Review the findings of the audit with the external auditor, including but not be limited to, the following;

- A discussion of any major issues which arose during the external audit;
- Any accounting and audit judgements; and
- Levels of errors identified during the external audit.
- Review the effectiveness of the external audit

#### 4.5.4 Review any representation letter(s) requested by the external auditor before they are signed by management;

#### 4.5.5 Review the subsequent audit management letter from the external auditor and management's proposed response, by the Council, to the external auditor's findings and recommendations in that audit management letter.

### 4.6 Reporting responsibilities


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

## 5. MEMBERSHIP

Council determines that the Committee shall consist of five (5) members, who shall be appointed by Council as follows: -

Membership Position	Number of Positions	Conditions of Appointment
Mayor	1	The Mayor of Wattle Range Council (Automatically appointed to the Committee by virtue of their held position).
Independent Member	2	A person who is not a member of the Council and who is determined by Council to have the relevant financial and or professional experience related to the functions of the Audit & Risk Committee (determined by resolution of the Council).
Council Member	2	Must be a Council Member of the Wattle Range Council (determined by resolution of the Council).

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1. The Mayor and Council Member representatives shall be appointed for a period of up to four years, or until the end of the term of the Council.
2. Independent member(s) of the Committee shall be appointed for a period of up to four years commencing part-way through an election cycle, so that their terms overlap each Council election and provide some continuity. Appointees may be reappointed by Council.
3. Council shall invite nominations from the public from persons with appropriate financial and or professional experience for appointment to the Independent Member positions.
4. Council's external auditors and internal auditors (if applicable) may be invited to attend meetings of the Committee (but are not members of the Committee).
5. Other individuals *such as the Chief Executive Officer, Director of Corporate Services, Manager Financial Services and if applicable the heads of risk or compliance* may attend any meeting as observers and/or be responsible for preparing papers for the Committee (but are not members of the Committee).

## 6. PRESIDING MEMBER

The role of the Presiding Member is to:

- a) Call all meetings of the Committee in accordance with the Act, these Terms of Reference and as determined by the Committee;
  - b) Preside at all meetings of the Committee at which he or she is present and preserve order there at so that the business may be conducted in due form and with propriety;
  - c) Upon confirmation of the minutes sign them in the presence of the meeting.
1. The Committee shall, by decision, appoint a Presiding Member to be chosen from the Independent Member positions and shall hold office for such term as may be determined by the Committee (not exceeding the length of the member's term).
  2. The Presiding Member shall preside at all meetings of the Committee and in the event of the Presiding Member being absent from a meeting, the members present shall appoint a member who shall preside for that meeting or until the Presiding Member is present.

## 7. SECRETARY


The Chief Executive Officer (or their nominee) shall be the Secretary of the Committee.

## 8. MEETING PROCEDURES

Procedures to be observed in relation to the conduct of Committee meetings will be (in priority order):

- a) as prescribed by the Act and Local Government (Meeting Procedures) Regulations; then
- b) as determined by Wattle Range Council (e.g. these Terms of Reference and any Council policy or procedure); then
- c) as determined by the Committee.

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## 9. CALLING OF MEETINGS

1. Ordinary Meetings: The Members of the Committee shall meet at least four (4) times per annum.
2. The Presiding Member may convene a special meeting of the Committee at his or her own volition and shall convene a meeting upon the written demand of at least two members of the Committee.
3. Subject to the provisions of sub-clause (4) hereof, notice of each meeting, confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.
4. The Presiding Member may call a special meeting of the Committee at any time provided that notice of such meeting shall be given to all members at least four hours before the commencement of the meeting.

## 10. QUORUM

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

## 11. PROCEEDINGS OF MEETINGS

The meeting procedures of the Committee shall be in accordance with the provisions of the Act and Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013 (the Regulations)*.

In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public.

The agenda and minutes of the Committee meetings, subject to any items that are discussed in confidence under Section 90 of the Act and subsequently retained as confidential under Section 91 of the Act, are also required to be made available to the public.

## 12. VOTING


Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required not to vote (e.g. by the conflict of interest provisions in the Act), each member must vote on every matter that is before the Committee for decision in accordance with the Regulations.

## 13. MEETING MINUTES

The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Local Government (Procedures at Meetings) Regulations 2013.

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

#### 14. DIRECTION BY COUNCIL

The Committee is subject to the direction and control of the Council. A direction given by the Council (or its delegate) must be in writing. Nothing prevents Council from acting in a matter.

#### 15. OTHER MATTERS

The Committee shall:

- Have access to reasonable resources in order to carry out its duties;
- Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;
- Give due consideration to the Act and regulations made under the Act;
- Make recommendations on co-ordination of the internal and external auditors;
- Oversee any investigation of activities which are within its charter; and
- Oversee action to follow up on matters raised by the external auditors;
- At least once a year, review its own performance, constitution and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.


#### 16. REGISTER OF INTEREST

The provisions of Chapter 5; Part 4; Division 2 of the *Local Government Act 1999* apply to members of the Committee.

#### 17. AMENDMENTS, ALTERATIONS AND ADDITIONS TO THE RULES

These rules may be amended, altered or added to by a resolution of the Council made pursuant to Schedule 2 clause 3(5) of the *Local Government Act, 1999*.

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## 18. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	14/03/2006	Council	Adopted	Folio 3633; Item 11.1.18
2	13/02/2007	Council	Reviewed	Folio 3805; Item 11.1.2
3	17/06/2015	Council	Reviewed	
4	27/11/2018	Council	Name amended from Wattle Range Council Audit Committee to Wattle Range Council Audit and Risk Committee	Folio 7984; Item 13.1.4.1
5	10/03/2020	Council	Change in membership to allow an additional independent member. Minor changes to include Public Interest Disclosure and updates to review dates	Folio 8941; Item 15.2.3
6	14/04/2020	Council	Allow electronic meetings, due to COVID-19	Folio 8951; Item 16.1.2.3

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# Nomination for Member of Council Committee

Please use this form to nominate for a section 41 Committee position.  
Additional pages may be attached if further space required.

Please Note: Nominations are provided to Council for consideration. Information provided on this nomination form may be included in a Council meeting agenda, which is a publicly available document. If you do not wish certain information to be publicly available please indicate this on your form.

<b>Committee Name</b>	member Audit and Risk Committee		
<b>Committee Position</b> (refer to Committee Charter)	Additional Independent Member		
<b>Applicant Full Name</b>	Erica Wilson		
<b>Applicant Contact Details:</b>			
<b>Postal Address</b>	P.O. Box 70, Millicent S.A 5280		
<b>Telephone</b>			
<b>Mobile</b>	0457 976666		
<b>Email</b>	eribo@bigblue.net.au		
<b>Reasons for Applying</b> Please tell us why you are interested in joining the committee.	See attached letter.		
<b>Information Supporting Your Application</b> E.g. relevant qualifications, experience, key achievements	See resume brief.		
<b>Applicant Signature &amp; Date</b>	E. Wilson	25/5/2020	

## SEND COMPLETED FORM TO:

**Mail** Wattle Range Council  
PO Box 27 MILLICENT SA 5280  
**Email** [council@wattlerange.sa.gov.au](mailto:council@wattlerange.sa.gov.au)

## COUNCIL USE ONLY

Receipt Acknowledged  
Council Meeting Ref:  
Notification of Outcome

File Ref:	Classification:	Position Responsible:	Date Adopted:	Review Due:
9.63.1/4	Public	Director Corporate Services	17 December 2019	Nov 2022



# Erica Wilson

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Address: 16 Main Street, Hatherleigh S.A. 5280  
Postal: P.O. Box 70, Millicent S.A. 5280  
Phone: 045 7976666  
Email: eribo@bigblue.net.au

## EDUCATION

Advance Diploma of Business Management	University of Ballarat
Diploma Clinical Hypnotherapy and Psychotherapy	Aust. Institute of Applied Psychology
Diploma of Local Government Environmental Health	LGAQ and EHA
Diploma of Occupational Health and Safety	University of Ballarat
Diploma of Quality Management – Lead Auditor	Swinburn University
Diploma of Financial Risk Management	ANZFI
Diploma of Project Management	University of Ballarat
Certificate of Advanced Mediation	University of Melbourne
Certificate IV in Statutory Investigations	PLS Training
Certificate IV in Training and Assessment	Mr. Wed Pty. Ltd.

### *Other education or individual subjects*

Property Law	RMIT
Land Contracts One	RMIT
Land Contracts Two	RMIT
Applied Economics One	RMIT
Family Law	RMIT
Deceased Estates	RMIT
Legal Institutions	University of Sydney
Law of Torts	Preston and Wodonga TAFE
Evidence	Preston and Wodonga TAFE
Law of Contract	Preston and Wodonga TAFE
Legal Method	Preston and Wodonga TAFE
Noise Management (to meet requirement of <i>EP Act</i> )	Environmental Health Australia
Asbestos (to meet requirement of <i>Public Health Act</i> )	Work Health and Safety (Qld)
Occupational Health and Safety Representatives Course	Ballarat University
Equal Opportunity	VECCI
Conflict Training	Department of Justice
Conflict Management	Bairnsdale TAFE



## CURRENT LICENCES AND PERMITS

Driver's license (car)

Boat license

First Aid Certificate

Blue Card (Working with Children's check)

CPR Certificate

Police Check

## EXPERIENCE

*Mind Potentials Clinical Hypnotherapy and Psychotherapy*

Including sub-contracting to other EAP providers.

19<sup>th</sup> July 2018 to Present

*Senior Advisor Compliance – Local Government Association of Queensland (LGAQ)*

May 2013 – June 2018

*Risk and Compliance Specialist – Unitywater*

May 2011 – November 2012

*Eribo Pty. Ltd. - Owner*

1998 – 2010 (twelve years working around existing employment)

*QRMC Risk Management – Senior Consultant*

October 2010 – March 2011

*Moorabool Shire Council – Risk and Occupational Health and Safety Coordinator*

November 2008 – November 2010

*Moorabool Shire Council – Project Officer Organisational Development*

May 2007 – November 2008

*OAMPS (Temp position 8-week assignment) – Senior Claims Administrator*

Early 2007

*Central Highlands Water – Risk Officer*

2005 – 2006 (two years)

*Melton Shire Council – Risk Management Coordinator*

2003 -2004 (two years)

*East Gippsland Shire Council – Risk and Insurance Officer*

2000 -2003 (two and a half years)

*Gippsland Open Employment – Office Manager*

2000 – 2002 (two years)

*Tayboer Business Services - Owner*

1991 – 1997



25/05/2020

Attention: Paul Duka

Director Corporate Services

Wattle Range Council

Dear Paul,

I would like to apply for the position of 'Additional Independent Member Audit & Risk Committee'. I have had extensive experience in local government including formerly holding the position of Senior Advisor Compliance for the Local Government Association of Queensland (LGAQ) for 5 years that involved providing advice and support to the 77 local governments throughout Queensland on a variety of matters, everything from governance through to risk. This position also included the development of state wide resources for use by local government officers including the development of fraud, local government authorised persons, hoarding guidelines and a state wide compliance register for subscribing councils. The following lists include where I have been involved as a member of a committee or attendance as a representative of the LGAQ.

#### COMMITTEES AND GROUPS WHERE I ATTEND AS A REPRESENTATIVE OF THE LGAQ

- University of Sunshine Coast – Environmental Health Advisory Committee (conducting regular reviews and audits of their Bachelor of Environmental Health and Bachelor of Health Science courses for accreditation purposes)
- Anti-Discrimination Tribunal on their investigation into backpacker's work conditions in Qld.
- Northern Environmental Health group
- Central Environmental Health group
- Darling Downs Environmental Health group
- SEQ Food and Public Health working group
- SEQ Environmental group
- SEQ Regional Animal Management group
- Greater Brisbane Hoarding and Squalor working group
- Brisbane Inter Government Agency working group
- Darling Downs Safety group
- Brisbane Hoarding and Squalor working group
- Risk Focus groups
- SPER
- Queensland Health - Public Health (Infection Control for Personal Appearance Services) Local Government Advisory group
- Department of Agriculture and Fisheries – Compliance Working group
- Department of Agriculture and Fisheries – Communications group for dog breeding
- Other groups as required e.g. Local Laws etc.

#### GOVERNMENT DEPARTMENTS OR KEY ORGANISATIONS WHERE I ATTEND AS A REPRESENTATIVE OF THE LGAQ

- Australian Building Commission
- Queensland Building Commission
- Crimes and Corruption Commission
- Department of Health
- Department of Justice



- Department of Public Housing and Works
- Department of Natural Resources and Mines
- Department of Energy and Water Supply
- Department of Environment and Heritage Protection
- Department of Industry, Infrastructure and Science
- Department of Public Housing and Works
- Department of Main Roads and Transport
- Environmental Health Australia
- Information Privacy Commissions Office
- Food Safety Queensland
- Queensland Anti-Discrimination
- Safe Food Queensland
- Queensland Fire and Emergency Services
- Work Health and Safety (Queensland)
- Worksafe
- Others as required.

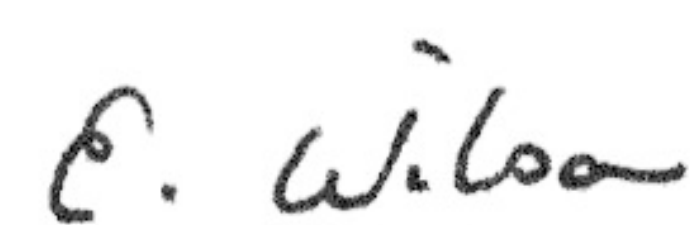
I have experience with Audit and Risk Committees as several of my previous roles were in the capacity of risk. During my time in local government I have developed risk, compliance and fraud management frameworks and developed auditing schedules with follow up on actions items. I have also worked extensively with council's insurers over the years, having managed council's insurance portfolios.

My qualifications are varied and include Financial Risk Management, a full listing is attached.

I am semi-retired now, but have a keen interest in local government and risk/auditing. Therefore, I would like to apply for this role.

I look forward to hearing from you in due course. Thanking you.

Yours sincerely,



Erica Wilson



## 15.2.5 2020/21 Additional Budget Requests

Report Type	Officer Report
Department	Corporate Services
Author	Paul Duka
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	N/A
Strategic Plan Reference	<b>Theme 5 - Organisational Excellence</b> 5.2 Govern in a responsible and responsive way.
File Reference	GF/7.11.3
Attachments	1. Foodbank funding request 14 June 2020 [15.2.5.1 - 4 pages] 2. Request for sponsorship from the Stand Like Stone Foundation [15.2.5.2 - 2 pages]

### Purpose of Report

To consider late budget requests from the following organisations; Foodbank and Stand Like Stone.

### Report Details

Council adopted its 2020/21 Annual Business Plan and Budget at a special Council meeting held 23<sup>rd</sup> June 2020. At this meeting two late written budget submissions were tabled for consideration being;

- Foodbank – who is seeking \$5K in financial support, and
- Stand Like Stone – who is seeking funding support. Stand Like Stone have advised that (2 neighbouring Councils contribute \$1K and 1 Council contributes \$8K).

As part of the deliberations for the Annual Business Plan adoption, Council advised that both late submissions were to be deferred until the new financial year for consideration.

In assessing the submissions, it is evident that both entities do deliver benefit to the Wattle Range Council area. Foodbank is requesting a sum of \$5,000 to offset increasing operational costs. Stand Like Stone has not requested a specified sum but has advised that it requests a sponsorship contribution in line with other Council contributions, for the purposes of helping fund its projects. As two neighbouring Councils are allocating \$1,000 each, a contribution of \$1,000 would be consistent.

Both submissions are tabled for Council's consideration.



## **Financial Considerations**

Budget Allocation	\$ Nil
Budget Spent to Date	\$ Nil
Budget Variation Requested	\$5,000 Foodbank, \$1,000 Stand Like Stone

## **Risk Considerations**

There are no risks considerations related to this report.

## **Policy Considerations**

There are no policy considerations related to this report.

## **Legislative Considerations**

Section 123 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* provide the framework for Councils to develop an Annual Business Plan for each financial year.

## **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

## **Communication & Consultation Considerations**

There are no known communication and consultation considerations related to this report.

## **RECOMMENDATIONS**

That Council:

1. Receive and note the report.
2. Approve a budget allocation of \$5,000 toward Foodbank and \$1,000 towards Stand Like Stone for the 2020/21 financial year.



### Regional Foodbank Limestone Coast

23 Cave Road

Mt Gambier SA

Regional Foodbank Limestone Coast is a branch of Foodbank of SA Inc

Foodbank of SA Inc. is an ATO endorsed charity

ABN: 70 673 398 230

Enquiries/Correspondence to: Leigh Royans ( [leighr@foodbanksa.org.au](mailto:leighr@foodbanksa.org.au) )

14<sup>th</sup> June 2020

Mr Ben Gower  
Chief Executive Officer  
Wattle Range Council  
PO Box 27  
Millicent SA 5280

Cc: Mr Paul Duka, Acting Chief Executive Officer

**Ref: 2020-2021 REQUEST FOR FUNDING for 'FOODBANK LIMESTONE COAST' - \$5,000**

Dear Ben

Further to my recent email correspondence, I'm pleased to provide a breakdown on services provided by Foodbank in support of families, children/youth and individuals in need within your Council region during the 12 month period 2019-20.

I note that during the most challenging year experienced by Foodbank in our 20 year history in this state, due to the Covid19 outbreak, our core emergency food relief services, albeit it with considerable business process re-engineering, were maintained almost seamlessly.

Our request herein explains the service provided by Foodbank Limestone Coast via food delivery services to community agencies and schools within the Wattle Range Council in 2019-2020. **Your funding helps offset direct operational costs to provide such services from our regional warehouse located in Mt Gambier.** Our long wheel-base refrigerated delivery vehicle and regional team travel regularly to help support those in need across the Wattle Range district.



Foodbank provided food services to the following welfare/community groups, not-for-profit service clubs and Schools during the 2019-20 financial year.

AC Care Millicent  
ADRA - Millicent  
Lions Club - Kalangadoo & District  
Lions Club - Penola  
Millicent Independent Learning Centre  
Millicent High School  
Millicent Community Learning Centre  
Millicent North Primary School  
Nangwarry Primary School  
Newbery Park Primary School  
St Vincent De Paul - Millicent

*Please note the following is a brief update provided by Lynne Neshoda, Regional Manager of Limestone Coast Foodbank. Lynne notes the pandemic influenced some service demands right across the Limestone Coast, as expected, and as similarly experienced across the whole state:*

“

- **Adra Millicent**

January 2020 was our last delivery to this agency. Sadly the lady who had looked after their food-relief work passed away and no one seems to have stepped in to do this work ongoing as yet

- **Home deliveries - a new service implemented during the pandemic**

We implemented a home delivery service, providing grocery hampers and fresh fruit and vegies direct to food insecure families. Some deliveries to family homes occurred in the Coonawarra district of Wattle Range Council during the pandemic

- **Millicent and surrounds Food Network**

New committee established with help of Red Cross to source food locally in Millicent and surrounds. Focus initially on Community Garden, community food awareness (teaching to cook) and setting up a local Centre where food could be dropped off & redistributed.

I attended a meeting in Millicent in September 19 re this committee, but advised I couldn't be on the committee due to being the only staff member at Foodbank Limestone Coast, but that I was happy to help re delivery of food and free fruit and vegetables once centre established. I also discussed getting people to visit our 'hub service' at our Mt Gambier warehouse via their community bus service.

Prior to Christmas 3 members of the committee came to Foodbank for a tour

- **Millicent Community Learning Centre**

Often receive food and free fruit and vegetables from us. I was in further talks with their Principal back in March 2020 when Covid-19 hit. I've also dealt with their well-being teachers as they were concerned if the school shut they would have over 160 hungry kids. So they put in an extra-large order which we delivered along with as much free fruit & veggies and groceries as we could.

3 weeks ago I offered to deliver free assorted individual-serve frozen instant meals for student lunches on an ongoing basis

”

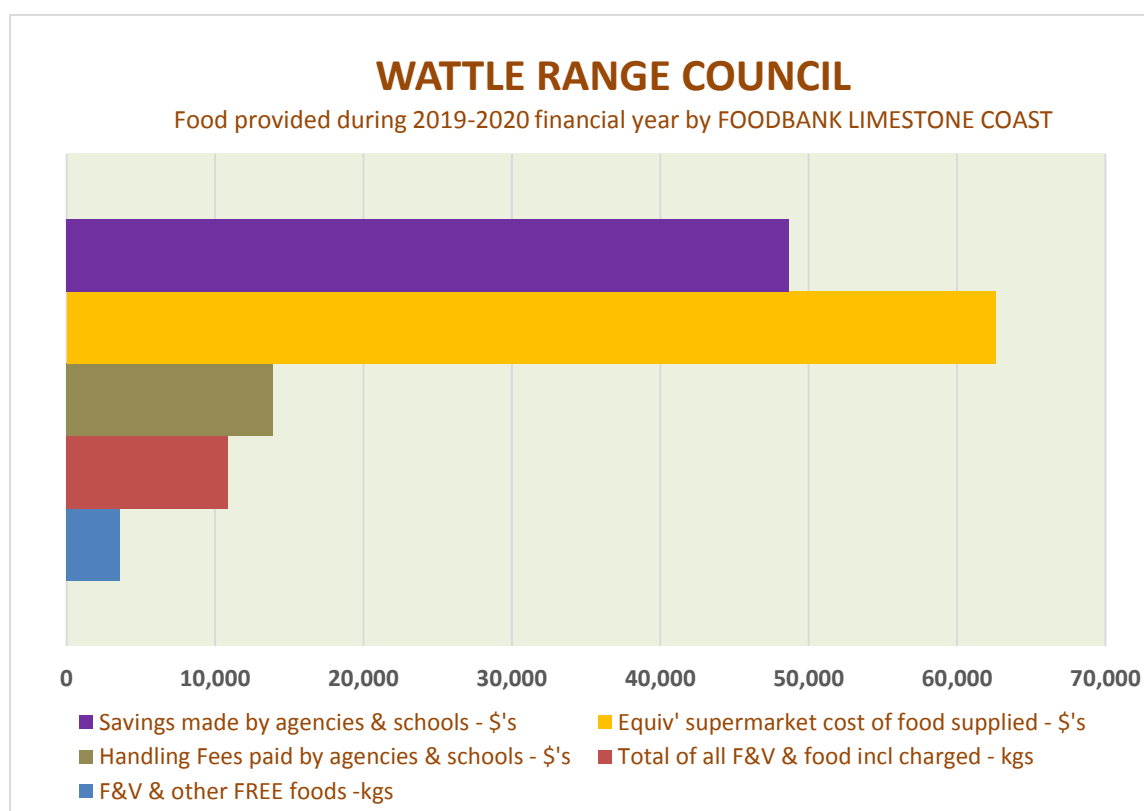
Despite the challenging year faced due to the pandemic, Foodbank Limestone Coast maintained services to your Council district throughout the complete financial year.

This service stretches food-assistance budgets much further than would normally be possible if Foodbank's services were unavailable - helping families, children/youth & individuals experiencing disadvantage in your community.

During the period 2019-20 period the following were provided:

- 3,581 kilograms of fresh Fruit and Vegetables and other groceries were provided FREE of cost
- The total amount of food supplied, free & charged, was 10,885 kilograms
- This amount of food equated to the provision of about ~21,770 meals
- The equivalent retail/supermarket value of the food supplied was ~\$62,589
- This means community not-for-profit groups and schools received potential annual savings of \$48,690 by accessing Foodbank's free & low-cost foods

The graph below illustrates the value of our service:



### Estimated annual expenses to service the Wattle Range Council community:

The breakdown of costs below is only a portion of Foodbanks' expense to bring services to your region. Costs to transport food from food manufacturer's premises interstate and intrastate initially to our Adelaide warehouse are not factored into our claim, similarly expenses to perform food-safety checks on donations, sort/repack and then freight foods to our Mount Gambier warehouse are not factored into our request for support.

### Our funding request for the 2020-21 period covers the items in breakdown below:

- Trip distance / frequency

Regular deliveries from our warehouse in Mount Gambier to Wattle Range Council using the Foodbank Limestone Coast 3 pallet capacity refrigerated delivery vehicle (long wheelbase, high-roof delivery van, fitted with capacity to hold frozen foods at minus 18 degrees as needed)

- Travel / staffing offset to pick/pack deliveries

~ 150 kilometre average return-trip

Fortnightly run, 8am to 12.30noon, average 4.5 hours incl' pick/pack of orders & unpack  
27 trips pa @ 4.5hrs/trip = annual 121.5 hours @ ~\$45/hr (incl' on costs) = \$5,467.50

- Delivery Vehicle running-cost offset

Commercial motor vehicle registration, comprehensive insurance, fuel, oil, mechanical repairs, servicing, tyre replacement/management etc.

Total branch costs for above are \$5,238

Wattle Range Council proportioned cost is 15% = \$799

Cost offset as outlined above (\$5,463 + \$799) = \$6,266.70 pa

Through ongoing collaboration with valued Limestone Coast welfare groups, schools and businesses, we have delivered essential food-support for people experiencing disadvantage across your region for a decade and a half.

**We request \$5,000 pa funding assistance during 2020-21 to help offset increasing annual operational expenses to service community agencies and schools residing within Wattle Range Council region.**

**\$5,000 annual subsidy provides estimated SAVINGS of \$48,690 by Wattle Range schools and community agencies.**

We seek consideration of this \$5,000 request in Council's 2020-21 budget deliberations.

With thanks,

Yours sincerely

Leigh Royans  
General Manager / Founder

**From:** [anne@standlikestone.com.au](mailto:anne@standlikestone.com.au)  
**To:** [Catherine Allen](#)  
**Subject:** EI2020/171874 - 7.31.1 - Request for sponsorship from the Stand Like Stone Foundation  
**Date:** Wednesday, 17 June 2020 8:31:03 AM

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Dear Catherine,

Thanks for reaching out to Bill DeGaris and myself, following our recent letter to Council.

As the only community foundation in the Limestone Coast, we have proudly supported the region since 2004 delivering charitable grants and educational scholarships to its people and projects. Our Board of Directors is made up of unpaid representatives from across the region, and we currently have two directors from the Wattle Range area. Steve Duldig is based in Millicent and Rhett McDonald is based in Penola.

Over the past 12 months we've supported the Wattle Range community and provided over \$42,000 to your council area through our grants, scholarships and back to school programs.

- We've provided \$24,350 in educational scholarships to 6 students from the Wattle Range area.
- We've granted \$7,690 to projects in the Wattle Range area to Life Education SA, McKays Children Centre Penola, Centacare, Millicent FLC and the Penola P&H Society from our Small Grants rounds. We've also granted a further \$3,750 for a Youth Opportunities program that will help students at Millicent High School, from the OneFortyOne Community Capacity Building Grants.
- Each year we provide \$50 "Back to School" vouchers to help families with school costs, and this year we provided 132 vouchers totaling \$6,600 to schools in the Wattle Range area.
- Our Covid 19 support program is being finalised with the purchase of emergency food relief vouchers from local supermarkets. These vouchers will then be distributed to schools and care relief agencies. For the Wattle Range area, this equates to 61 x \$50 vouchers for schools and 53 x \$50 vouchers to relief agencies that service the Wattle Range. These vouchers have been purchased from local Foodlands, IGAs and Foodbank totaling \$5,700 in your area.

As a result of the Covid-19 program our total distribution in the Wattle Range area this year will be just over \$48,000 in charitable grants, scholarships and programs.

We continue to work hard to keep our service fees at a low rate, charging only a small administration fee on income earned. In order to keep administration fees low our major source of funding to support us is through fund raising and sponsorship. Unfortunately, our major fundraising event was unable to proceed this year due to Covid-19, which has had a significant detrimental impact on our funds.

The City of Mount Gambier, Robe District Council and the Tatiara Council provide sponsorship to help with our administration costs ranging from donations of \$1,000 to \$8,000 per year. The City of Mount Gambier have also provided us with our office premises for a peppercorn fee, which support was previously provided by the District Council of Grant.

We would be grateful if the Wattle Range Council would consider sponsoring the Stand Like Stone Foundation in line with sponsorship amounts from other Councils.

We would also like to continue building on this partnership and work with the Council team on other initiatives to support the Wattle Range region. We look forward to presenting to Council at a suitable time.

If you would like to discuss the Stand Like Stone Foundation with our Directors in the Wattle Range, please don't hesitate to reach out to Steve Duldig on 0418844918 or Rhett McDonald on 0448540376.

Yours sincerely

Anne



**Anne Kerr**  
Chief Executive Officer  
Stand Like Stone Foundation

[anne@standlikestone.com.au](mailto:anne@standlikestone.com.au)  
[www.standlikestone.com.au](http://www.standlikestone.com.au)

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**Mobile** 0400 248 742  
**Office** 08 8721 0480

Post Office Box 9418  
Mt Gambier West SA 5291

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## 15.2.6 Beachport New Year's Eve Dry Area 2020

Report Type	Officer Report
Department	Corporate Services
Author	Cathy Bell
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Low
Strategic Plan Reference	<b>Theme 1 - Community Vibrancy &amp; Presentation</b> 1.5 Support community events that are sustainable and provide longer term benefit to the community & visitors.
File Reference	GF/3.71.12/1
Attachments	1. coudoc dry area schedule beachport 2021 [15.2.6.1 - 1 page] 2. Dry Area 1 Plan [15.2.6.2 - 1 page] 3. Dry Area 2 Plan [15.2.6.3 - 1 page]

### Purpose of Report

To consider an application for Short Term Dry Area for Beachport for the Christmas and New Year period.

### Report Details

Council is required to make application to Consumer and Business Services to seek a dry area in Beachport for the forthcoming New Year's Eve festivities. The dry area is a declared area where the consumption and/or possession of alcohol is prohibited. Establishing a dry area is a regulatory process that is required to be submitted for review in sufficient time prior to the event period.

The declaration of a dry area in Beachport is to coincide with the New Year's Eve festivities. In previous years the designated dry area has been essential for the Beachport Police who through application of the dry zone are given enhanced scope to reduce public intoxication and anti-social behaviour within the township between the Christmas and New Year's Eve period.

The declaration of a dry area in Beachport under the provisions of the *Liquor Licensing Act 1997* has been sought by Council for several years, to coincide with the New Year's Eve festivities hosted by the Beachport community.

During 2019 the Liquor Licensing legislation was amended to allow for Council's to declare short term dry zones (periods of less than 48 hours) without the need to seek a formal application through Consumer and Business Services.

However, any long-term declarations (over 48 hours) require the formal application process and must be lodged four months prior to the dry area taking effect. Long term dry areas are approved by the Minister by notice in the Government Gazette following a recommendation by the Liquor Licensing Commissioner.

The plan below shows the areas that relate to Council's dry area application. Council's proposal relates to 2 separate areas.

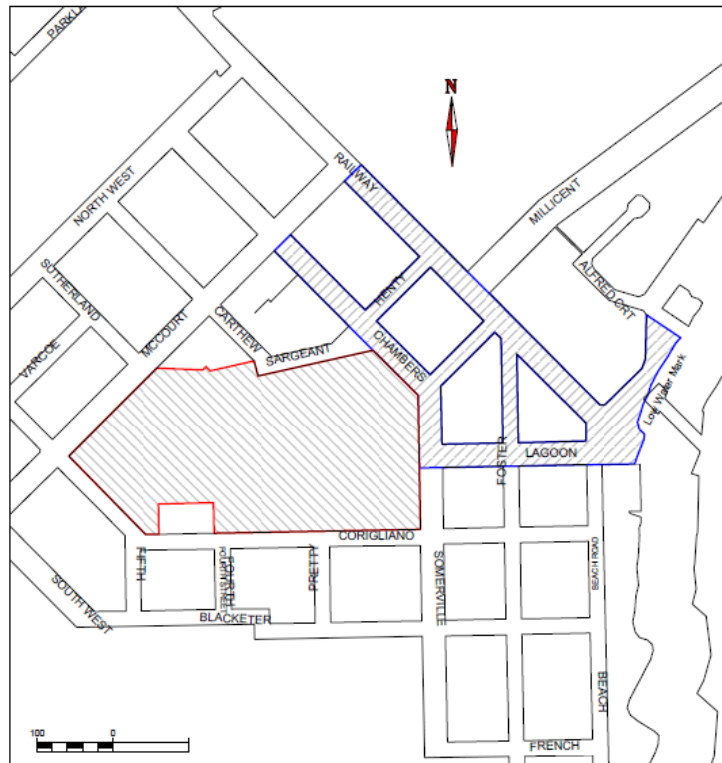


Beachport Area 1 – Area marked red (Centennial Park – Lagoon area). There are two separate periods that relate to this area as follows: -

- From 12.01 a.m. to 7.00 a.m. on each day from 26 December to 31 December (inclusive); and
- From 12.00 p.m. on 31 December to 12.00 p.m. on 2 January.

Beachport Area 2 – Area marked blue (Beachport Town Centre – incorporating portions of Railway Terrace, Chambers Street, Lagoon Road, Foster Street, Somerville Street and Beach Road). The period that relates to this area is as follows: -

- From 12.00 p.m. on 26 December to 12.00 p.m. on 2 January.



Due to the changes to the Liquor Licensing legislation last year, the second time period relating to Area 1 was determined a short-term dry area whilst the remaining time period for Area 1 and Area 2 was determined a long-term dry area. As a result of this, there were 2 separate advertisements placed in the Government Gazette advising of the dry areas within Beachport during the 2019/20 Christmas New Year Period.

The view of Staff is there has been some concerns about potential confusion for members of the public due to the two declarations considering they are within the same area at the same time. Details about all long-term dry areas are also available online via the Consumer and Business Services website, however no details about any short-term dry areas.

Based on this, it is therefore recommended that Council review the time period for Area 1 to allow a long-term dry area to be declared. Initial discussions have been held with Council's Director Development Services and representatives of SAPOL who support the minor change.

It is therefore recommended that Council support in principle the following proposal for the implementation of a long-term dry area in Beachport during the 2020/21 Christmas New Year Period: -

Beachport Area 1 – Area marked red (Centennial Park – Lagoon area). There are two separate periods that relate to this area as follows: -

- From 12.01 a.m. to 7.00 a.m. on each day from 26 December to 31 December (inclusive); and
- From 7.01 a.m. on 31 December to 12.00 p.m. on 2 January.

Beachport Area 2 – Area marked blue (Beachport Town Centre – incorporating portions of Railway Terrace, Chambers Street, Lagoon Road, Foster Street, Somerville Street and Beach Road). The period that relates to this area as follows: -

- From 12.00 p.m. on 26 December to 12.00 p.m. on 2 January.

The proposed amendment only relates to the second time period of Beachport Area 1. The proposal is extending the previous time frame by a total of 5 hours and will result in a continuous declared period from 12.01 a.m. on 31 December to 12.00 p.m. on 2 January.

As part of any formal application, Council is required to obtain written support from the Member for MacKillop, Nick McBride MP, the officer in charge of the local Police Station and details of public consultation which should include consultation with relevant service providers to address displacement issues.

The last extensive review was conducted in 2012, which resulted in the inclusion of Centennial Park (Lagoon area), following a submission from the South Australian Police and support from the Beachport District Development Association. Extensive consultation was conducted, and the proposed changes were supported by the community and implemented during the 2012/13 Christmas/New Year's period.

Council is not aware of any issues that have arisen as a result of the dry zone areas declared during the 2019/20 Christmas/New Year's period and therefore no further amendments are being proposed other than the slight change to the timeframe specific to Area 1.

### **Financial Considerations**

Budget Allocation	Nil
Budget Spent to Date	Nil
Budget Variation Requested	Nil

There are no known financial considerations related to this report.

### **Policy Considerations**

There are no known policy considerations related to this report.

### **Legislative Considerations**

This application is made under Section 131 of the *Liquor Licensing Act 1997*.

### **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

### **Communication & Consultation Considerations**

Written support for Council's application will be sought from the Local Member of Parliament and Officer in Charge of the Beachport Police. Public consultation will also be conducted with the Beachport Community in relation to the proposed change to Council's application

which will involve a public notice in the local paper, information in the Beachport Bulletin and written notification to affected adjoining landowners.

### **RECOMMENDATION**

That Council conduct public consultation with the Beachport Community and other relevant parties in relation to the proposed changes to the establishment of the following long-term dry area in the Beachport township:

1. Centennial Park (Beachport Area 1) – between the hours of 12.01 a.m. and 7.00 a.m. each day during the period 26 December 2020 (Boxing Day) to 31 December 2020 and then 7.01 a.m. on 31 December 2020 to 12.00 p.m. on 2 January 2021; and
2. Beachport Township (Beachport Area 2) – between the hours of 12.00 p.m. on 26 December 2020 (Boxing Day) to 12.00 p.m. on 2 January 2021.

### **RECOMMENDATION**

That following the conduct of the public consultation, a further report be prepared for consideration by Council prior to a formal application being submitted to the Office of Business and Consumer Affairs for a declared dry area at Beachport for the 2020/21 Christmas/New Year period.

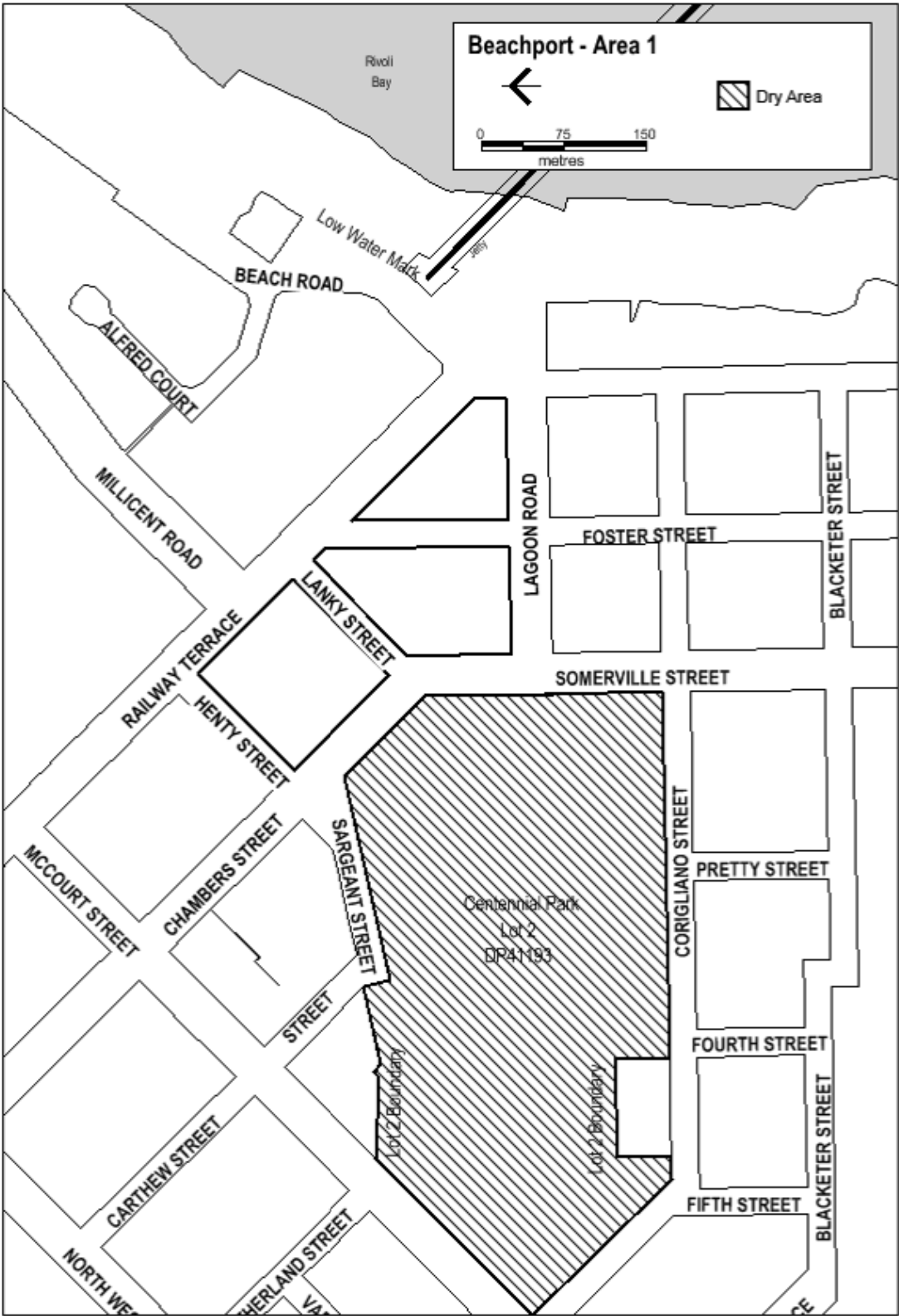
# Proposed Beachport Short Term Dry Areas 2020/21

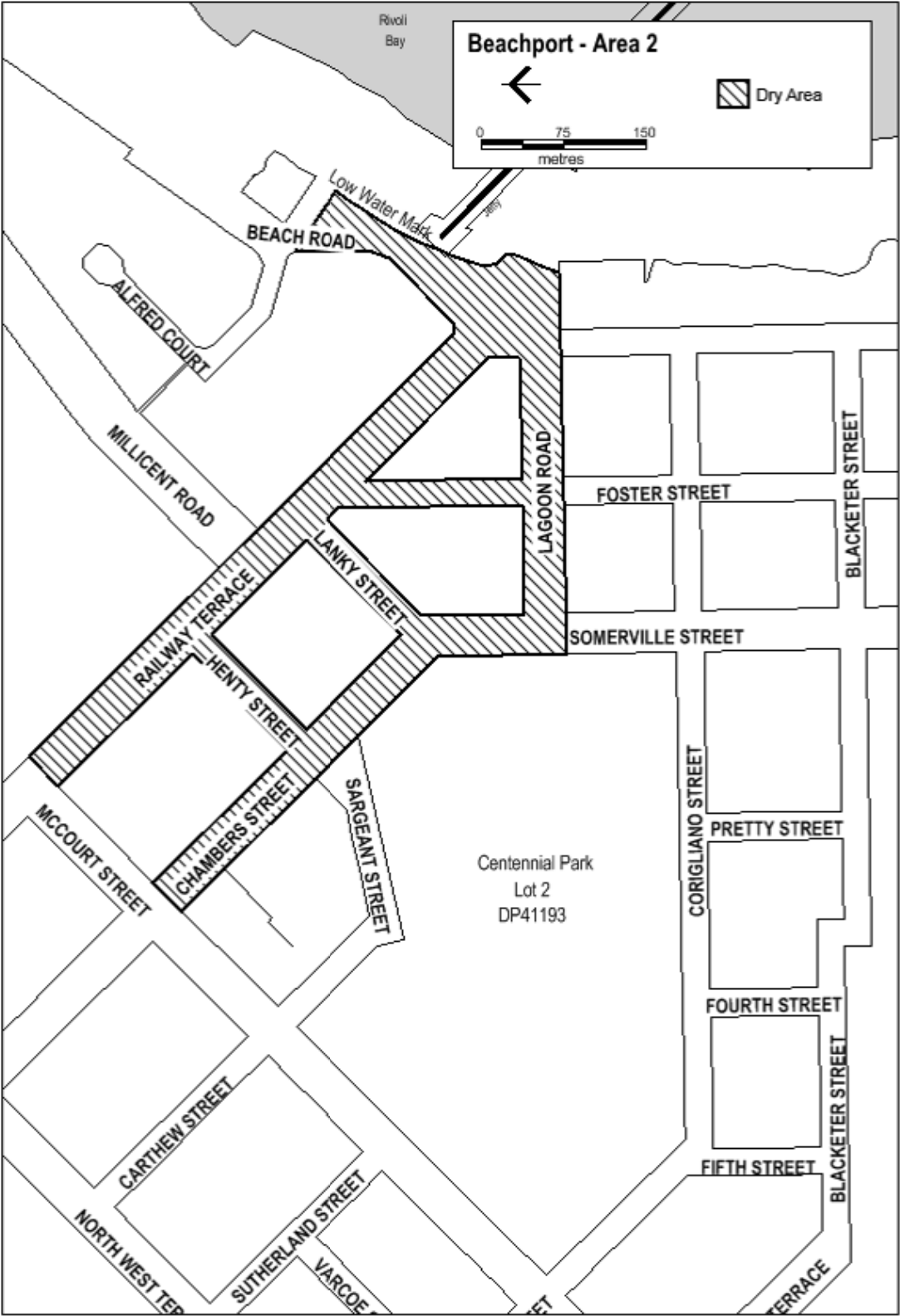
## Schedule – Beachport Area 1

1. **Extent of prohibition**  
The consumption of liquor is prohibited and the possession of liquor is prohibited.
2. **Period of prohibition**
  - From 12.01 a.m. to 7.00 a.m. on each day from 26 December 2020 to 31 December 2020 (inclusive);
  - From 7.01 a.m. on 31 December 2020 to 12.00 p.m. on 2 January 2021.
3. **Description of area**  
The area in Beachport, generally known as Centennial Park, comprising Lot 2, DP 41193.

## Schedule – Beachport Area 2

1. **Extent of prohibition**  
The consumption of liquor is prohibited and the possession of liquor is prohibited.
2. **Period of prohibition**
  - From 12.00 p.m. on 26 December 2020 to 12.00 p.m. on 2 January 2021.
3. **Description of area**  
The area in and adjacent to Beachport comprising the following roads and other areas:
  - (a) Railway Terrace between the south-eastern boundary of McCourt Street and the north-western boundary of Beach Road;
  - (b) Chambers Street and Somerville Street between the south-eastern boundary of McCourt Street and the southern boundary of Lagoon Road;
  - (c) Lagoon Road between the eastern boundary of Sommerville Street and the western boundary of Beach Road;
  - (d) Henty Street;
  - (e) Lanky Street;
  - (f) Foster Street between Railway Terrace and the southern boundary of Lagoon Road;
  - (g) the area commencing at the point at which the prolongation in a straight line of the southern boundary of Lagoon Road intersects the low water mark on the western side of Rivoli Bay, then westerly along that prolongation to the western boundary of Beach Road, then generally northerly, north-easterly and northerly along that boundary of Beach Road to the southern boundary of Alfred Court, then along the prolongation in a straight line of that southern boundary of Alfred Court to the low water mark on the western side of Rivoli Bay, then generally south-westerly along the low water mark to the point of commencement.





## 15.2.7 Lease of Council Land - Penola Commonage

Report Type	Officer Report
Department	Corporate Services
Author	Cathy Bell
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Medium
Strategic Plan Reference	<b>Theme 5 - Organisational Excellence</b> 5.4 Optimise Council operation of businesses and assets, to ensure value for money is returned to the community.
File Reference	LP/183
Attachments	Nil

### Purpose of Report

Council recently called for Expressions of Interest (EOI) from local community and sporting groups for the lease of a portion of the Penola Commonage Land. The purpose of this report is to authorise a new Lease Agreement for the occupation of the land located at the Penola Commonage.

### Report Details

Council has recently completed an EOI process from local community and sporting groups for the lease of a portion of the Penola Commonage land.

The subject land, forms part of the Penola Commonage area and is held in Trust by Wattle Range Council for use by the public for sporting, agricultural, education, recreational, community or like purposes subject to the conditions contained within the Declaration of Trust. Portion of the land also contains a parcel of Crown Land held under Council's care and control.

The area that is available for occupation is that more formally referred to as Pieces 31 and 32, D90641; Allotment 33, D90641 and Sections 217, Hundred of Penola. The land is freehold land owned by Council. Section 465, Hundred of Penola is Crown land held under Council's care and control. Portion of this land is classified as community land, which requires Council to undertake statutory public consultation prior to formalising any new leases over this land. Consent is also required from the Crown prior to the formalisation of any lease over Crown Land.

The total area of the land is 61.88 hectares (152.90 acres).

The lease is offered to interested community groups at nominal rental rates in recognition of the contribution made by the community and sporting organisations to the benefit of the broader community through their community-based activities.



Details of the land which are available for occupation are shown below in the plan below.



The Lions Club of Penola have held a lease over the subject land which expired on 30 June 2020.

The new lease was offered on the following terms:

1. Lease term – The proposed lease is offered for a fixed term of 5 years.
2. Rent & Rent Review – The rent will be calculated and reviewed in line with Council's annual review of its Fees & Charges Schedule (2020/21 Financial Year - \$30.00/ acre - \$4,587.00 per annum).
3. Use of Land – The land to be used for sheep grazing only.
4. Maintenance –
  - Responsibility for maintenance and repair of facilities and grounds will be that of the Licensee, including fences, gates etc. It will be a requirement to ensure all fences are stock proof and ensure adequate supply of water for livestock.
  - At the proper time of the season during each year of the term, the Licensee will be required to apply super phosphate to the leased land annually (subject to soil test).
5. Other –
  - The Licensee will be required to liaise with the Greenrise Lake Advisory Committee to fence off trees and install "Cocky's Gate" between paddocks.



- The area leased excludes the Greenrise Lake wetland, arboretum and CWMS Lagoons.
6. Insurances – An insurance policy against loss or damage to the premises by fire, storm and/or tempest must be kept current for the term of the lease. A public risk policy of not less than twenty million dollars (\$20,000,000) must also be kept current for the term of the lease. The policy must indemnify the Council against actions, suits, claims or demands of any kind.
  7. Land Management Plans – Ensure compliance with the relevant Land Management Plans.

Expressions of Interest (EOI) closed on Friday 26 June 2020. The EOI was assessed on Monday 29 June 2020 by Council's Director Corporate Services and Manager Administration with 1 conforming EOI being received from the Lions Club of Penola.

The Lions Club has been occupying the subject land for several years for grazing purposes. The Club has a proven track record in supporting several community and sporting organisations through donations and in-kind support through events and community projects and have managed the land in accordance with Council's requirements throughout its period of occupation.

In addition to sheep grazing the Club has sought approval to cut and bale hay from the site. It is proposing to store the hay on site for feeding of the sheep when feed is low and this activity would also assist in the management of the site by reducing excess fuel loads during summer and would visually improve the area.

Council Staff have advised that they have no objections to the Club undertaking hay production and recommend that the Agreement be amended to include this activity.

In addition, in the Club's proposal it has indicated that it is seeking to relocate the existing sheep yards from the north of the Arboretum to the southern end of the land adjacent to the former Council Storage area. The benefits of this will provide all weather access and this will tidy up the area where the yards are currently located. The Club is recommending that this relocation be acted upon by Council.

### **Financial Considerations**

Budget Allocation	N/A
Budget Spent to Date	N/A
Budget Variation Requested	N/A

There are no known financial considerations related to this report.

### **Risk Considerations**

Medium

### **Policy Considerations**

Public Consultation will be undertaken in accordance with Council's Community Engagement Policy.

## **Legislative Considerations**

This matter has been considered pursuant to Section 200 and 202 of the *Local Government Act 1999*.

## **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

## **Communication & Consultation Considerations**

Consultation will be undertaken in accordance with Council's Community Engagement Policy to ensure compliance with the community land provisions.

## **RECOMMENDATION**

That Council:

1. Pursuant to Section 200 of the *Local Government Act, 1999* authorise the Chief Executive Officer to negotiate and execute a new licence for sheep grazing and hay production over portion of the Penola Commonage land (Pieces 31 and 32, D90641; Allotment 33, D90641 and Sections 217 and 465, Hundred of Penola) to the Lions Club of Penola for a fixed term of five (5) years commencing on 1 July 2020 subject to the conditions outlined in the EOI document; and
2. Pursuant to Section 202 of the *Local Government Act, 1999* undertake public consultation prior to finalising any new licence agreement.

## **RECOMMENDATION**

That subject to negotiating a new Licence Agreement, the Lions Club of Penola be advised that Council supports the relocation of the current sheep yards subject to the Club providing more specific details of the proposed new location.

## 15.3 Director Development Services

### 15.3.1 Genetically Modified Crops

Report Type	Officer Report
Department	Development Services
Author	Director Development Services
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Medium
Strategic Plan Reference	<b>Theme 5 - Organisational Excellence</b> 5.2 Govern in a responsible and responsive way.
File Reference	GF/5.16.3/11
Attachments	<ol style="list-style-type: none"><li>1. Genetically Modified Crops Management Act 2004 (SA) - Explanatory Paper May 2020 [<b>15.3.1.1</b> - 16 pages]</li><li>2. Genetically Modified Crops Management (Designated Area) Amendment Bill 2020 [<b>15.3.1.2</b> - 5 pages]</li><li>3. Letter from Primary Industries and Regions SA [<b>15.3.1.3</b> - 2 pages]</li><li>4. Mark Parnell - Member of the Legislative Council [<b>15.3.1.4</b> - 2 pages]</li><li>5. Email and attachment from Mark Gower from NASSA [<b>15.3.1.5</b> - 5 pages]</li><li>6. John Paull 2019 SA GM moratorium Review [<b>15.3.1.6</b> - 19 pages]</li><li>7. Letter from Donella Peters - Keep SA G M- Free [<b>15.3.1.7</b> - 3 pages]</li></ol>

#### Purpose of Report

To provide Council with an update on changes to the *Genetically Modified Management Act 2004*.

#### Report Details

The *Genetically Modified Crops Management Act 2004* ("the Act") has operated for a significant period of time to prevent the cultivation of genetically modified ("GM") food crops in SA. However, after the 16-year moratorium, support for the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020*, has seen it successfully passed in Parliament to amend the Act, lifting the moratorium.

The *Genetically Modified Crops Management Act 2004 (SA)* (GMCM Act) provides for the designation of areas of South Australia in which no genetically modified food crops may be cultivated (non-GM crop areas). The object of designating an area as a non-GM crop area is the preservation of the identity of non-GM crops for marketing purposes.

From the enactment of the GMCM Act, up until this year, the entire State was designated as a non-GM crop area. However, by virtue of recent variations to the *Genetically Modified Crops Management Regulations 2008*, this 'moratorium' has been lifted in respect of all parts of the State, except Kangaroo Island.

Additionally, recent changes made to the GMCM Act by the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020* have substantially altered the way in which areas of South Australia may be designated as non-GM crop areas. Now, under the GMCM Act:

- Kangaroo Island in its entirety is designated as a non-GM crop area.
- The only manner in which any other area of the State may be designated as a non-GM crop area is if the local government council for the area (or, in unincorporated areas, the relevant Outback Communities Authority) makes an application to the Minister for Primary Industries and Regional Development (Minister) for such designation.
- An application made by a council to the Minister may only relate to the entire area of the council (not specific parts of that area).
- It is at the discretion of the Minister as to whether any application will be successful.

Before the Minister can determine that an application is successful, the Minister must first consult with, and take into account any advice provided by, the GM Crop Advisory Committee (a committee established under the GMCM Act) in relation to the matter. The Minister may also seek any other advice or information before determining an application.

- The mechanism by which the Minister determines that an application is successful is the publication of a notice in the Gazette. That notice must be published before 15 November 2020. This is a deadline set by Parliament.
- Under the GMCM Act as it now stands, there will not be any further opportunity for a council to apply to become, or to otherwise be designated as, a non-GM crop area.

Section 5A of the GMCM Act sets out the process by which a council can apply to the Minister for the designation of its area as a non-GM crop area:

### **Public consultation**

It must be noted that the Minister is the final arbiter on this matter and not council. The final say rests with the Minister and councils have been asked by the Government to collate data and the views of the community with little forewarning and no added resources being made available. It would require considerable resources and funding for a council to prove the veracity of any suggestion that there is or is not a marketing or trade advantage as a result of remaining non GM.

Before an application can be made by a council to the Minister, the council must consult with its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council. A council is only required to conduct formal public consultation if it is going to make an application to the Minister under the GMCM Act.

The Act is not prescriptive as to the method of consultation, so it is open for councils to develop a consultation process which it considers to be suitable in the circumstances and one which ensures that all relevant community members are appropriately included.

A council might outrightly decide against making an application at the outset, in which case there is no need to conduct public consultation. However, declining to make an application is effectively a decision that the council will never be a non-GM crop area.

Council applications should:

- relate to risks to marketing and trade only.
- not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation.
- demonstrate that stakeholders in their area are **currently receiving a marketing or trade advantage** as a result of being no GM food crop area.

- **show evidence of market and trade advantages**, including any price premiums, that could not be achieved without being declared a no GM food crop area.
- include a summary of all views expressed during consultation (in favour or against declaration).

Council applications may also consider including:

- information or data from commercial customers or businesses in the supply chain.
- any other relevant data that demonstrates the marketing or trade advantage provided to local businesses.

### **Consideration of community views**

A council must have regard to the views expressed by its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council, before deciding to make an application to the Minister under the GMCM Act.

- While the ultimate purpose of designating an area as a non-GM crop area is to preserve crop identities for marketing purposes, public consultation is likely to attract a range of views which should be considered. It should be noted that consultation does not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation.

Ultimately, it is the Minister's consideration and decision whether or not to designate an area as a non-GM crop area.

### **Deciding whether to make an application**

It is at the discretion of each council as to whether the council applies to the Minister to have its area designated as a non-GM crop area. While a council must consider the views of its community before making an application, it is not bound by those views. Even if the 'weight' of submissions points one way or another, this does not bind the council to make its decision one way or the other.

If the council determines it to be appropriate in light of all relevant information before it, the council may resolve to make an application to the Minister under section 5A(1) of the GMCM Act to designate the area of the council as a non-GM crop area.

Under the GMCM Act, the application itself does not need to be in any particular form, nor does it need to include any particular information or material. However, the application should be used as an opportunity for the applicant council to make its case to the Minister as to why the council area should be designated as a non-GM crop area. A council could also resolve not to apply to the Minister, or to seek further information or could refrain from making any decision at all.

### **Consideration by Minister**

The making of an application by a council to the Minister under the GMCM Act does not guarantee a designation of the council area as a non-GM crop area under the Act. It is entirely a matter of discretion for the Minister.

The Minister is also empowered (though not required) to seek advice or submissions from any other person or body (including potentially the applicant council), and to take any other

action or initiate any other investigation as the Minister thinks fit, before deciding whether or not to designate a council area as a non-GM crop area.

If, after taking into account the advice of the GM Crop Advisory Committee and any other relevant information, the Minister does decide to designate a council area as a non-GM crop area, the manner in which the Minister does this is by publishing a notice in the Gazette under section 5A(1) of the GMCM Act. Any such notice must be published before 15 November 2020 and comes into effect on 15 November 2020.

If Council chooses to undertake community consultation and prepare a report to the Minister this must be done prior to 30 September 2020.

Potential applications must be based on a proven marketing advantage and not for theoretical or ideological reasons.

If a council takes no action to seek a ban, the current 'moratorium' banning GM crops will be automatically lifted.

### **Financial Considerations**

Budget Allocation	Nil
Budget Spent to Date	Nil
Budget Variation Requested	A budget variation may be required if Council seeks to undertake public consultation and advertising regarding this matter.

### **Risk Considerations**

Refer to *Genetically Modified Crops Management Act 2004* - Sect 4 Requirements subject in Council's Risk register.

### **Policy Considerations**

Policy 1.5 Community Engagement

### **Legislative Considerations**

The *Genetically Modified Crops Management Act 2004*

### **Environmental / Sustainability Considerations**

Various reports exist relating to potential impacts and or benefits of growing genetically modified crops.

### **Communication & Consultation Considerations**

There has been coverage in local and state-wide media regarding the proposed changes to this Act. At the time of this report being prepared Council had not received any requests or comments from the public or industry regarding this subject.

### **RECOMMENDATION**

That Council consistent with its Community Engagement Policy and Section 5A(2) of the *Genetically Modified Crops Management Act 2004*, undertakes public consultation for a

period of 21 days on designating the Council area as an area in which no genetically modified food crops may be cultivated.

# Genetically Modified Crops Management Act 2004 (SA)

## Explanatory Paper

May 2020



*The Genetically Modified Crops Management Act 2004 (SA) Explanatory Paper and attachments have been prepared by the Local Government Association of SA (LGA), incorporating advice from Norman Waterhouse, for the guidance of and use by member Councils.*

*The LGA is the statutory peak body for Local Government in South Australia. Enquiries regarding this publication should be directed to the LGA on 08 8224 2000.*

## Background

Amendments to the Genetically Modified Crops Management Act 2004: Councils now have one (and only one) opportunity to be designated as non-GM crop areas.

The Genetically Modified Crops Management Act 2004 (SA) (**GMCM Act**) provides for the designation of areas of South Australia in which no genetically modified food crops may be cultivated (**non-GM crop areas**). The object of designating an area as a non-GM crop area is the preservation of the identity of non-GM crops, for marketing purposes.

From the enactment of the GMCM Act, up until this year, the entire State has been designated as a non-GM crop area. However, by virtue of recent variations to the *Genetically Modified Crops Management Regulations 2008*, this 'moratorium' has been lifted in respect of all parts of the State, except Kangaroo Island.

Additionally, recent changes made to the GMCM Act by the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020* have substantially altered the way in which areas of South Australia may be designated as non-GM crop areas. Now, under the GMCM Act:

- Kangaroo Island in its entirety is designated as a non-GM crop area.
- The only manner in which any other area of the State may be designated as a non-GM crop area is if the local government council for the area (or, in unincorporated areas, the relevant Outback Communities Authority) makes an application to the Minister for Primary Industries and Regional Development (Minister) for such designation.
- An application made by a council to the Minister may only relate to the entire area of the council (not specific parts of that area).
- It is at the discretion of the Minister as to whether any application will be successful. Before the Minister can determine that an application is successful, the Minister must first consult with, and take into account any advice provided by, the GM Crop Advisory Committee (a committee established under the GMCM Act) in relation to the matter. The Minister may also seek any other advice or information before determining an application.
- The mechanism by which the Minister determines that an application is successful is the publication of a notice in the Gazette. That notice must be published before 15 November 2020. This is a deadline set by Parliament.
- Under the GMCM Act as it now stands, there will never be any further opportunity for a council to apply to become, or to otherwise be designated as, a non-GM crop area.

## Application process

Section 5A of the GMCM Act sets out the process by which a council can apply to the Minister for the designation of its area as a non-GM crop area. Each step of the process is set out below in this explanatory paper.

As a preliminary comment, we note that nothing prevents a council from entrusting a delegate with consulting the community, considering submissions, and forming a view as to whether the council should apply to the Minister to become a non-GM crop area. However, it is suggested the ultimate step of making an application to the Minister not be delegated.

The below steps and the accompanying template documents are drafted on the basis that no aspect of the process under the GMCM Act will be delegated.

The only step in the process at which there is some likelihood of conflicts of interest arising is the step at which the council resolves whether to make an application to the Minister. This issue is discussed below at the relevant point in this explanatory paper.

### Step 1: Public consultation

First, before an application is made by a council to the Minister, the council must consult with its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council.

If the council's public consultation policy includes procedures which apply to public consultation other than public consultation under the LG Act, then those procedures should be followed. Where public consultation policies are silent regarding consultation outside of the LG Act, then the council may conduct consultation as it sees fit.

When determining any public consultation process, councils should bear in mind that persons (including corporations) engaged in primary production activities and food processing or manufacturing activities in the area of the council may be based outside the council area. These persons still need to be consulted and must therefore be included in any public consultation campaign.

Provided in attachments to this paper, the LGA has prepared the following template documents for councils to adapt to their particular circumstances and to use:

- A. Resolution for commencement of public consultation;
- B. Consultation newspaper notice;
- C. Consultation letter.

A council may use both, or neither, or just one of the newspaper notice and/or the letter, depending on the council's public consultation policy and/or preferences. A council may of course add any other components to its public consultation process as desired or as required under its public consultation policy (such as a public meeting, if feasible in light of COVID-19).

It is appropriate to note that a council is only *required* to conduct formal public consultation if it is going to make an application to the Minister under the GMCM Act. A council might outright decide against making an application at the outset, in which case there is no need to conduct public consultation. However, declining to make an application is effectively a decision that the council will never be a non-GM crop area. This is a significant decision.

Accordingly, a council would need to have some cogent basis for deciding against making an application in circumstances where it had not first obtained the views of its community.

council might conduct some initial limited consultation to gauge support for an application, followed by formal public consultation if support appears to be present (but only if this two-step process is not inconsistent with anything the council's public consultation policy). No template documents have been prepared in respect of any initial limited consultation exercise. Any such exercise is a matter for each council. However, if a council does decide to conduct initial consultation prior to 'formal' public consultation, it is important to bear in mind that the GMCM Act provides a limited timeframe for the making of any application to the Minister. It may therefore be more straightforward to proceed simply to formal public consultation, but again it is a matter for each council.

### **Step 2: Consideration of community views**

A council must have regard to the views expressed to it by its community, including (but not limited to) persons engaged in primary production activities and food processing or manufacturing activities in the area of the council, before deciding to make an application to the Minister under the GMCM Act.

While the ultimate purpose of designating an area as a non-GM crop area is to preserve crop identities for marketing purposes, the council should not limit its consideration only to public submissions which relate to marketing matters. Public consultation is likely to attract a range of views on a range of matters (including from persons not involved in primary production activities or food processing or manufacturing activities), and the council should not disregard any such views. There is nothing in the GMCM Act which limits what the council can or should consider, and so all submissions should be considered. Ultimately, it is the Minister who decides whether or not to designate an area as a non-GM crop area. What the Minister does and does not consider to be relevant is a matter for the Minister.

It is important to add that the council may also take into account information beyond the views of its community. For example, any report prepared by council administration about the advantages and/or disadvantages of making an application to become a non-GM crop area would be relevant for the council to take into account when deciding whether to make an application to the Minister under the GMCM Act.

### **Step 3: Deciding whether or not to make an application**

It is at the discretion of each council as to whether or not the council will apply to the Minister to have its area designated as a non-GM crop area. While a council must consider the views of its community before making an application, it is not bound by those views. Even if the 'weight' of submissions points one way or another, this does not bind the council to make its decision one way or the other.

If the council determines it to be appropriate in light of all relevant information before it, the council may resolve to make an application to the Minister under section 5A(1) of the GMCM Act to designate the area of the council as a non-GM crop area.

Under the GMCM Act, the application itself does not need to be in any particular form, nor does it need to include any particular information or material. However, the application should be used as an opportunity for the applicant council to make its case to the Minister as to why the council area should be designated as a non-GM crop area.

Provided in attachments to this paper, the LGA has prepared the following template documents for councils to adapt to their particular circumstances and to use:

- D. Resolution to apply to Minister for Primary Industries and Regional Development for the designation of the council area as a non-GM crop area; and
- E. Application to be submitted by council to Minister for Primary Industries and Regional Development for the designation of the council area as a non-GM crop area.

The LGA has not prepared template documents for a decision *not* to apply to the Minister. However, to be clear, nothing prevents a council from deciding not to apply to the Minister. A council could also for example decide to seek further information or could refrain from making any decision at all.

### Conflicts of interest

It may be the case that, when the council is making its decision whether to apply to the Minister to be designated as a non-GM crop area, a council member (or a family member or other relevant 'related/listed' party of that council member) would gain a benefit or suffer a loss if the council decides the matter in a particular way.

If the relevant benefit or loss would be enjoyed or suffered in common with all or a 'substantial proportion' of the ratepayers, electors or residents of the council area, then there is no material conflict of interest (nor any actual or perceived conflict of interest). 'Substantial proportion' does not necessarily mean a majority. It simply means a proportion which is not inconsiderable.

It is ultimately incumbent on each council member personally to determine whether they have a material conflict of interest (or an actual or perceived conflict of interest) in any item of business which falls for consideration by the council. We anticipate that, in some council areas, council members who are involved in primary production activities or food processing or manufacturing activities (and/or whose family members or other relevant related parties are involved in such activities) will need to consider whether they (and/or any relevant related party) would gain a benefit or suffer a loss depending upon whether the council decides to apply to the Minister under the GMCM Act. They would also need to consider whether this interest is shared by a 'substantial proportion' of the ratepayers, electors or residents of the council area.

If the number of members who may have a material conflict of interest is of a level which would obstruct the conduct of the meeting (such as by rendering the meeting inquorate), or if there is some other basis upon which it is in the interests of the council's community and area that a members with a material conflict of interest should participate in the meeting, then written approval can be sought from the Minister for Transport, Infrastructure and Local Government (**LG Minister**) under the LG Act for their participation.

It would be prudent for each council to identify, at an early stage, whether or not there may be so many council members with potential material conflicts of interest that the council may be rendered inquorate when it comes to decide whether to make an application to the Minister under the GMCM Act. Of course, the councils with a greater number of council members with potential material conflicts of interest are likely also the councils in which the relevant interests are shared by a substantial proportion of ratepayers, electors or residents (meaning there is no material conflict of interest). Each council will have different circumstances.

If a council considers that approval will be required from the LG Minister in order to preserve a quorum, the LGA has prepared a template letter to the LG Minister which the council can adapt and use:

- F. Letter to Minister for Transport, Infrastructure and Local Government seeking approval for council members with material conflicts of interest to participate in council meeting.

This letter should be provided by the council's chief executive officer, to the Office for Local Government. The Office for Local Government has indicated to the LGA that the LG Minister will consider such letters for the purposes of granting approval to council members to participate in meetings despite material conflicts of interest, where there may be a quorum issue.

If there is no issue of quorum but an individual council member with a material conflict of interest nevertheless considers that it is in the interests of the council's community and area that they be allowed to participate, then it is incumbent upon that individual council member make their own application to the LG Minister.

#### Step 4: Consideration by Minister

As mentioned, the making of an application by a council to the Minister under the GMCM Act enlivens a statutory discretion on the part of the Minister to designate the council area as a non-GM crop area under the GMCM Act. However, the making of an application does not guarantee such designation. It is entirely a matter of discretion for the Minister.

Before deciding whether or not to designate a council area as a non-GM crop area, the Minister must consult with the GM Crop Advisory Committee established under the GMCM Act, and must take into account any advice provided by that committee in relation to the matter.

The Minister is also empowered (though not required) to seek advice or submissions from any other person or body (including potentially the applicant council), and to take any other action or initiate any other investigation as the Minister thinks fit, before deciding whether or not to designate a council area as a non-GM crop area.

If, after taking into account the advice of the GM Crop Advisory Committee and any other relevant information, the Minister does decide to designate a council area as a non-GM crop area, the manner in which the Minister does this is by publishing a notice in the *Gazette* under section 5A(1) of the GMCM Act. Any such notice **must be published before 15 November 2020**. Any notice published before 15 November 2020 comes into effect on 15 November 2020. Any notice published on or after 15 November 2020 is void and of no effect. Accordingly, it is incumbent on councils to act as quickly as possible if they wish to preserve their entitlement to make a meaningful application to the Minister.

The Minister is empowered under the GMCM Act to vary a notice in order to correct a minor error or remedy a defect. The Minister is also empowered to revoke a notice, on application by the council whose area the notice relates to. Such revocation is irreversible (unless and until the GMCM Act is amended to provide otherwise). It is unclear how future boundary changes and/or amalgamations or de-amalgamations may affect non-GM crop areas.

## Next steps

The legislative deadline of 15 November 2020 is the date *before* which the entire process described above must be completed. It is therefore important that councils complete public consultation and provide any application to the Minister sufficiently before that date in order for the Minister to then have adequate time to take advice from the GM Crop Advisory Committee, to obtain any further information the Minister sees fit, and to arrange publication of the notice in the Gazette.

We therefore encourage councils to determine how they will consult with their communities, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council, and to commence that public consultation, as soon as possible.

## Attachments

### A. Resolution for commencement of public consultation

The Council resolves that:

1. The Council will consider whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the *Genetically Modified Crops Management Act 2004* for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.
2. Pursuant to Section 5A(2) of the *Genetically Modified Crops Management Act 2004*, the Council seeks the views of its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council, regarding whether or not such an application should be made.
3. The Council will conduct public consultation [in accordance with its Public Consultation Policy]/[or, if not in accordance with a policy—describe process]



## B. Consultation newspaper notice

### Proposal to designate [Council name] area as an area in which no genetically modified food crops may be cultivated

[Council name] is considering whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the *Genetically Modified Crops Management Act 2004* for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.

The Council seeks the views of its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council, regarding whether or not such an application should be made.

Please direct any written submissions, or any queries, to [name][council address][email address], within 21 days of the date of this notice. Please note that any submissions received in time will be considered at a public meeting of the Council and may be forwarded to the Minister for Primary Industries and Regional Development for the Minister's consideration.

## C. Consultation letter

**[Engross on council letterhead]**

[Date]

[Name]

[Address]

Dear [Name]

**Your views regarding whether the Council should apply for designation of the Council area as an area in which no genetically modified food crops may be cultivated**

[Council name] is considering whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the *Genetically Modified Crops Management Act 2004* for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.

We have identified that you and/or your organisation are engaged in primary production activities or food processing or manufacturing activities in the area of the Council. Accordingly, the Council seeks your views regarding whether or not such an application should be made.

Please direct any written submissions or any queries to the writer within 21 days of the date of this letter. Please note that any submissions received in time will be considered at a public meeting of the Council and may be forwarded to the Minister for Primary Industries and Regional Development for the Minister's consideration.

Yours sincerely

[name]

[council address]

[email address]

## **D. Resolution to apply to Minister for Primary Industries and Regional Development for the designation of the council area as a non-GM crop area**

The Council resolves that:

1. Having consulted with its community pursuant section 5A(2) of the *Genetically Modified Crops Management Act 2004*, and having had regard to the views expressed, the Council has determined that it will apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the *Genetically Modified Crops Management Act 2004* for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.
2. The reasons in support of this decision to make an application are **[those reasons set out in the report to Council [insert report reference # and date] / [or insert other reasons].**
3. The Chief Executive Officer is:  
**[select from the following options to include in the recommendation]**  
**Option 1:** directed to compile and submit an application to the Minister in the terms of the information **[included in/attached to]** the report to Council **[insert report reference # and date]** as soon as practicable. **[OR]**  
**Option2:** authorised to submit the application to the Minister in the terms specified in **[attachment number]** to the report to Council **[insert report reference # and date]** as soon as practicable.

## **E. Application to be submitted by council to Minister for Primary Industries and Regional Development for the designation of the council area as a non-GM crop area.**

**[Engross on council letterhead]**

The Honourable Tim Whetstone MP  
Minister for Primary Industries and Regional Development  
Level 10, 1 King William Street  
ADELAIDE SA 5000

By email: [Minister.Whetstone@sa.gov.au](mailto:Minister.Whetstone@sa.gov.au)

Dear Minister

### **Application for designation of Council area as an area in which no genetically modified food crops may be cultivated**

[Council name] resolved on [date] to apply, and hereby applies, pursuant to Section 5A(1) of the *Genetically Modified Crops Management Act 2004*, for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.

The reasons in support of the Council's application are [set out in the report to Council which is enclosed with this application]/[or insert other reasons].

Copies of community submissions received during the public consultation process undertaken by Council between [insert date of commencement of consultation] and [insert date of conclusion of consultation] are **enclosed** with this application.

Please do not hesitate to contact the writer at [email address] if you require further information from the Council in order to assist you in determining this application.

Dated:

.....  
[Name]

**Chief Executive Officer**

[Council name]

**Encls**

## F. Letter to Minister for Transport, Infrastructure and Local Government seeking approval for council members with material conflicts of interest to participate in council meeting.

**[Engross on council letterhead]**

The Honourable Stephan Knoll MP  
Minister for Transport, Infrastructure and Local Government  
Level 12, 136 North Terrace  
ADELAIDE SA 5000

By email: <ministerknoll@sa.gov.au>

CC: <DPTI.OfficeofLocalGovernment@sa.gov.au>

Dear Minister

### Council member material conflicts of interest

#### Request for approval under section 74(3) of *Local Government Act 1999*

**[Council name]** will, in the near future, consider whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the *Genetically Modified Crops Management Act 2004* (**GMCM Act**) for the designation of the Council area as an area in which no genetically modified food crops may be cultivated (**the Proposed Decision**).

The Council only has a very limited opportunity to make the Proposed Decision due to the time limit imposed by Section 5A(4)(a) of the GMCM Act.

The following Council members have indicated to me that they will have a material conflict of interest in relation to the Proposed Decision, for the following reasons:

Council member	Reason for material conflict of interest
<b>[Insert]</b>	<b>[Provide detailed, specific information about each Council member's material conflict of interest]</b>

Because all of the above council members will have a material conflict of interest in relation to the Proposed Decision, then the Council will not have a quorum (and hence the meeting will be obstructed) when the Proposed Decision arises for consideration. If the Council is unable to make the Proposed Decision within the timeframe required by the GMCM Act, it will (on the present terms of the GMCM Act) never have another opportunity to apply for the designation of the Council area as an area in which no genetically modified food crops may be cultivated. It is in the interests of the Council's community and area that these members participate in the decision-making process.

Accordingly, on behalf of the Council, I request that you exercise your power in section 74(3) of the *Local Government Act 1999* to grant approval in writing for each of the above Council members to participate fully (or subject to any conditions you see fit) in any part of any Council meeting where the

Proposed Decision will be considered and/or voted upon. I respectfully request that you provide any written approval by [Date].

You or any member of your office are welcome to contact the writer on [phone number] or at [email address] if you require further information in relation to this request.

I look forward to your response.

[Name]

**Chief Executive Officer**

[Council name]

148 Frome St  
Adelaide SA 5000

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E [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au)

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**House of Assembly—No 2A**

As reported with amendments, report agreed to and passed remaining stages,  
28 April 2020

South Australia

**Genetically Modified Crops Management  
(Designated Area) Amendment Bill 2020**

A BILL FOR

An Act to amend the *Genetically Modified Crops Management Act 2004*, to repeal the *Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017* and to revoke the *Genetically Modified Crops Management Regulations 2008*.

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**Genetically Modified Crops Management (Designated Area) Amendment Bill 2020**  
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### Schedule 1—Repeal and revocation

#### Part 1—Repeal

- 1 Repeal of *Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017*

#### Part 2—Revocation

- 2 Revocation of *Genetically Modified Crops Management Regulations 2008*
- 

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020*.

#### 2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- 10 (2) Sections 4, 5, 7, 8 and Schedule 1 come into operation 6 months after the day on which this Act is assented to by the Governor.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

**Genetically Modified Crops Management (Designated Area) Amendment Bill 2020**  
Amendment of *Genetically Modified Crops Management Act 2004*—Part 2

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## **Part 2—Amendment of *Genetically Modified Crops Management Act 2004***

### **4—Amendment of section 3—Interpretation**

(1) Section 3(1), definition of *cultivate*—after paragraph (d) insert:

- 5                               (da) to transport a genetically modified food crop or any plant or plant material that has formed, or is to form, part of a genetically modified food crop; or

(2) Section 3(1), definition of *designated area*—delete "means an area designated by regulation under section 5" and substitute:

10                               —see sections 5 and 5A

### **5—Amendment of section 5—Designation of areas**

(1) Section 5(1) to (11)—delete subsections (1) to (11) (inclusive) and substitute:

- (1) Kangaroo Island is, by force of this subsection, designated as an area in which no genetically modified food crops may be cultivated.
- 15                               (1a) A person who cultivates a genetically modified food crop on a limited scale under, and in accordance with, a GMO licence authorising the release of the relevant GMO into the environment for the purposes of an experiment is exempt from the operation of subsection (1).

20                               (2) Section 5(12)(a)—delete "or (4)"

(3) Section 5(12)(b)—delete paragraph (b)

### **6—Insertion of section 5A**

After section 5 insert:

#### **5A—Designation of council areas**

25                               (1) The Minister may, on application by a council established under the *Local Government Act 1999*, by notice published in the Gazette, designate the area of the council as an area in which no genetically modified food crops may be cultivated.

30                               (2) Before making an application under subsection (1), a council must consult with its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council.

(3) Before publishing a notice under subsection (1), the Minister must consult with the Advisory Committee and take into account any advice provided by the Advisory Committee in relation to the matter.

35

(4) A notice under subsection (1)—

- (a) must be published before the commencement day (and a notice published on or after the commencement day is void and of no effect); and

**Genetically Modified Crops Management (Designated Area) Amendment Bill 2020**  
 Part 2—Amendment of *Genetically Modified Crops Management Act 2004*

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(b) takes effect from the commencement day.

(5) The Minister may, by further notice in the Gazette, revoke a notice under subsection (1) on application by the council whose area the notice relates to.

5 (6) A notice under this section may include any provision of a saving or transitional nature.

(7) The Minister may vary a notice under this section in order to correct a minor error or remedy a defect.

10 (8) A person who cultivates a genetically modified food crop on a limited scale under, and in accordance with, a GMO licence authorising the release of the relevant GMO into the environment for the purposes of an experiment is exempt from the operation of subsection (1).

15 (9) A person is guilty of an offence if the person cultivates a crop in contravention of a notice under subsection (1).

Maximum penalty: \$200 000.

(10) In relation to a part of the State that is not within the area of a council, a reference in this section to—

20 (a) a council established under the *Local Government Act 1999* will be taken to be a reference to the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

25 (b) the area of a council will be taken to be a reference to the outback (within the meaning of the *Outback Communities (Administration and Management) Act 2009*).

(11) In this section—

**commencement day** means the day on which section 5 of the *Genetically Modified Crops Management (Designated Area) Amendment Bill 2020* comes into operation.

30 **7—Amendment of section 6—Exemptions**

(1) Section 6(1)—after "section 5" insert:

or 5A

(2) Section 6(2)(a)(i)—delete subparagraph (i)

**8—Amendment of Schedule 1—Transitional provisions**

35 (1) Schedule 1, clause 1(1) and (2)—delete subclauses (1) and (2)

(2) Schedule 1, clause 3(1)—after "Act" insert:

or the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020* (as the case may be)

**Genetically Modified Crops Management (Designated Area) Amendment Bill 2020**  
 Amendment of *Genetically Modified Crops Management Act 2004*—Part 2

---

(3) Schedule 1, clause 3(2)—after "Act" insert:

or the *Genetically Modified Crops Management (Designated Area)*  
*Amendment Act 2020* (as the case requires)

## **Schedule 1—Repeal and revocation**

### **5   Part 1—Repeal**

#### **1—Repeal of *Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017***

The *Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017* is repealed.

### **10   Part 2—Revocation**

#### **2—Revocation of *Genetically Modified Crops Management Regulations 2008***

The *Genetically Modified Crops Management Regulations 2008* are revoked.



**Government of South Australia**  
Primary Industries and Regions SA

**OFFICE OF THE CHIEF  
EXECUTIVE**

Level 12  
25 Grenfell Street  
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4466940

Mr Ben Gower  
Chief Executive Officer  
Wattle Range Council  
MILLICENT SA 5280

[council@wattlerange.sa.gov.au](mailto:council@wattlerange.sa.gov.au)

Dear Mr Gower,

I am writing to you regarding changes to South Australia's *Genetically Modified Crops Management Act 2004* (the Act) through the South Australian Parliament.

This Act provides the power to prohibit cultivation of genetically modified (GM) food crops and aligns with the national scheme for regulating gene technology which only allows State Governments to regulate GM food crops where there are risks to markets and trade. Any risks to human health or the environment are managed by the national scheme which is administered by the Commonwealth Government regulator, the Office of the Gene Technology Regulator.

For this reason, the Act is limited in its scope and any concerns relating to health or the environment cannot be used as grounds to apply to be a non-GM designated area under the Act. Please also note that a GM moratorium under the Act only applies to the cultivation of GM food crops. It does not apply to the sale of processed foods made from GM food crops such as canola oil.

Recent amendments to the Act lift the GM moratorium in all of South Australia except Kangaroo Island. There is a time limited opportunity for local councils to apply to the Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated.

The decision to lift the GM Moratorium on mainland South Australia follows extensive public consultation and recommendations from an independent review that evaluated the market and trade benefits, or lack thereof, of the GM moratorium to the South Australian economy and agricultural industries.

While local councils have the ability to apply to be a non-GM crop cultivation designated area there is no requirement for councils to make such an application.

Section 5A of the Act governs the processes relating to designating council areas. It states the Minister may make a declaration through a notice in the Government Gazette after he has consulted with the GM Crops Advisory Committee established under the Act.

Councils that wish to make an application must firstly consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.

Applications and Ministerial declarations can only occur within the first 6 months of the Act coming into operation. This period ends on Sunday 15 November 2020.

I would like to provide you with the following guidance should your council choose to apply to the Minister.

Applications should:

- be framed within the scope of the Act i.e. relate to marketing and trade only
- demonstrate the consultation requirements of the Act have been fulfilled
- include advice on all views expressed during consultation (in favour or against declaration) and any evidence provided by the community and/or industry relating to the application.

Applications can be sent to the Minister for Primary Industries and Regional Development, Hon Tim Whetstone MP, at [Minister.Whetstone@sa.gov.au](mailto:Minister.Whetstone@sa.gov.au) with a copy to PIRSA at [PIRSA.GMReview@sa.gov.au](mailto:PIRSA.GMReview@sa.gov.au). I also request that in order to provide the Minister with sufficient time to fulfil his responsibilities under section 5A of the Act, applications be submitted by 30 September 2020.

For more information on GM food crops, background on the GM moratorium and the independent review, please visit [www.pir.sa.gov.au](http://www.pir.sa.gov.au).

You are also welcome to contact Ms Elena Anear, Assistant Director Strategy and Policy, Agriculture, Food and Wine, PIRSA, by email at [elena.anear2@sa.gov.au](mailto:elena.anear2@sa.gov.au) if you have any further questions.

Yours sincerely



Michelle Edge  
**CHIEF EXECUTIVE**

3/6/2020

**MARK PARNELL****Member of the Legislative Council**

Mayor Des Noll  
Wattle Range Council  
George Street  
Millicent SA 5280

[mayor@wattlerange.sa.gov.au](mailto:mayor@wattlerange.sa.gov.au)

10 June 2020

Dear Mayor Noll

I am writing to you regarding recent changes to the *Genetically Modified Crops Management Act 2004*. These changes lift the long-standing moratorium on the cultivation of genetically modified (GM) crops on mainland South Australia, however they also provide SA councils with a short window of opportunity to apply to remain a GM-free council area.

If you haven't done so already, I strongly encourage Council to urgently resolve to undertake a consultation process with your community regarding their views on this question, as required by the Act.

As you may know, the final decision on whether a local council area can remain GM-free will be made by the Minister for Primary Industries. Under the Act, the Minister will only be considering views and evidence relating to impacts on marketing and trade of allowing GM-crops to be grown in the council area, or remaining GM-free.

We know that many food businesses want South Australia to remain GM-free to provide a marketing advantage and point of difference with their competitors. However, as it may be difficult for small local food businesses to undertake a rigorous assessment and provide evidence of marketing advantages for their particular business, I would encourage Council to assist by proactively investigating existing and potential marketing and trade advantages that could be gained for food-related businesses in your council area by remaining GM-free.

Parliament House, North Terrace, Adelaide SA 5000  
(08) 8237 9111  
[parnell@parliament.sa.gov.au](mailto:parnell@parliament.sa.gov.au)  
[www.markparnell.org.au](http://www.markparnell.org.au)



I'm advised that when considering an application from a council, the Minister will also be looking at implications of a decision to declare a council area GM-free for areas beyond council boundaries. For this reason, Council may wish to consider a regional approach to this matter, in conjunction with neighbouring councils. I'm also advised by the Minister's office that the Minister will be relying on the [Anderson Report](#) to inform his decisions, so it's important to note that Anderson's analysis is disputed by reputable academics. One such critique is by Dr John Paull from the University of Tasmania entitled [A Review of the Independent Review of the South Australian GM Food Crop Moratorium and Fourteen Alternative Findings](#).

Given the short timeframe for this entire process, (with applications to the Minister due by 30 September), and the fact that once this process has been completed there will be no further opportunities to remain GM-free, I encourage Council to act quickly.

Finally, I would add that this issue is important for all council areas, regardless of whether or not canola is currently grown. Whilst canola is the main crop of interest today, the changes to the Act apply to ALL future GM crops, i.e. any type that may be developed in the future. This current opportunity is your only chance to apply to remain GM-free. Once this opportunity has passed, all future decisions about growing GM crops will be made at a national level with no regard to local economic circumstances.

If you require any further assistance, I can be contacted on 08 8237 9111 or at [parnell@parliament.sa.gov.au](mailto:parnell@parliament.sa.gov.au).

Yours sincerely



Mark Parnell MLC  
Greens Member of the Legislative Council  
Parliament of South Australia



**From:** [Mark Gower](#)  
**To:** [Council](#)  
**Subject:** EN2020/17658 - 5.16.3/11 - ACT NOW TO KEEP YOUR COUNCIL REGION GM-FREE.  
**Date:** Thursday, 2 July 2020 1:37:15 PM  
**Attachments:** [GM\\_free Zone\\_Wattle Range.pdf](#)  
**Importance:** High

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To Mayor Noll and Councillors of Wattle Range Council,

With urgency I ask you to read the attached document in keeping the South Australian Landscape GM-Free and engage your communities in this process. **Councils have until September 30 to consult citizens, gather market and trade data, and apply to the state government to remain a GM-free Crop Zone.**

Australia's non-GM canola has a clear trade and marketing edge over its main rival, Canada. It's hard to credit that South Australia is now set to jeopardise its competitive advantage by lifting its GM Crop Moratorium.

I thank you for your time and consideration.

Your Sincerely,

**Mark Gower**  
 General Manager



**National Association for Sustainable Agriculture, Australia Ltd**

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# STOP GM CROPS BECOMING PART OF THE SA LANDSCAPE



# Please protect your region to ensure it remains a GM-free Crop Zone.

**Councils have until SEPTEMBER 30 to consult citizens and apply to the State Government to remain a GM-free Crop Zone.**

Date: 02/07/2020

## To Mayor Noll and Councillors of Wattle Range Council

Wattle Range Council  
PO Box 27  
MILLICENT SA 5280

Dear Mayor Noll and Councillors,

Please, I urge you to do everything you can to ensure that Council areas across South Australia remain GM-free Crop Zone. Losing South Australia's GM-free status and reputation for high quality GM-free food products will disrupt food markets and deny many trade benefits state-wide.

I realise not all Council regions will be directly impacted by the lifting of the GM moratorium. However, we are all South Australians and have a responsibility to look out for one another. By all of the South Australian Councils standing together on this issue we will create a stronger voice to ensure the South Australian landscape remains GM-Free, while securing future benefits for many South Australian communities.

I request your council to embrace the GM-free Crop Zone review process and to marshal community resources to apply for and establish a GM-free Crop Zone in your council area.

### PLEASE RESOLVE TO:

- consider retaining your council as a GM-free Crop Zone;
- consult all members of your community, "including persons engaged in primary production activities and food processing or manufacturing activities";
- gather evidence of the present and future benefits and costs of remaining GM-free vs the potential benefits and costs of allowing GM crops to be grown;
- show a marketing advantage for primary producers, food producers, manufacturers and the community from remaining GM-free;
- provide evidence of positive marketing or trade benefits for local businesses from remaining a GM-free Crop Zone.

### EVIDENCE OF GM-FREE BENEFITS:

The GM-free moratorium has brought many food industry benefits since 2004, including:

- substantial price premiums and preferential market access;
- lower production costs, without segregation and identity preservation being needed;
- no recalls or market disruptions from GM contamination, as US wheat and lucerne caused;
- domestic and export market reputations for high quality non-GM products.

In contrast, adopting GM crops like canola would have marginal, unquantified, and speculative benefits. Kangaroo Island farmers and processors will remain GM-free under the government's deal. They earn big premiums for the island's GM-free grains and beverages, in local and export markets, so were allowed to keep reaping GM-free rewards. KI Pure Grain told the government's Anderson Inquiry,

***"The potential direct cost to KIPG and the KI Grain Growers is the loss of demand for our Non-GM Canola which presently stands at approximately \$3,025,000. Additionally, ... there is potential to lose further sales of other grains marketed as 'GM Free' which would add to this loss."***<sup>1</sup>

With a plan to support of GM-free marketing and trade promotion, the whole of South Australia could reap similar rewards.

The Palsystem Consumers' Co-operative Union of Japan noted in their submission that to meet their strict non-GM policy, they bought canola and honey only from Kangaroo Island bringing \$6 million annually into the Island's economy. They added,

***"In order to further develop our economic contribution for both Kangaroo Island and the whole of South Australia, we are currently working on a plan to expand our range and volume of non-GM products, but the extension of the moratorium is critical to this plan."***<sup>2</sup>

Another Japanese Consumer Co-operative, Coop Shizenha, which supplies only GM-free products to its 142,000 members told the inquiry,

***"Our turnover is expected to reach AUD\$233 million this fiscal year [2018]" and we "hope that we can contribute further to your economy by purchasing agricultural products cultivated in South Australia and Kangaroo Island as the only remaining Non-GM cultivation area of your country."***

The Government commissioned the Anderson Review with short term and narrow Terms of Reference, so the report made shaky assumptions, excluded relevant information, and ignored unfavourable data. As a GeneEthics submission pointed out:

***"Australian non-GM canola has earned premiums in Europe since 2006 and the GM canola discounts continue to be significant. CSIRO team leader Dr Sandra Eady and Australian Export Grains Innovation Centre chief economist Ross Kingwell confirmed that 'We've achieved a \$100 million per year premium for our farmers, given the extra \$20-\$40/tonne paid for Australian non-GM Australian canola.'"***<sup>3</sup>

Reflecting the strong demand for non-GM grains, especially in the EU, in the week ending June 5, 2020, GM canola was discounted \$95/tonne in WA, compared with non-GM varieties, \$39/tonne in Port Melbourne, and up to \$39/tonne in rural NSW.

### **SHOPPERS DON'T WANT GM FOODS**

Swinburne University's (2017) national survey of attitudes to new technologies found Australians are uncomfortable with genetically modified (GM) foods.

Many Australian food processors responded to customer demand, and supply non-GM products to major supermarkets, including Coles which said:

***In recognition of our customers' strong preference for non-GM foods, all Coles Housebrand food products (over 2700 products) are formulated using non-GM ingredients."***<sup>4</sup>

and Woolworths:

***Woolworths own brand products do not use genetically modified (GM) ingredients. Our requirements on GM ingredients are articulated to our own brand suppliers in our Brand Guidelines and Woolworths Quality Assurance (WQA) Standard."***<sup>5</sup>

Shoppers in key export markets such as Europe, Japan and the USA also prefer GM-free foods. In the absence of effective GM labelling laws, non-GMO and GM-free labelled products are now among the fastest growing markets.

### LIFTING THE GM BAN COULD DESTROY FUTURE WHEAT MARKETS AND TRADE

Without South Australia's GM crop moratorium, GM wheat may be grown here, with Gene Technology Regulator approval. There is no commercial GM wheat anywhere in the world, as markets say they will cancel wheat orders from any area growing GM wheat.<sup>6</sup>

A 2011 Grain Growers Limited report suggested Australia's key export markets (80% by value) will not buy GM wheat now or in the foreseeable future. In addition to this, "The domestic flour and feed millers did not consider that GM wheat would be accepted for Australian food production in the foreseeable future. It was considered that this was driven by consumer preference."<sup>7</sup>

I wish to thank you for time and also pass on my appreciation in advance for your council taking action to ensure the South Australian landscape remains GM-Free.

Yours sincerely,



**Mark Gower,**  
General Manager  
NASAA Organic

<sup>1</sup>[KI Pure Grain \(2018\) Submission to Review of the South Australian GM Food Crop Moratorium.](#)

<sup>2</sup>[Atsushi Ishida, Chairman of the Board, Palsystem Consumers' Co-operative Union \(2018\) Submission regarding review of GM crop cultivation by the South Australian Government](#)

<sup>3</sup>[Locke S. Australian canola for European biodiesel emits half the greenhouse gas of fossil fuels, ABC Rural, 19 December 2017.](#)

<sup>4</sup>Coles (2009) Coles Community and Sustainability Report 2009, [http://www.coles.com.au/Portals/0/content/swf/about\\_coles/CommSusRpt/Report.pdf](http://www.coles.com.au/Portals/0/content/swf/about_coles/CommSusRpt/Report.pdf)

<sup>5</sup>Woolworths: Genetically Modified (GM) Foods, [http://www.woolworthslimited.com.au/page/A\\_Trusted\\_Company/Responsible\\_Sourcing/Genetically\\_Modified\\_GM\\_Foods/](http://www.woolworthslimited.com.au/page/A_Trusted_Company/Responsible_Sourcing/Genetically_Modified_GM_Foods/)

<sup>6</sup>[No appetite for Australian GM wheat, January 2013.](#)

<sup>7</sup>[Grain Growers \(2011\) What the world wants from Australian wheat.](#)

# A Review of the *Independent Review of the South Australian GM Food Crop Moratorium* and Fourteen Alternative Findings

Prepared by Dr John Paull, March 2019

## **Abstract**

The present review of the *Independent Review of the South Australian GM Food Crop Moratorium* (Anderson, 2019) reveals that the so-called *Independent Review* is not independent at all and thus it falls at the first hurdle. Kym Anderson is a long term vocal advocate of genetically modified crops and has expressed such views regularly over the past two decades. The *Independent Review* was commissioned by the South Australian Minister for Primary Industries and Regional Development. There were 216 public submissions, of these, 78% (n=168) were for retaining the existing Moratorium, 18% (n=39) were for scrapping the Moratorium, and 4% (n=8) were undecided. 100% of the food available in Australian supermarkets is GM-free which mirrors the sentiments of Australian consumers, which are against GM-food; and Australian supermarkets are all aware of such sentiments. South Australia (SA) has a 'clean and green' image. This image serves SA well for food production, trade, tourism, education and migration. GMOs would damage SA's clean and green and smart image and can thereby be economically detrimental to the state. The *Independent Review* proposes that GM canola is the sole candidate for uptake were the GM Moratorium to be scrapped. The GM canolas (Round-up ready, TT) proposed for SA are herbicide-dependent crops relying on regimes of multiple toxic herbicide applications. Glyphosate is a carcinogen and triazine is banned in Europe. These are chemicals that are dangerous to the health and wellbeing of animals, including humans, and the environment, and prescribing their use can be expected to increase SA's health costs and future environmental clean-up costs. GM agriculture is an example of privatising the profits and socialising the costs. Australia is the world leader in organic agriculture and accounts for 51% of the world's certified organic hectares, and, of this, South Australia is the leading organics state in Australia accounting for 40% of Australia's certified organic hectares (and 20% of the world's certified organic hectares). Organic produce sells at a price premium - usually in the range of 10% and 110% (compared to non-organic). This contrasts with GM canola which sells at a price penalty of 7%. These price premiums and price penalties reflect market sentiment - what the market wants and what the market does not want. The GM Moratorium has a social licence and is serving SA well and should be maintained on economic and social grounds. The *Independent Review* should be rejected.

## **The *Independent Review* is not independent**

The author of the *Independent Review* is a vocal, long term and consistent advocate and proponent of GM crops, dating back over two decades. His extreme views were known or should have been known to the South Australian Government at the time of the appointment of Kym Anderson as reviewer. The known partisanship will always cast a question mark over the credibility of the *Independent Review* - even before it was submitted.

The perceived bias and the vested interest of the so-called 'independent reviewer' in supporting two decades of his own published opinions and analyses should have been sufficient to exclude Kym Anderson from consideration as an 'independent reviewer' and, failing that, ought to have been sufficient cause for him to exclude himself.

The views of the *Independent Review* are reflected in previous publications of the so called 'independent reviewer', for example:

- Anderson, K., & Nielsen, C. P. (2001). GMOs, Trade Policy, and Welfare in Rich and Poor Countries. In S. Maskus & J. D. Wilson (Eds.), *Quantifying the Impact of Technical Barriers to Trade: Can it be Done?* Ann Arbor, MI: University of Michigan Press.
- Anderson, K., & Jackson, L. A. (2004). GM Food Crop Technology: Implications for Sub-Saharan Africa. *Centre for Economic Policy Research (CEPR), Discussion Paper No. 4490*, 1-29.
- Anderson, K., Damania, R., & Jackson, L. A. (2004). Trade, Standards, and the Political Economy of Genetically Modified Food. *World Bank Policy Research Working Paper, WPS 3395*, 1-30.
- Anderson, K., Jackson, L. A., & Nielsen, C. P. (2005). Genetically Modified Rice Adoption: Implications for Welfare and Poverty Alleviation. *Journal of Economic Integration*, 20(4), 771-788.

**Finding 1: The *Independent Review* is not independent at all. The *Independent Review* is written by a vocal and long term advocate of GMOs and GM-crops, and in addition it contains errors of fact from the outset (see Finding 2) and it should be disregarded in its entirety.**

## The majority of submissions supported retaining the SA GM Moratorium

The *Independent Review* states that “Community attitudes to the moratorium were captured in the 216 submissions received by the Reviewer” (Anderson, 2019, p.xii).

Of 216 public submissions, 78% (n=168) were for retaining the existing Moratorium, 18% (n=39) were for scrapping the Moratorium, and 4% (n=8) were undecided (Anderson, 2019, p.xii) (see Figure 1 below).

Of these 216 submissions, only 45 appear on the PIRSA web site (pir.sa.gov.au). Of these selected 45 submissions made available on-the-web, the majority are undated. Of the 45 submissions made available on-the-web, 36% (n=16) appear to be for retaining the Moratorium, 60% (n=27) for scrapping it, and 4% (n=2) are indeterminate. This appears to be a biased selection of the submissions and without any declared rationale for that bias.

Despite the data that the *Independent Review* reports, the false claim is made therein that: “the majority of submissions ... favour the immediate removal of South Australia’s moratorium on GM crop production and transport (Finding 2.3)” (Anderson, 2019, p.xii). This is a false and misleading claim which is entirely inconsistent with the data (see Figure 1 below).

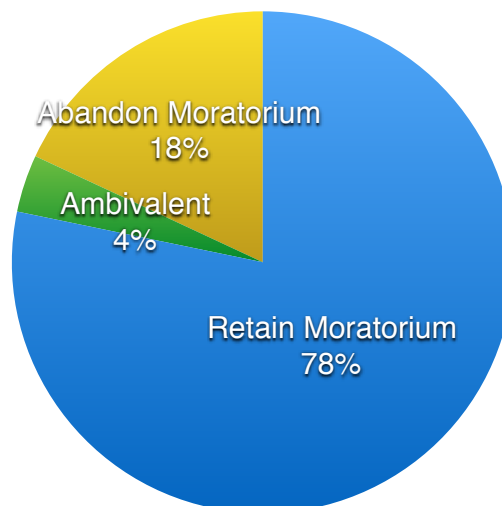


Figure 1. There were 216 submissions to the Independent Review, of these, 78% (n=168) were for retaining the existing GM Moratorium, 18% (n=39) were for scrapping the GM Moratorium, and 4% (n=8) were undecided (author's graph; data source: Anderson, 2019).

**Finding 2: The majority (78%) of submissions supported retaining the existing SA GM Moratorium. The *Independent Review* falsely reports the contrary.**

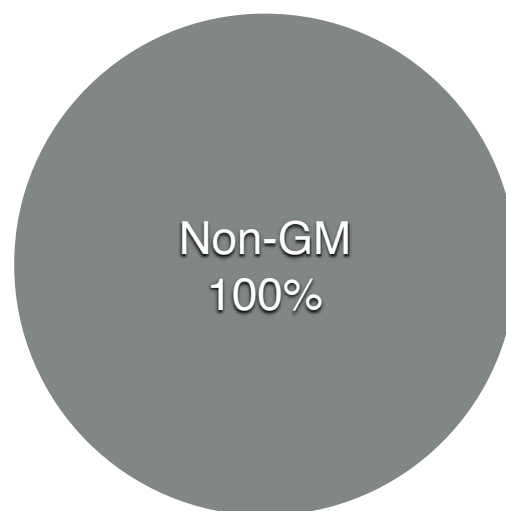


## **There are no GM foods on Australian supermarket shelves**

In Australia, food with GM ingredients must be labelled as such. The result is that there are no such food items on Australian supermarket shelves (Figure 2).

This is a reflection of consumer sentiment in Australia - consumers do not want to buy or eat GM foods - they have been characterised as ' Frankenfoods'. It also reflects a recognition by Australian supermarket chains that a GM label on a food item would spell its death knell.

The consequence of this is that markets for GM produce must be sought overseas. GM foods are sold into markets that lack GM-labelling requirements, markets where the consumers are left in the dark regarding the provenance of ingredients. Why would SA consider facilitating such a deceitful trick on foreign consumers? There may be some economic karmic flow-back from pursuing such a route.



**Figure 2: The food offerings on Australian supermarket shelves are 100% non-GM.**

**Finding 3: Australian supermarkets do not stock GM-foods because they are aware that Australian consumers have rejected such ' Frankenfoods'.**

## South Australia enjoys a clean and green image

SA enjoys an enviable reputation as a clean and green and smart place to be doing business. It has a reputation that many countries and regions around the world can admire and aspire to (Figure 3).

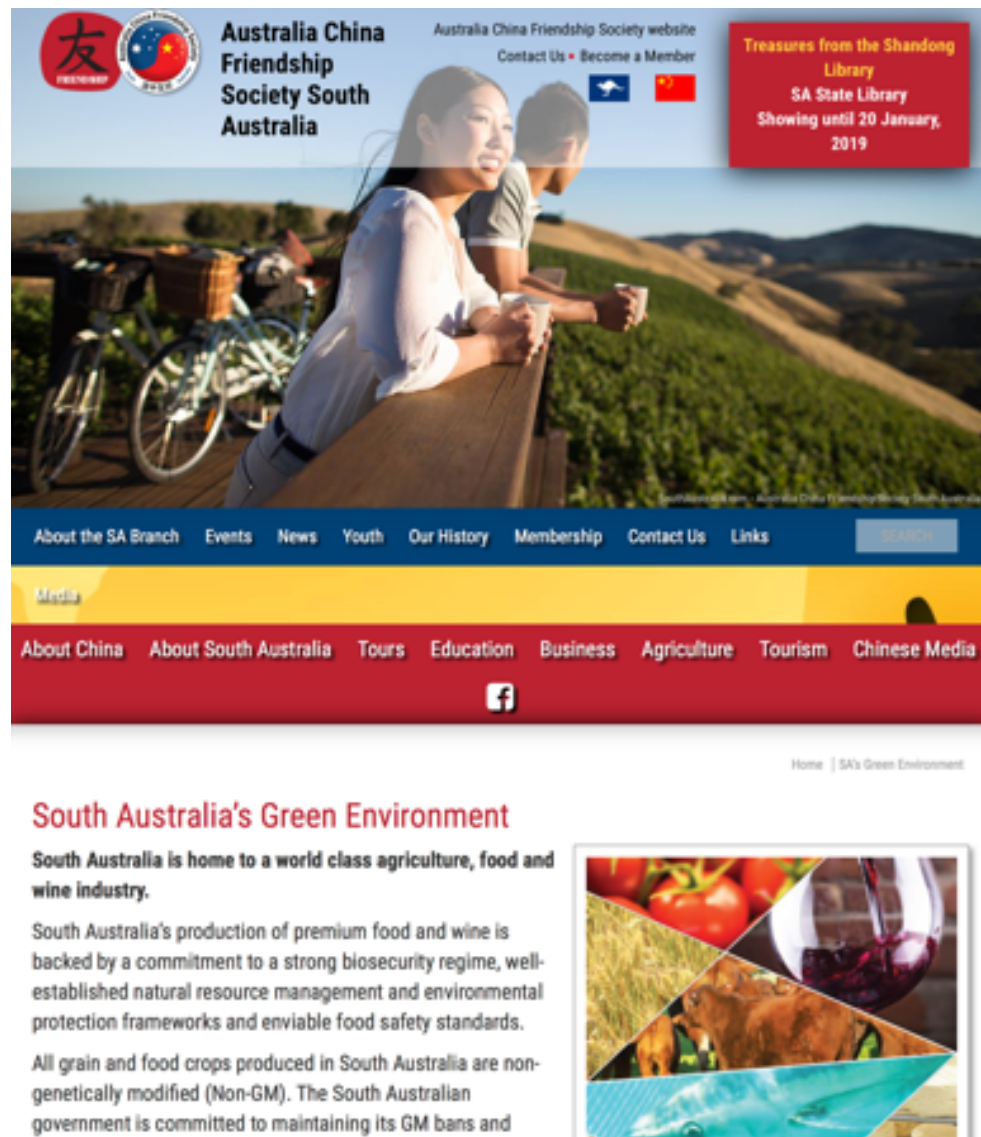


Figure 3: SA is known around the world for its clean and green and smart image (source: [australiachinafriendship.com.au/south-australias-green-environment/](http://australiachinafriendship.com.au/south-australias-green-environment/)).

**Finding 4: South Australia enjoys a clean and green and smart image which is important for tourism, trade, investment, education and migration. The GM Moratorium supports the image of clean and green and smart, and scrapping the GM Moratorium would undermine that image and its economic benefits.**

## Consumers of the world reject GM foods

There is no consumer demand for GM food. For consumers, GMOs are an unwanted intrusion into their diet and food selections, and GM offerings are to be avoided. This sentiment is not just prevalent amongst Australian consumers.

In the largest study of its kind, 23,000 consumers in 17 countries were quizzed about their food preferences. A consumer voice against GMOs was present in all 17 countries (GfK, 2017) (see Figure 4).

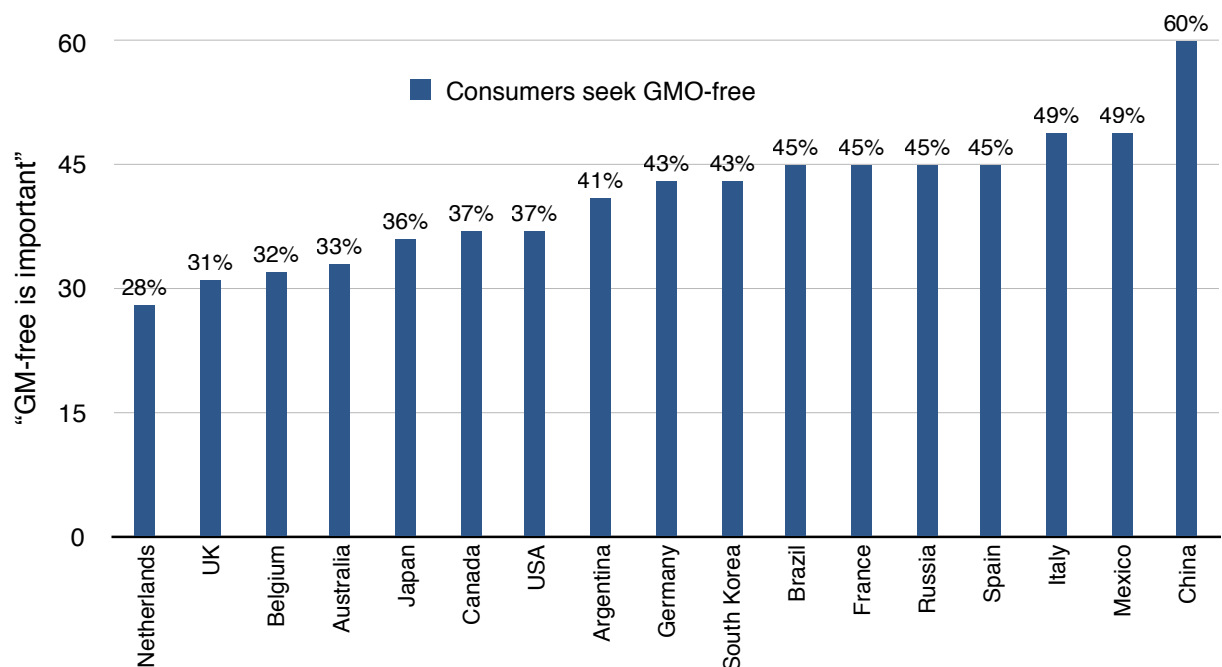


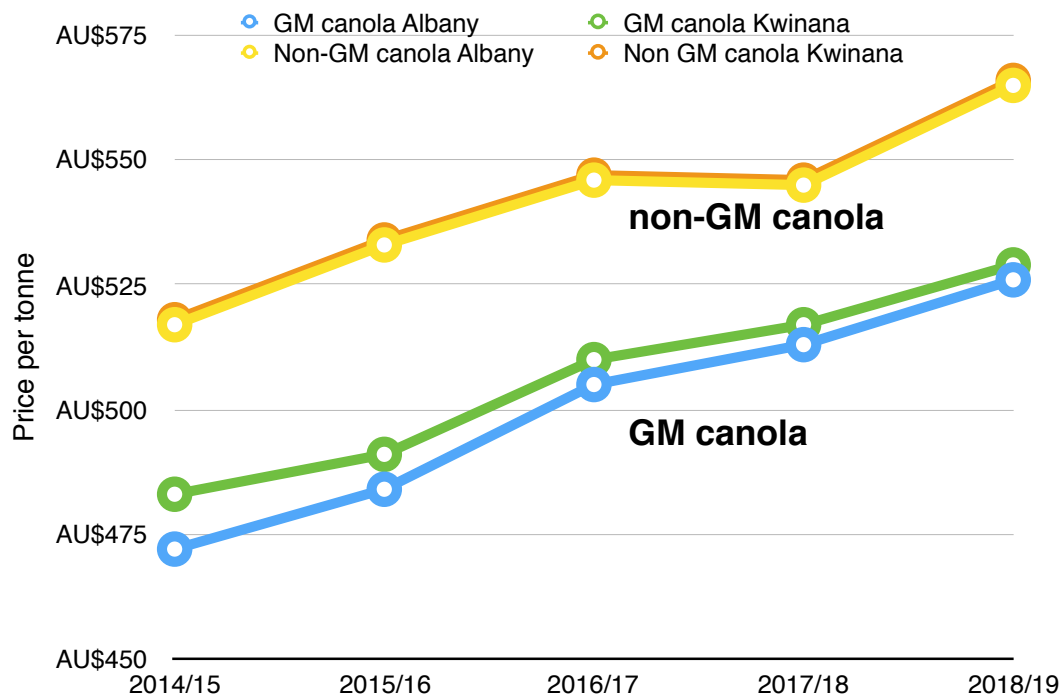
Figure 4: Percentage of consumers in 17 countries who stated that "GM-free is important" in making their food choices (author's graph; data source: GfK, 2017).

**Finding 5: Around the world, there is strong consumer sentiment against GMO food. As a consequence, there are economic price penalties for GM crops and growing what consumers do not want.**

## The price penalty for GM canola

The only GM crop that the *Independent Review* considers for uptake in SA is GM canola (Anderson, 2019).

GM canola attracts a price penalty (see Figure 5). The figures presented in the *Independent Review* (Fig.10, p.29) are a selection of the available data and are rather oddly attributed as “personal communication” (p.52) despite the prices being in the public domain and published regularly. The price penalty for GM canola is 7.2% (Figure 5). There is a consistent price penalty for WA GM canola, across years and grain depots (Taylor, 2019) (Figure 5).



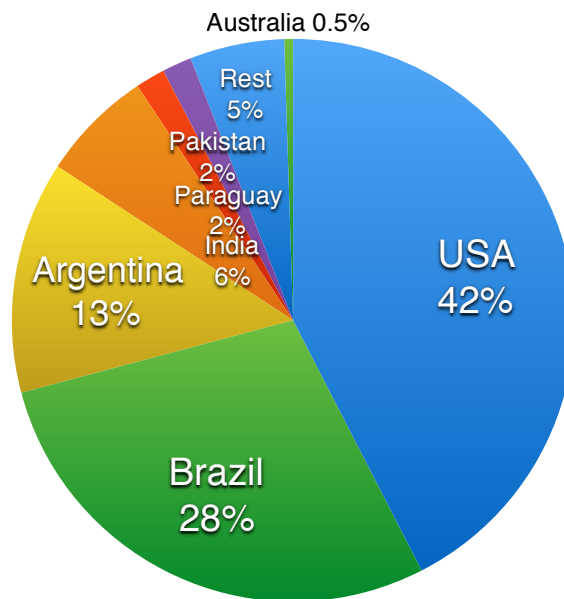
**Figure 5: Average annual price per tonne of GM canola versus non-GM canola for grain delivered in WA (Kwinana and Albany) (author's graph; data source: Taylor, 2019).**

**Finding 6: There is a price penalty for growing GM crops. The average price penalty for GM canola in WA is 7.2%.**

## Australia is a minor player in GM agriculture

GM agriculture is dominated by just three countries, USA, Brazil and Argentina, which together account for 83% of the world's GM agriculture hectares. Australia accounts for less than half of one percent of the world's GM agriculture hectares (0.47%) (ISAAA, 2017). Australia is a very minor player in the world of GM agriculture (Figure 6).

This agrees with the data of the *Independent Review* which appear as Appendix 1 (Anderson, 2019, p.41).



**Figure 6: GM agriculture is concentrated in just three countries, USA, Brazil and Argentina, and Australia is a very minor GMO player (author's graph; data source: ISAAA, 2017).**

**Finding 7: GM agriculture is concentrated in just three countries, USA, Brazil and Argentina. Australia is a very minor player in the world of GM agriculture.**

## Segregation is a failure

The *Independent Review* in its Finding 3.3 claims that “The experience of GM canola production and marketing in other mainland states (sic) over the past decade reveals that segregation and identity preservation protocols and practice codes can and do ensure the successful coexistence of GM and non-GM crops in Australia” (Anderson, 2019, p.21). This is wishful thinking.

Segregation of GM and non-GM crops has failed in Western Australia and elsewhere. Considerable evidence was presented to that effect to the WA Parliamentary Inquiry, *Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material* (see: [www.parliament.wa.gov.au/parliament/commit.nsf](http://www.parliament.wa.gov.au/parliament/commit.nsf); Swinbourne, 2019).

The WA Parliamentary Inquiry was convened because of the spectacular failure of GM segregation as witnessed in the Marsh v Baxter case. In that case an organic farm was contaminated with GM canola. The organic farm lost its organic certification because of the contamination. This resulted in economic losses of \$85,000 to the organic farm, a figure that was agreed between the parties and which accounted for the price premiums for organic that were forfeited. The legal expenses for this case were in the order of \$2 million (Paull, 2015). Such figures are outside the capacity of the average farmer to endure; it was eventually revealed that Monsanto was funding the GM farmer’s legal costs. The Marsh v Baxter case evidenced the failure of GM-segregation and the disproportionality of the damages suffered versus the legal-system costs of pursuing a claim.

Marsh v Baxter is not the only incident in WA where an organic farm has lost its certification due to GM contamination. However, as the WA Parliamentary Inquiry were at pains to point out in their questioning, there is a “chilling” impact of the Marsh v Baxter case in keeping contamination out of the public and legal gaze ([www.parliament.wa.gov.au/parliament/commit.nsf](http://www.parliament.wa.gov.au/parliament/commit.nsf)).

Witnesses to the WA Inquiry revealed that due to GM contamination of canola in WA, the response has been to redefine the grain grade of ‘non-GM’ so that, at least in WA, it no longer means ‘GM-free’, as might be expected, but rather it means something less. Since the introduction of GM canola into WA, the grade, ‘non-GM’, has been redefined to allow GM-contamination up to the level of 0.9% GM before it loses its ‘non-GM’ classification.

There is a price penalty in WA of downgrading produce to ‘GM’ of approximately 7.2%, hence this ‘work-around’ of re-defining terms. This ploy also facilitates a GM-contaminated batch of grain in WA being re-birthed as ‘non-GM’ by adding a sufficient dilution of GM-free grain to bring the contamination level down below the contamination threshold of 0.9%.

This is an unsatisfactory ‘work around’. A glass of milk contaminated to 0.9% with, for example, petrol, detergent, arsenic, iron filings or whatever is rather obviously unacceptable.

In Canada, the failure of segregation has meant that almost all canola in Canada is graded as GM. The Canada Canola Council then propagates the alchemic fiction that “canola oil made from GM seed is conventional canola oil” (CCC, 2017).

**Finding 8: Segregation of GM and non-GM canola has failed in WA and overseas. This failure has been glossed over in WA by redefining ‘non-GM’ as GM-contaminated to an extent not exceeding 0.9%.**

## Glyphosate is carcinogenic

GM Roundup Ready canola is dependent on multiple applications of the herbicide glyphosate. Multiple applications of this herbicide are prescribed to a single crop of GM canola, including a final dose close to harvest time when the crop is swathed (where the head of grain is decapitated from the body of the plant).

Glyphosate is a carcinogen (OEHHA, 2019). Glyphosate does not stay 'on the farm'. It contaminates water, air, soil, plants and animals. It is ingested by adults and children via various routes including via food and beverages (Cook, 2019) (Figures 7 & 8).

A gardener was recently awarded US\$289 million in damages for cancer caused from spraying glyphosate (Bellon, 2018). There are a further 9,300 plaintiffs reportedly seeking redress for glyphosate health damage and with more to come (Bender, 2018).

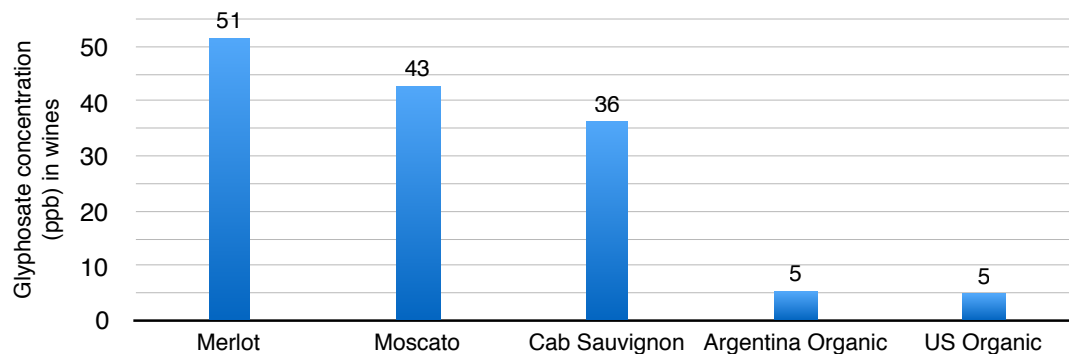


Figure 7: Glyphosate in wine (author's graph; data source: Cook, 2019).

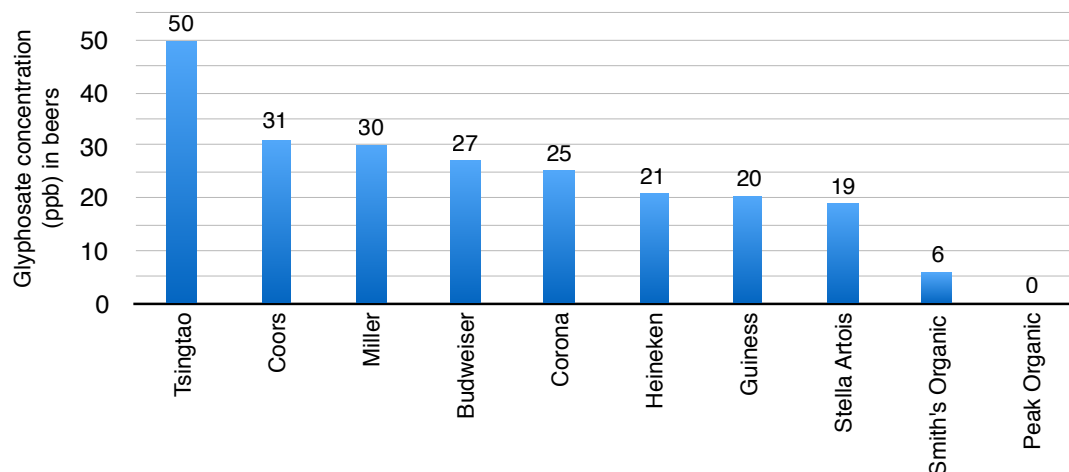


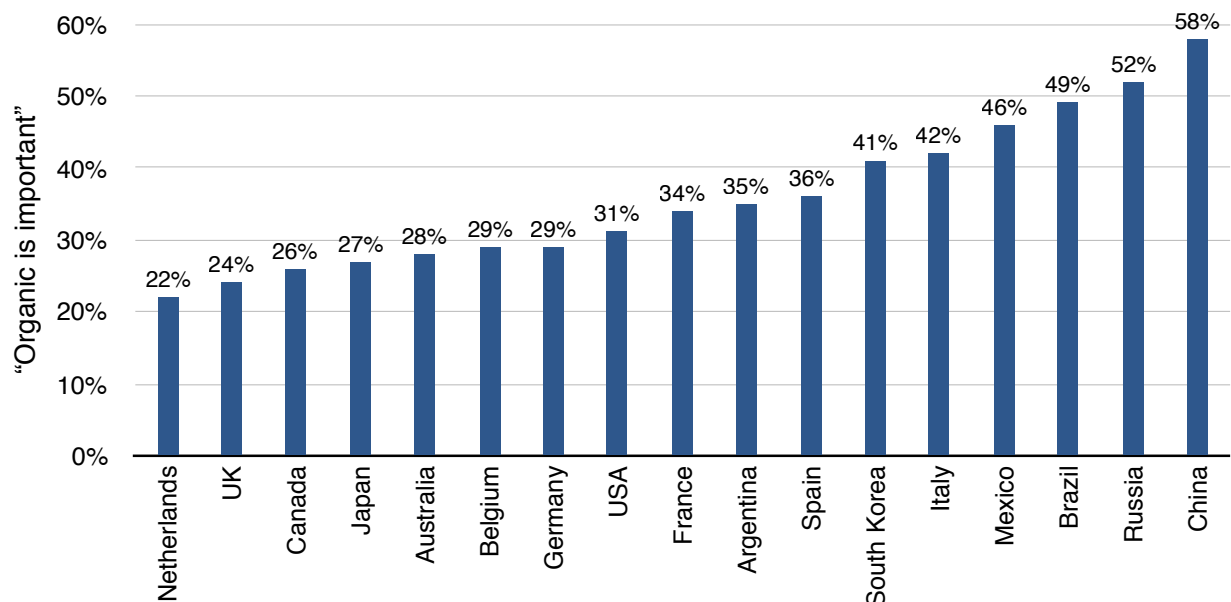
Figure 8: Glyphosate in beer (author's graph; data source: Cook, 2019).

**Finding 9: GM RR canola is glyphosate dependent. Glyphosate is carcinogenic. More glyphosate means more cancer and that means more health costs for SA. Contaminated beer and wine can have negative economic consequences and damage exports. Glyphosate lawsuits can be an economic drain on the SA economy.**

## Consumers don't want pesticides

There is strong global consumer demand for organic food. For consumers, pesticides and GMOs are unwanted intrusions into their diet and food selections. Many consumers are aware that a sure way to avoid GMOs is to buy organic. Organic standards exclude GMOs. Such sentiments are not just prevalent amongst Australian consumers.

In the largest study of its kind, 23,000 consumers in 17 countries were quizzed about their food preferences. A consumer voice for organic and against GMOs was present in all 17 countries (GfK, 2017) (see Figures 4 and 9).



**Figure 9: Percentage of consumers in 17 countries who stated that "Organic is important" in making their food choices (author's graph; data source: GfK, 2017).**

**Finding 10: Around the world, there is strong consumer sentiment for organic food (and against GM food). There are economic rewards for growing what consumers want.**



## Australia leads the world in Organic Agriculture

Australia leads the world in organic agriculture (Paull & Hennig, 2016) (Figure 10). World organic agriculture has been growing at 12% per annum for the past two decades (Figure 11). Australia accounts for 51% of the world's certified organic hectares (Willer & Lernoud, 2019). GMOs are a threat to organic agriculture, they are the 'cane toads' (invasive species) of clean and green agriculture (Paull, 2015, 2018).

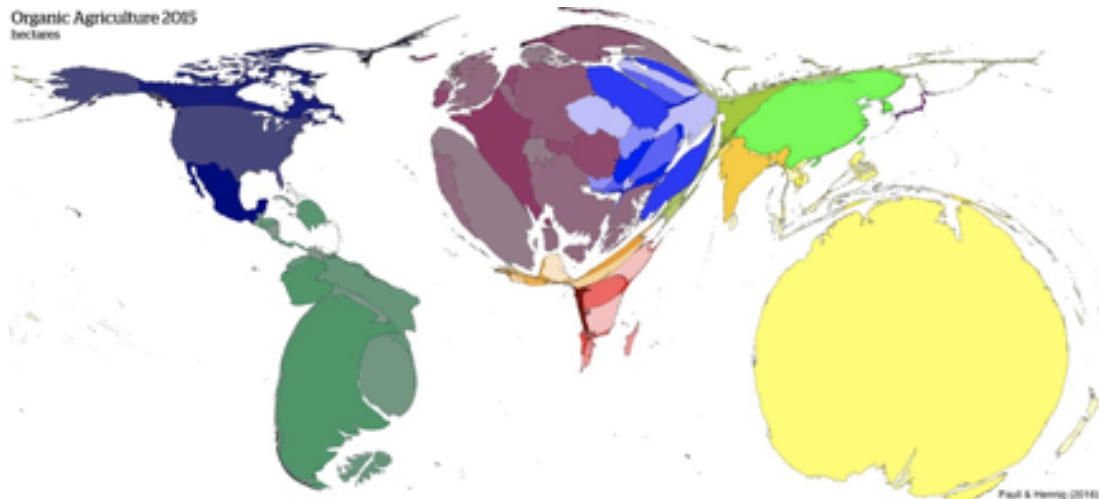


Figure 10: World density-equalizing map of global organic agriculture (based on certified organic hectares per country) (Paull & Hennig, 2016).

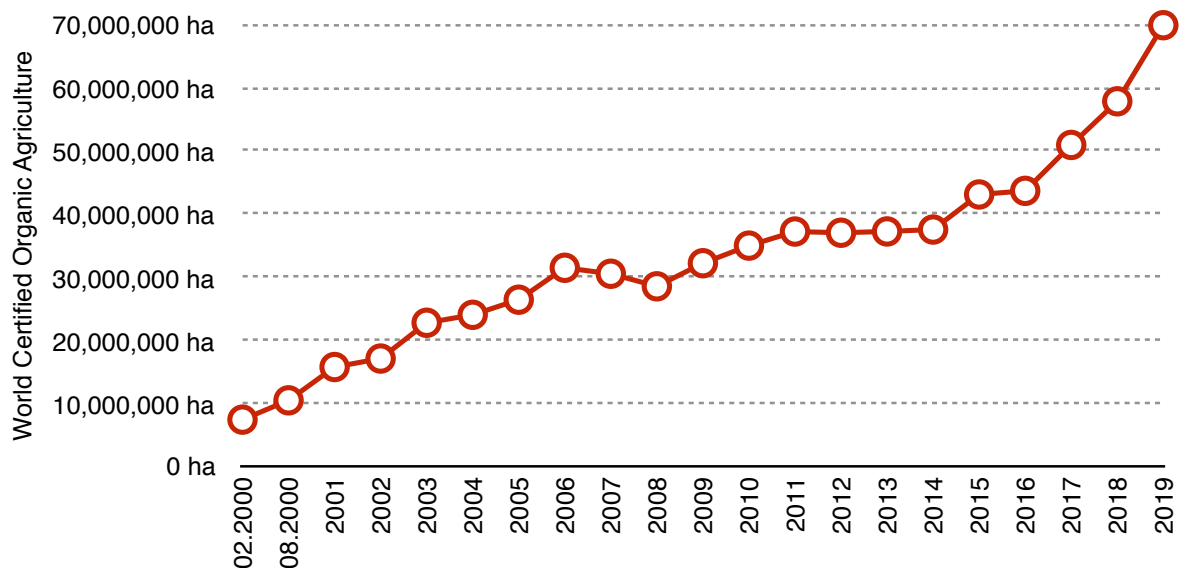


Figure 11: Global organic agriculture has been growing at 12% per annum for the past two decades (year reported) (author's graph; data sources: Willer & Yussefi, 2000 to Willer & Lernoud, 2019).

**Finding 11: Australia is the world leader in organic agriculture and accounts for 51% of the world's certified organic hectares. This is a great agricultural and economic success story. GMOs put organics at existential and economic risk.**

## Australian Organic Agriculture is growing at 22% per annum

In Australia, organic agriculture has been growing at 22% per annum (compounding) for the past five years (Figure 12). It is a great success story. World demand for organics continues to grow and the demand frequently outstrips supply.

China, Russia and India have recognised the value of producing food that consumers want to buy and for which consumers are willing to pay a premium. China has experienced its 'organic revolution' (Paull, 2007) and is now a major world exporter of organic food. Russia's Vladimir Putin has recognised the massive economic, trade and environmental advantages for Russia in converting to organic and banning GMOs (RT, 2014, 2017a, 2017b). India has one whole state converted to 100% organic and at least another eleven states are looking to replicate this achievement (Paull, 2017).

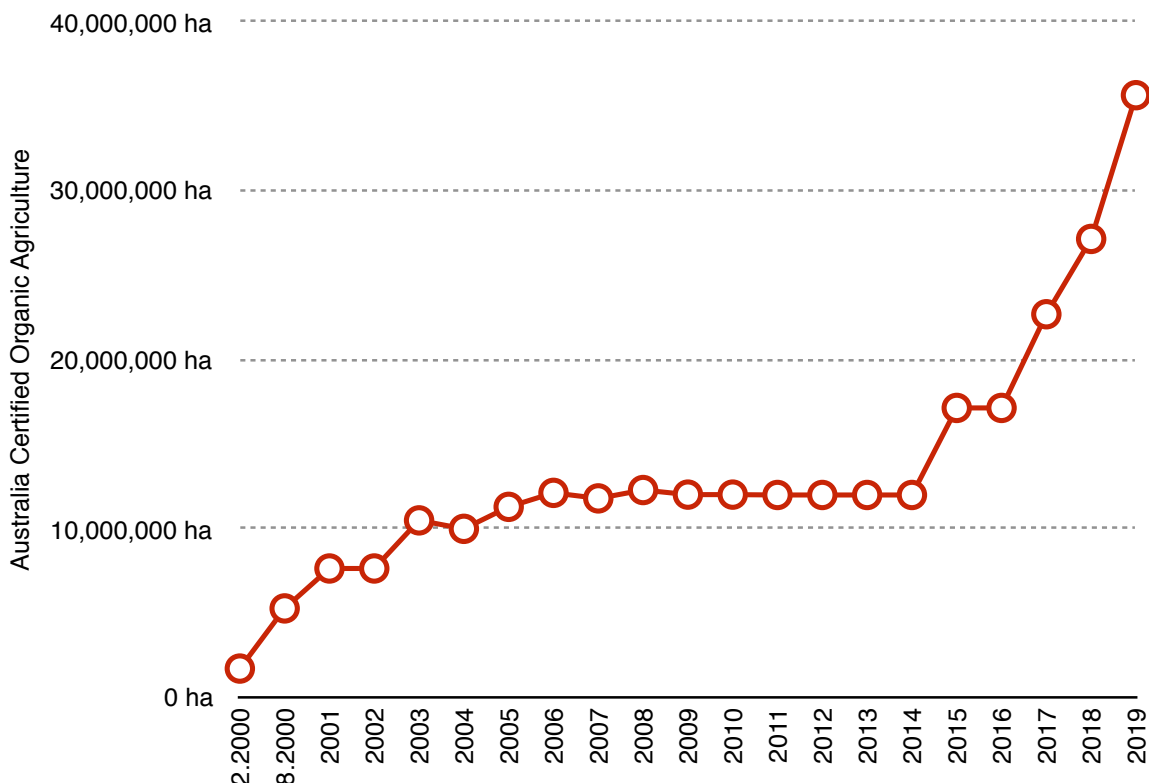


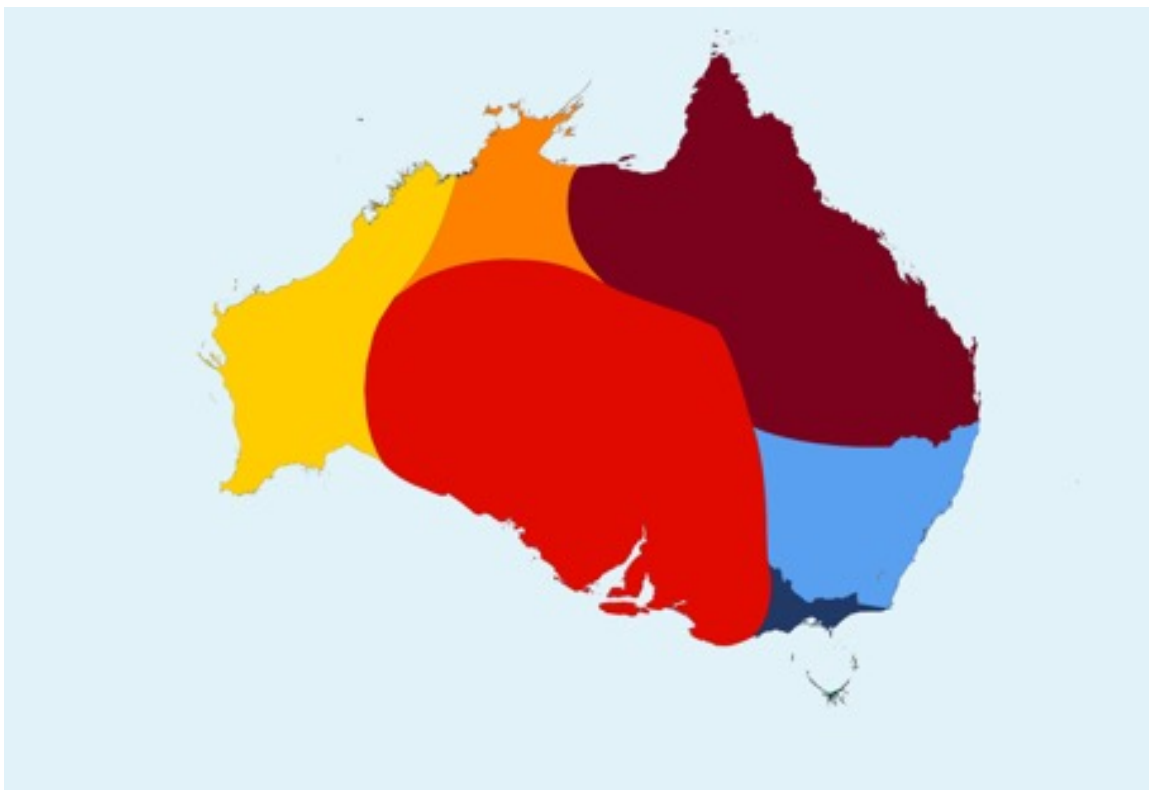
Figure 12: Australia's organic agriculture has been growing at 22% per annum (compounding) for the past five years (year reported) (author's graph; data sources: Willer & Yussefi, 2000 to Willer & Lernoud, 2019).

**Finding 12: Organic agriculture in Australia is growing at 22% per annum. This is a great agricultural and economic success story. To allow GMOs to put organics at risk for the sake of something that global consumers do not want would be economic stupidity.**

## South Australia leads the country in Organic Agriculture

South Australia leads the country in organic agriculture (Paull & Hennig, 2018). Forty percent of Australia's certified organic hectares is located in SA. The map of organics in Australia is dominated by the SA presence (Figure 13).

For the sake of producing some cheap GM canola it would be stupid to put South Australia's organics success story at economic risk.



**Figure 13: South Australia accounts for 40% of Australia's organic hectares (Paull & Hennig, 2018).**

**Finding 13: South Australia leads the country in organic agriculture (based on certified organic hectares). This is a great agricultural and economic success story. Allowing GMOs in SA would put organics at existential and economic risk. That would be economically stupid given that here is a price premium for organic produce and an economic penalty for GMO produce.**

## No Social Licence for GMOs

The majority (78%) of submissions to the *Independent Review* were in favour of maintaining the GM Moratorium. The *Independent Review* claims that “Community attitudes to the Moratorium were captured in the 216 submissions” and this is not disputed by the present author.

The conclusion to be drawn is that, on the available evidence, there is no social licence for scrapping SA’s existing GM Moratorium. The social licence is for maintaining the present GM Moratorium.

The SA GM Moratorium is consistent with the clean and green and smart image of SA (Figure 14). It would be foolhardy, contentious and socially disruptive to scrap the GM Moratorium, it would create uncertainty for the agriculture and food sector and would precipitate consumer, resident, trade buyer, and visitor push back with the attendant economic forfeits and costs.



Figure 14: South Australia enjoys a clean and green and smart image.

**Finding 14:** There is no social licence for GMOs. The SA GM Moratorium is consistent with the clean and green and smart image of SA and warrants being maintained for its social, environmental, health, education, trade and economic benefits.

## Conclusions and findings

The *Independent Review* fails because it is not 'independent' as it claims but is rather a partisan document apparently constructed to support the pre-existing views of its author, views that have already been expressed over the past two decades and are blindly in favour of genetically modified organism crops (GMOs). The opinion of the present reviewer is that the author of the *Independent Review* ought to have properly stood down for reasons including his vested interest in maintaining and propagating his own long standing pro-GM viewpoints.

The *Independent Review* fails to report that the vast majority (78%) of submissions are strongly in favour of retaining the existing GM Moratorium in SA (the *Independent Review* erroneously claims the contrary result which is inconsistent with its own raw data). This front-end failure of the *Independent Review* casts a cloud over any and all of the claims from thereon, many of which are ambit claims that can not readily (or at all) be checked.

The *Independent Review* fails to evaluate the broad economic and societal impacts of the subject. Instead, the *Independent Review* takes a very narrow and blinkered productionist view. The *Independent Review* fails to acknowledge the fact that consumers of the world do not want GM food. The *Independent Review* glosses over the fact that GM farmers get hit with a price penalty for their GM produce when they take it to market, and so, despite self-serving multi-national hype, economically they start 'behind the eight ball'.

The *Independent Review* makes no attempt to measure the negative economic impacts that scrapping the GM Moratorium would have on the clean and green and smart image of SA. The GM Moratorium is a point of difference for SA, a bragging point for SA, and it is a visible and a tangible validator of SA's claim to being clean and green and smart.

The *Independent Review* is a partisan document which falls short of meeting its brief, and its findings deserve to be questioned, scrutinised and ultimately rejected.

**The 14 findings of the present review follow:**

**Finding 1: The *Independent Review* is not independent at all. The *Independent Review* is written by a vocal and long term advocate of GMOs and GM-crops, and in addition it contains errors of fact from the outset (see Finding 2) and it should be disregarded in its entirety.**

**Finding 2: The majority (78%) of submissions supported retaining the existing SA GM Moratorium. The *Independent Review* falsely reports the contrary.**

**Finding 3: Australian supermarkets do not stock GM-foods because they are aware that Australian consumers have rejected such ‘frankenfoods’.**

**Finding 4: South Australia enjoys a clean and green and smart image which is important for tourism, trade, investment, education and migration. The GM Moratorium supports the image of clean and green and smart, and scrapping the GM Moratorium would undermine that image and its economic benefits.**

**Finding 5: Around the world, there is strong consumer sentiment against GMO food. As a consequence, there are economic price penalties for GM crops and growing what consumers do not want.**

**Finding 6: There is a price penalty for growing GM crops. The average price penalty for GM canola in WA is 7.2%.**

**Finding 7: GM agriculture is concentrated in just three countries, USA, Brazil and Argentina. Australia is a very minor player in the world of GM agriculture.**

**Finding 8: Segregation of GM and non-GM canola has failed in WA. This failure has been glossed over by redefining ‘non-GM’ as GM-contaminated to an extent not exceeding 0.9%.**

**Finding 9: GM RR canola is glyphosate dependent. Glyphosate is carcinogenic. More glyphosate means more cancer and that means more health costs for SA. Contaminated beer and wine can have negative economic consequences and damage exports. Glyphosate lawsuits can be an economic drain on the SA economy.**

**Finding 10: Around the world, there is strong consumer sentiment for organic food (and against GM food). There are economic rewards for growing what is consumers want.**

**Finding 11: Australia is the world leader in organic agriculture and accounts for 51% of the world’s certified organic hectares. This is a great agricultural and economic success story. GMOs put organics at existential and economic risk.**

**Finding 12: Organic agriculture in Australia is growing at 22% per annum. This is a great agricultural and economic success story. To allow GMOs to put organics at risk for the sake of something that global consumers do not want would be economic stupidity.**

**Finding 13: South Australia leads the country in organic agriculture (based on certified organic hectares). This is a great agricultural and economic success story. Allowing GMOs in SA would put organics at existential and economic risk. That would be economically stupid given that here is a price premium for organic produce and an economic penalty for GMO produce.**

**Finding 14: There is no social licence for GMOs. The SA GM Moratorium is consistent with the clean and green and smart image of SA and warrants being maintained for its social, environmental, health, education, trade and economic benefits.**

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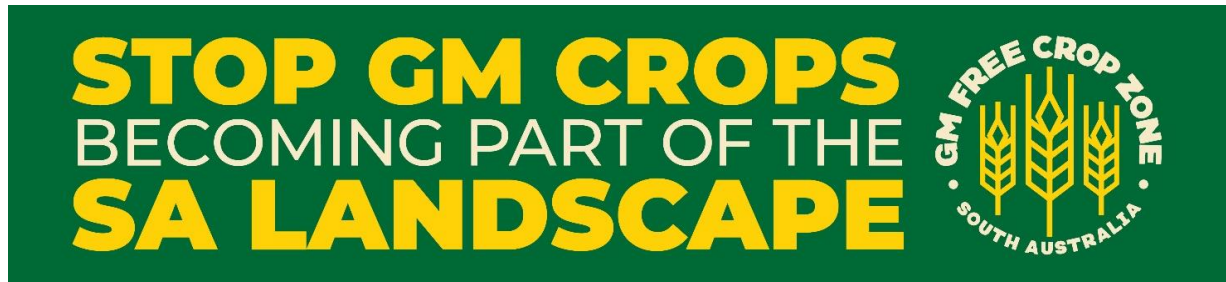
**Dr John Paull**

March 2019

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Submission for:  
**GM Moratorium Report Consultation**  
 GPO Box 1671  
 Adelaide SA 5001  
 Email: Minister.Whetstone@sa.gov.au





June 22, 2020

**To the Mayor, Councillors and CEO of the Wattle Range Council**

**Please take action to keep your region a GM-free Crop Zone**

Dear Mayor, Councillors and CEO,

Losing South Australia's state-wide GM-free status and reputation for high quality GM-free food products will disrupt market and trade opportunities for producers and processors all over the state, including those in your council area.

Kangaroo Island farmers worked hard to stay GM-free as they earn big premiums for the island's GM-free grains and beverages, in local and export markets. KI Pure Grain told the Anderson Inquiry:

*"The potential direct cost to KIPG and the KI Grain Growers is the loss of demand for our Non-GM Canola which presently stands at approximately \$3,025,000. Additionally, ... there is potential to lose further sales of other grains marketed as 'GM Free' which would add to this loss."*

The Palsystem Consumers' Co-operative Union of Japan's submission noted their strict non-GM policy, so they bought canola and honey exclusively from Kangaroo Island, with annual revenues of \$6 million to the Island's economy. They added

*"In order to further develop our economic contribution for both Kangaroo Island and the whole of South Australia, we are currently working on a plan to expand our range and volume of non-GM products, but the extension of the moratorium is critical to this plan."*

Another GM-free Japanese Consumer Co-operative, Coop Shizenha, which has over 142,000 members said,

*"Our turnover is expected to reach AUD\$233 million this fiscal year [2018]" and we "hope that we can contribute further to your economy by purchasing agricultural products cultivated in South Australia and Kangaroo Island as the only remaining Non-GM cultivation area of your country."*

To boost its case for lifting the GM Crop Moratorium on mainland SA, the Marshall Government commissioned the Anderson Review with short term and narrow Terms of Reference. The report was based on shaky assumptions, excluded relevant information, and ignored inconvenient data. As the GeneEthics Network's submission pointed out:

*"Australian non-GM canola has earned premiums in Europe since 2006 and the GM canola discounts continue to be significant. CSIRO team leader Dr Sandra Eady and Australian Export Grains Innovation Centre chief economist Ross Kingwell confirmed that "We've achieved a \$100 million per year premium for our farmers, given the extra \$20-\$40/tonne paid for Australian non-GM Australian canola."*

In the week ending June 5, 2020, GM canola was discounted \$95/tonne in WA compared with non-GM varieties, \$39/tonne in Port Melbourne, and up to \$39/tonne in rural NSW.

### What individual councils can achieve

Your council has the opportunity to remain a GM-free Zone, despite the Government's determination to make the whole South Australian mainland into a GM crop area.

We urge councils to wholeheartedly embrace this process and make their best efforts to marshal the processes and community resources so that a GM-free Crop Zone can be established here. GM pollen is easily carried on the wind and by bees and will not stop at artificial borders. The more councils that are declared a GM-free Crop Zone, the better the protection for all non-GM and organic producers.

### How councils can respond

We ask you to:

- **consider** retaining your council as a GM-free Crop Zone, as the Government has lifted the state's GM Crops Moratorium and put the onus of applying to keep any area GM-free onto local government;
- **consult** with members of your community, including persons engaged in primary production activities and food processing or manufacturing activities, following council's usual practices;
- **gather** evidence of the present and future benefits and costs of remaining GM-free vs the potential benefits and costs of allowing GM crops to be grown in your council - canola and safflower now, but possibly GM wheat, rye-grass, lucerne, etc. in future;
- **apply** to Minister for Primary Industries, Tim Whetstone MP, for your council to remain a GM-free Crop Zone, "an area in which no genetically modified crops may be cultivated";
- **refute** the Anderson report findings on which the government's GM policy is based, in the application, and make the case for the council to remain a GM-free Crop Zone:
  - give an overview of positive feedback, submissions and evidence that led to council's decision to advocate for a GM-free Crop Zone;
  - show a marketing advantage for primary producers, food producers and manufacturers from remaining a GM-free Crop Zone;
  - provide evidence of positive marketing or trade impacts on local businesses from remaining a GM-free Crop Zone.

There are also many compelling health and environmental reasons to avoid GM crops. But it is important to remember that in this process, the only reason the Minister will designate an area as a GM-free Crop Zone is for the preservation of the identity of crops (GM and non-GM) for marketing purposes.

Please also note that the Minister must receive your application by **September 30<sup>th</sup>** so it can be approved and gazetted before the legal deadline.

Enclosed is a report from Dr John Paull PhD, an environmental scientist at the University of Tasmania, casting doubts on the findings of the Anderson report. If you require further evidence on the benefits of GM-free Crop Zones, please contact us by email at [gmfreesa@gmail.com](mailto:gmfreesa@gmail.com) or phone 0449 769 066.

We would greatly appreciate hearing from you as to whether or not you decide to engage in this consultation process.

Yours sincerely,



Donella Peters

for **Keep SA GM-free**



[Keep South Australia GM Free](#)

## 15.3.2 Regional Assessment Panel

Report Type	Officer Report
Department	Development Services
Author	Chris Tully, Manager Development Health and Compliance
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Medium
Strategic Plan Reference	<b>Theme 5 - Organisational Excellence</b> 5.2 Govern in a responsible and responsive way. 5.4 Optimise Council operation of businesses and assets, to ensure value for money is returned to the community. 5.5 Ensure Council has the right people to succeed in delivering outcomes.
File Reference	GF/3.14.1/1
Attachments	1. 16.13 Proposed Planning Agreement for Limestone Coast [ <b>15.3.2.1</b> - 49 pages]

### Purpose of Report

The purpose of this report is to provide Council with an update on the new *Planning, Development and Infrastructure Act 2016* (PDI Act) and the Planning and Design Code in South Australia. Phase 2 Implementation of the Planning and Design Code for Regional areas commences on 31 July 2020.

This report also seeks in principle support for the potential of a Regional Assessment Panel (RAP) and a joint Assessment Manager for the combined areas of the Wattle Range Council, District Council of Grant, District Council of Robe and the City of Mount Gambier.

### Report Details

At the Ordinary Meeting of Council held on 11 June 2019, correspondence was received from the Limestone Coast Local Government Association (LCLGA) which included a business case report for a proposed Planning agreement for Limestone Coast Councils. A copy of that Business Case Report is attached.

After consideration of that report Council moved to: (Minute Reference: Folio: 8497 Item: 16.13)

1. Provide in principle support for the development of a Regional Planning Board and Regional Plan.
2. Request further detail on the potential appointment of a Regional Assessment Panel and an Assessment Manager prior to progressing with the LCLGA recommendation.

This report seeks in principle support for the potential of a joint Regional Assessment Panel (RAP) and an Assessment Manager for the combined areas of the Wattle Range Council, District Council of Grant, District Council of Robe and the City of Mount Gambier and to be run by the joint Councils and not the LCLGA as previously proposed.

Under the *PDI Act 2016*, Councils are required to have an Assessment Manager and Council Assessment Panel (CAP) or alternatively Section 84(1)(c)(ii)(A) of the *PDI Act*, provides for the Minister to constitute a Regional Assessment Panel (RAP) where two or more Councils request the Minister to do so in relation to their combined areas.

A Regional Assessment Panel and Assessment Manager would have advantages as it would create an effective way for the four Councils to pool resources, share and potentially reduce costs and would result in the dissolution of the four existing Council Assessment Panels into one Regional Assessment Panel and remove the requirement for each Council to have its own Assessment Manager.

A Memorandum of Understanding (MOU) would need to be developed between the relevant Councils which would clearly articulate the methodology, processes and assessment pathways for the RAP and Assessment Manager position. The MOU would require approval from all four Councils in order for the RAP to move forward with a recommendation to the Minister for final approval.

The MOU would need to have consideration to the following:

- To acknowledge the intent of the Councils to request the Minister to constitute the Panel;
- To provide an agreed model for the constitution of the Panel for the Minister's consideration; and
- Upon the constitution of the Panel, to govern the sharing of costs, information sharing, resourcing and other matters relevant to the administration of the Panel as expressed in the MOU, and subject at all times to the PDI Act.

### **Financial Considerations**

Budget Allocation	TBD
Budget Spent to Date	TBD
Budget Variation Requested	TBD

There are no known financial considerations related to this report.

### **Risk Considerations**

Please refer to Wattle Range Council's SharePoint Register – Regional Assessment Panel (RAP) and joint Assessment Manager.

### **Policy Considerations**

There are no known policy considerations related to this report.

### **Legislative Considerations**

*Planning, Development and Infrastructure Act 2016*

### **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

### **Communication & Consultation Considerations**

Final approval of the RAP would be required from the Minister.

### **RECOMMENDATION**

That Council:

1. Receive and note the report.
2. Provide in principle support for the development of a Regional Planning Board with joint Assessment Manager.

# **BUSINESS CASE REPORT: PROPOSED PLANNING AGREEMENT FOR LIMESTONE COAST COUNCILS**

**Prepared by:  
LIMESTONE COAST LOCAL GOVERNMENT  
ASSOCIATION**

**April 2019**

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## EXECUTIVE SUMMARY

### Business Case findings

The Limestone Coast Local Government Association (LCLGA) is a regional subsidiary of Councils established under s43 of the Local Government Act 1999 to coordinate, advocate for, and represent the constituent Councils at a regional level.

Regional planning has been under consideration by LCLGA for several years. The rigorous investigations through the process of developing this business case, in conjunction with the Limestone Coast Councils, has built on previous work of the LCLGA as it was considered that entering into a Planning Agreement with the Minister for Planning and appointing a Joint Planning Board (JPB) could provide an appropriate legal structure to advance regional planning.

Opportunities for various forms of collaboration were considered and are documented in the business case. The conclusion reached from developing the business case and considering these options is that the Councils should agree to proceed to a Planning Agreement with the Minister, under which a JPB would be appointed with responsibility for:

- preparing a Regional Plan;
- forming a Regional Assessment Panel and appointing an Assessment Manager, with Panel meetings alternating between the north and south of the region, to replace the current Council appointed panels; and
- undertaking such research and planning for other local government functions for the Councils that are parties to the Planning Agreement that may be requested by them from time to time (noting that approval of any such plans would remain with the Councils).

Over time it may be that the functions of the JPB would increase but that would be a matter for the parties to the Agreement to address in the future.

There are several benefits of entering into a Planning Agreement and appointing a JPB with the functions proposed. They are:

- Preparation of a Regional Plan by the JPB will provide enable better integration of strategic considerations, greater regional control over the scope and outcomes, and reflect the views of people of the region
- A Regional Assessment Panel for the region in place of seven Council Panels will lead to efficiencies and greater consistency in assessing development applications, resulting in cost savings for the Councils and better outcomes for applicants and communities
- The impacts of difficulties that some of the Councils have in recruiting and retaining suitably qualified and experienced Planning staff will be reduced through the appointment of a Regional Assessment Manager for the Regional Assessment Panel
- Establishing a body with a focus and expertise in planning to assist Councils.

It is acknowledged that there are also arguments against centralising land-use and other planning at a regional level - largely about the potential loss of control at the local level and reduced consideration of local nuances. These concerns need to be taken seriously and steps built into the processes for preparing the Regional Plan and assessing development applications to ensure that local circumstances are properly considered.

### Recommendations

In accordance with the Business Case findings, the following recommendations are made:

1. That the Business Case be adopted

2. That a Planning Agreement be entered into in accordance with this Business Case incorporating the following activities:
  - a. Preparation of a Regional Plan
  - b. Appointment of a Regional Assessment Panel and an Assessment Manager
  - c. Undertaking research and other planning for the Councils as requested.

Consultation Draft 3

## PART A – PLANNING AGREEMENTS UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

### 1. INTRODUCTION

The *Planning, Development and Infrastructure Act 2016* (the Act) provides Councils with a mechanism to deliver local government functions and potentially, with agreement by the relevant Minister, state government functions on a regional basis. The process begins with a Planning Agreement, which is an agreement between the relevant Councils and the Minister for Planning (and other Ministers or bodies if required), and the formation of a Joint Planning Board (JPB) of three to seven members with the qualifications, knowledge, expertise and experience necessary to enable the board to carry out its functions effectively. Board members may include Elected Members or staff of the Councils, though this is not a requirement and they would need to have the required qualifications, knowledge, experience and expertise.

In 2017/18, a Planning Arrangements Pilot Project was undertaken with a number of local government groups to develop and test documents including:

- Business Case Template (this document)
- Planning Agreement Template
- Supporting Guidelines.

The pilot group found that whilst the inclusion of current local government functions in a Planning Agreement would be relatively straight forward, adding other functions would be more complex and potentially require legislative changes and the agreement of parties beyond the Minister for Planning and Councils. It was therefore concluded that the initial focus of Planning Agreements should be on current local government functions that are capable of being delivered through a JPB with particular emphasis on functions under the *Planning, Development and Infrastructure Act 2016*. These functions and types of Planning Agreements are discussed further below.

### 2. PLANNING AGREEMENTS

The table below, developed during the Planning Arrangements Pilot Project, shows three bands of potential functions for a JPB. The parties to Planning Agreements for activities under band 1 (potential functions under the *Planning, Development and Infrastructure Act 2016*) and band 2 (other local government functions) would be the Minister for Planning and the Councils. A Planning Agreement for band 3 activities would likely include additional parties.

## PLANNING AGREEMENTS

PLANNING AGREEMENTS BETWEEN COUNCILS AND THE MINISTER FOR PLANNING

PLANNING AGREEMENTS THAT MAY INVOLVE OTHER MINISTER(S) OR BODIES

### BAND 1

**Planning, Development and Infrastructure Act functions**

Preparing a Regional Plan (mandatory)  
Regional Assessment Panel and Manager  
Code Amendments  
Infrastructure Agreements  
Planning and Building Compliance

### BAND 2\*

**Other Local Government functions**

Local Government functions beyond the Planning, Development and Infrastructure Act 2016 that could be delegated to the Joint Planning Board by the councils

### BAND 3\*

**Agreed delegation of non-traditional Local Government functions from State Agencies**

Functions that are not currently Local Government functions but may be able to be delegated to a Joint Planning Board by another agency subject to agreement and legislative change

\* May require significant modifications to the Business Case Template, standard Planning Agreement Template and/or legislative change

Two types of Planning Agreement are envisaged:

- Planning Agreements for current local government functions (bands 1 and 2)
- Planning Agreements for functions that are not currently local government functions (band 3).

This Business Case focuses on a potential Planning Agreement for current local government functions (bands 1 and 2). The template from which this Business Case was developed, and the template for Planning Agreements, would most likely need to be changed significantly for functions not currently undertaken by local government.

#### 2.1. Planning Agreements for current Local Government functions

Two bands of functions are envisaged for these types of Agreement.

##### 2.1.1. Band 1 – Local Government functions under the Planning, Development and Infrastructure Act 2016

Band 1 functions under the *Planning, Development and Infrastructure Act 2016* include:

- Development of a Regional Plan (mandatory)  
The only mandatory function of a JPB is the development of a Regional Plan in accordance with s64 of the *Planning, Development and Infrastructure Act 2016*. A Regional Plan is a long-term vision for a region to guide land use and associated planning, and potentially other planning, over a 15 to 30 year period, expressing what the region wishes to achieve in the context of State Planning Policies. It is to be framed around themes (and associated sub-themes) of economy, environment, infrastructure and population.
- Assessment panel and manager (discretionary)  
Regional Assessment Panels and Assessment Managers may be established by a group of Councils. The *Planning, Development and Infrastructure Act 2016* also allows for a Regional Assessment Panel and Assessment Manager to be appointed by a JPB. A Regional Planning Area may have more than one Regional Assessment Panel each with a single (or shared) Assessment Manager.

- Code Amendments (discretionary)

S66(1) of the *Planning, Development and Infrastructure Act 2016* states that the Planning and Design Code must set out a comprehensive set of policies, rules and classifications that may be selected and applied in the various parts of the State through the operation of the Planning and Design Code and the SA planning database for the purposes of development assessment and related matters within the State.

Amendments to the Planning and Design Code may be initiated by a number of parties including a Council or a JPB with the approval of the Minister, acting on the advice of the State Planning Commission.

- Infrastructure Schemes (discretionary)

The *Planning, Development and Infrastructure Act 2016* allows for the development of basic and general infrastructure schemes to ensure that the infrastructure needed to support new developments, suburban infill or the renewal of neighbourhoods and suburbs is identified, committed, costed and funded beforehand and delivered when and where it is needed.

- Planning and building compliance (discretionary)

The *Planning, Development and Infrastructure Act 2016* allows for the enforcement of building and planning approvals and their conditions.

#### 2.1.2. **Band 2 – Other Local Government functions - beyond the Planning, Development and Infrastructure Act 2016**

Planning Agreements can also cover other functions already undertaken by Councils beyond the *Planning, Development and Infrastructure Act 2016*. Consideration must be given to any additional approvals or legislative changes that may be required to allow Councils to delegate functions to a JPB and these must be documented in the Business Case.

#### 2.2. **Band 3 – Functions that are not currently undertaken by Local Government**

Functions that are not currently undertaken by local government fall within Band 3. These are likely to require further legislative change, official delegation from other government agencies or bodies and significant amendments to the Planning Agreement Template. These functions are not envisaged as part of this Business Case.

### 3. **THIS BUSINESS CASE**

This Business Case has been developed by the Limestone Coast Local Government Association (LCLGA) through a structured, rigorous process to investigate options to address regional planning issues and provide clarity about the chosen path forward for the following Councils:

- City of Mt Gambier (CMG)
- District Council of Grant (DCG)
- District Council of Kingston (DCK)
- District Council of Robe (DCR)
- Naracoorte Lucindale Council (NLC)
- Tatiara District Council (TDC)
- Wattle Range Council (WRC).

The Business Case has been developed in six sections:

EXECUTIVE SUMMARY (including recommendations)

Part A – Planning Agreements under the Planning, Development and Infrastructure Act 2016

Part B – Regional Collaboration in Local Government

Part C – Situational Analysis

Part D – Planning Agreement Design (structured to enable it to easily translate into a Business Plan)

Part E – Assessment.

Consultation Draft 3

## PART B – REGIONAL COLLABORATION IN LOCAL GOVERNMENT

### 4. LEARNING FROM THE EXPERIENCES OF OTHER COUNCILS

A 2015 report<sup>1</sup> by Jeff Tate Consulting for the Local Government Association of South Australia reviewed several previous reports on collaboration between Councils (whether provided through recognised regional structures or otherwise). It identified common drivers for collaboration along with challenges faced and lessons learned from other experiences. Those common drivers and lessons have been confirmed and added to through other 'collaboration' projects undertaken by Jeff Tate Consulting since.

#### 4.1. Drivers

In summary, the drivers for considering collaboration included:

- Improved ability to respond to regional strategic planning issues, promote economic development and achieve a regional strategic direction and infrastructure
- Stronger advocacy capacity, improved relationships with other levels of government and greater ability to leverage funds
- Better planning and consistency of approach across the region in relation to decision making and strategic direction
- Cost savings, efficiencies in service delivery, economies of scale, reduced duplication of effort and resources
- Increased organisational capacity
- Better risk management
- Meeting skill shortages and a means for attracting locally based resources in regional areas.

#### 4.2. Lessons

A number of challenges and lessons have been identified. The key lessons are requirements for:

- Commitment and passion to a regional approach
- Political and community will to pursue a regional approach
- Equity across each Council
- Robust business case including a clear value proposition
- The right governance model
- The infrastructure in place to support the governance model
- Alignment of culture and common purpose between parties.

These challenges and lessons are very important considerations for Councils contemplating collaborative projects or arrangements, including potential shared services. They are the basis of a preparedness assessment of the proposed shared service collaboration at section 15 of this report.

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<sup>1</sup> Jeff Tate Consulting, Report: Governance Models for Regional Collaboration and Partnerships projects for the Local Government Association of South Australia, 2015, p5



## 5. TYPES AND FORMS OF COLLABORATION

It is important that a proper analysis of potential collaboration is undertaken to give it the best chance of success. Collaboration can be of different types and in varying forms and these are key considerations in the analysis. The adage *form follows function* most certainly holds true with collaboration.

The various types and forms of regional collaboration are shown in the following table.

Type		Description	Suitable forms
1	Information Sharing	Information about activities or services is shared between Councils. This information may be in relation to service levels, costs, delivery methods or it may involve sharing of service/contract specifications.	Ad-hoc or ongoing arrangements, often with low level of formality.
2	Common specifications	Common specifications are used by multiple Councils for a service. The specifications may apply to a service provided in-house but are more likely to relate to services provided by external parties under contract or other agreement.	May be ad-hoc or ongoing arrangements with low or medium level of formality such as exchange of letters or written agreement.
3	Resource sharing	Sharing of resources (staff, consulting advice, equipment, offices, plant etc) often on an occasional basis.	May be ad-hoc or ongoing arrangements with low or medium level of formality such as exchange of letters or written agreement.
4	Joint tendering	A form of resource sharing. Similar to type 2 with an additional step of combining resources to jointly seek tenders for works and services.	May be ad-hoc or ongoing arrangements with medium level of formality such as exchange of letters or written agreement.
5	Joint provision	Combining resources to provide a service often with one Council acting as host employer or party to a contract with an external provider.	Formal arrangements such as a written agreement or contract.
6	Regional subsidiary ( <i>Local Government Act 1999</i> ) or Incorporated Body under the <i>Associations Incorporation Act 1985</i>	An activity or service is fully managed by a separate authority of which the participating Councils are members.	Formal arrangement involving membership of the authority.
7	Planning Agreement/Joint Planning Board ( <i>Planning, Development and Infrastructure Act 2016</i> )	A Regional Plan must be developed, and other functions may also be undertaken.	Formal agreement with Minister for Planning as a party to the agreement.

## PART C – SITUATIONAL ANALYSIS

Part C of the Business Case provides an analysis of the current situation as a basis for consideration of a Planning Agreement.

### 6. CURRENT SITUATION

#### 6.1. Band 1 – Local Government functions under the Planning, Development and Infrastructure Act 2016

##### 6.1.1. Potential functions

The potential JPB functions envisaged as part of Band 1 incorporate both mandatory and discretionary functions under the *Planning, Development and Infrastructure Act 2016* and are:

- Regional Plan (mandatory)
- Assessment Panels and Managers
- Code Amendments
- Infrastructure Schemes
- Planning and Building Compliance.

##### 6.1.2. Current issues and drivers for change

The *Planning, Development and Infrastructure Act 2016* provides Councils with a mechanism to deliver local government and/or state functions on a regional basis by way of a Planning Agreement between and the establishment of a JPB.

Current regional issues that have led to interest of the Limestone Coast Councils in considering a Planning Agreement include:

- A desire to have a greater say in planning for the future of the region
- Challenges in recruiting and retaining qualified, experienced and skilled staff in some positions (which may be exacerbated through new accreditation requirements for Planning staff).

Regional planning has been on the agenda of the LCLGA for several years. In 2014, the LCLGA together with the Local Government Association of South Australia (LGASA) procured a Discussion Paper which examined the ability of its member Councils to achieve regionalisation measures under the *Development Act 1993*. The study confirmed that some degree of regionalisation could occur under the *Development Act 1993* but that a number of constraints would prevent true regionalisation in the form of a single planning authority for the LCLGA region which could undertake all planning functions and powers on the behalf of its constituent Councils.

Since February 2015 LCLGA member Councils have been party to a Memorandum of Understanding (MoU) for a Regional Planning Alliance Implementation Group. The basis of the MoU was that the Councils agreed to work cooperatively in good faith to progress specific actions aimed at investigating and where feasible implementing three key goals for the regionalisation of planning functions in the Limestone Coast.:

- Establishing a Regional Planning Authority
- Establishing one or more Regional Development Assessment Panels
- Developing consistent and aligned Development Plans or preferably one Development Plan.

With the above work having already been considered, the LCLGA submitted one of eight expressions of interest received by the Department of Planning, Transport and Infrastructure (DPTI), which collectively represented 40 Councils, to take part in a 'Planning Arrangements Pilot Project'.

The work undertaken under the MoU informed LCLGA's involvement in the pilot project and the development of this business case.

## 6.2. Band 2 – Other local government functions

### 6.2.1. Potential functions

The JPB functions envisaged as part of Band 2 are discretionary and relate to other local government functions beyond the *Planning, Development and Infrastructure Act 2016*.

No Band 2 functions are currently proposed as part of this business case for delegation by the Councils that are parties to the Planning Agreement. However, it is recognised that the establishment of a JPB creates an opportunity for it to undertake additional research and planning for the Councils that are parties to the Planning Agreement at their request, with decisions for approval of any such plans remaining with the Councils. As a result, an additional function is proposed:

*Undertaking other research and planning for Councils that are parties to the Planning Agreement at their request.*

Additional planning functions (e.g. open space planning, environmental planning, community planning, road network planning, economic planning and development) may be considered for delegation to the JPB in the future. Service delivery functions (e.g. shared waste management services, community services, public and environmental health services, local infrastructure delivery, local nuisance and litter control, animal management), whether resulting from these plans or not, may also be considered for delegation to the JPB. Adding any of these functions to those of the JPB would require an amendment to the Planning Agreement.

### 6.2.2. Current issues and drivers for change

As indicated above, Limestone Coast Councils face numerous challenges including recruiting and retaining qualified, experienced and skilled staff in some positions. Member Councils have in place arrangements that are covered by both formal and informal agreements to cover functions such as:

- Kingston District Council provides a Senior Development Officer/Building Surveyor one day per week to the Robe District Council under a formal agreement
- Wattle Range Council provides an Environmental Health Officer to the Kingston and Robe Councils under a formal agreement
- Ad-hoc support in the building compliance area between the City of Mount Gambier and the District Council of Grant.

In addition to the above resource sharing arrangements, Naracoorte Lucindale and the Tatiara District Council engage contractors for functions related to Public and Environmental Health.

## 7. COLLABORATION OBJECTIVES AND OPPORTUNITIES

In any potential collaboration considerations, each of the Councils will have its own needs and priorities, which will be reflected in their objectives and relative weightings.

The objectives were identified through previous work under the MoU and consideration at meetings and workshops of the CEOs of the Limestone Coast Councils. The weightings for each Council were identified by each Council CEO.

The results are included in the following tables.

## 7.1. Band 1 – Functions under the Planning, Development and Infrastructure Act 2016

### 7.1.1. Objectives and weightings – Band 1 functions

Objectives and weightings for collaboration in relation to the proposed Band 1 functions identified in section 6.1.1 of this Business Case are detailed in the following table.

Objective	Weightings						
	CMG	DCG	DCK	DCR	NLC	TDC	WRC
1. Effectively plan for regional growth, recognising common issues and opportunities, and speak with one voice.	30	30	35	20	15	30	25
2. Create an environment that encourages regional investment and growth.	20	15	20	15	15	25	25
3. Increase consistency and efficiency in development planning and approvals.	20	30	20	30	30	15	15
4. Share regional data and information that can be accessed across the region.	15	15	15	10	15	15	15
5. Improve access to appropriately qualified and skilled staff.	15	10	10	25	25	15	20
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

The spread of weightings indicates the priorities given to each objective by each Council. Not surprisingly, there are some significant similarities and also differences in the weightings. The significant differences are mostly situational – in relation to planning for growth, consistency in development planning and approvals, and improving access to appropriately qualified and skilled staff.

### 7.1.2. Opportunities for collaboration – Band 1 functions

Opportunities for collaboration against the collaboration types were identified through previous work under the MoU and consideration at meetings of the CEO committee of LCLGA/workshop/s with relevant Council staff. Opportunities are listed in the table below.

Collaboration type	Opportunities	Advantages/disadvantages
<b>Regional Plan</b>		
<b>Information sharing</b>	Share information and ideas for the Regional Plan between Councils and with the Commission.	<p><b>Advantages</b> Consistency and stronger voice in responding to the Commission. Less duplication of effort by Councils leading to cost savings.</p> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.</p>
<b>Common specifications</b>	Develop common specifications for research by or for each Council in providing input to the Commission.	<p><b>Advantages</b> Sharing of costs in preparing the specifications. Consistency creates greater certainty for contractors which should lead to cost savings.</p> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.</p>
<b>Resource sharing</b>	Share staff to develop individual or joint submissions from the Councils to the Commission on matters for the Regional Plan.	<p><b>Advantages</b> Consistency and stronger voice in responding to the Commission. Less duplication of effort by Councils leading to cost savings.</p> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.</p>
<b>Joint tender</b>	Jointly tender across the Region (and possibly with the Commission) for specialist studies required to feed into the Regional Plan.	<p><b>Advantages</b> Consistency and stronger voice in responding to the Commission. Less duplication of effort by Councils leading to cost savings.</p> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Potentially some compromise by individual Councils.</p>
<b>Joint provision</b>	No opportunity identified.	Not applicable.
<b>Regional subsidiary</b>	<p>LCLGA could:</p> <ul style="list-style-type: none"> <li>• advocate to Commission about the content of the Plan</li> <li>• establish a specific committee to work with the Commission</li> <li>• bring Councils and agencies together to identify and propose actions relating to issues to be addressed in the Regional Plan.</li> </ul>	<p><b>Advantages</b> Greater influence than separate Councils. Potentially cost savings for Councils.</p> <p><b>Disadvantages</b> Potentially unable to get buy in from agencies. Land use planning not an existing function of the LCLGA. Committee may be seen to be duplicating the processes for developing the Regional Plan.</p>
<b>Joint Planning Board</b>	Prepare Regional Plan in accordance with the provisions of the <i>Planning, Development and Infrastructure Act 2016</i> for Minister's approval.	<p><b>Advantages</b> Legal, governance and administrative structures in place to manage this function.</p> <p>Board (and thus the Councils) would have greater control over the scope, development and outcomes of the Regional Plan (prepared by the Region for the Region). It would also be likely to get buy in from Agencies. More likely to achieve a good balance between consistency across the Region and recognition of local variations.</p> <p>Could also stimulate further collaboration between Councils.</p>

		<b>Disadvantages</b> Slight loss of autonomy of individual Councils. Resourcing required to support a separate organisation and prepare the Regional Plan. Minister still has to sign off on the Regional Plan.
<b>Assessment panel and manager</b>		
<b>Information sharing</b>	Exchange ideas about Assessment Panels and information about Terms of Reference, Meeting Procedures, and Codes of Conduct.	<b>Advantages</b> Potential for greater consistency of approach (benefits for Councils, applicants and representors) and cost savings for the Councils.  <b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.
<b>Common specifications</b>	Adopt common Terms of Reference, Meeting Procedures, and Code of Conduct.	<b>Advantages</b> Potential for greater consistency of approach (benefits for Councils, applicants and representors) and cost savings for the Councils.  <b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.
<b>Resource sharing</b>	Appoint common members on Council Assessment Panels or a single Regional Assessment Panel.	<b>Advantages</b> Consistency in decision making through common membership. Potential cost savings through Regional Assessment Panel and Assessment Manager.  <b>Disadvantages</b> Lack of local knowledge of Assessment Manager and/or members on Regional Assessment Panel.
<b>Joint tender</b>	Not an actual tender but undertake a single process for seeking applicants for membership of Council Assessment Panels.	<b>Advantages</b> Cost savings for Councils when calling for Panel members.  <b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.
<b>Joint provision</b>	No opportunity identified	<b>Advantages</b> Not applicable  <b>Disadvantages</b> Not applicable
<b>Regional subsidiary</b>	LCLGA could undertake a single process for seeking applicants for membership of Council Assessment Panels.	<b>Advantages</b> Cost savings for Councils when calling for Panel members.  <b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Land use planning not an existing function of the LCLGA.
<b>Joint Planning Board</b>	Create one or more Regional Assessment Panels with Assessment Manager/s.	<b>Advantages</b> JPB would have the legal, governance and administrative structures in place to manage this function. Greater consistency. Assessment Manager an independent person.  <b>Disadvantages</b> Some loss of local knowledge, autonomy and control.

<b>Code Amendments</b>		
<b>Information sharing</b>	Exchange ideas and information about Code Amendments.	<p><b>Advantages</b> Potential for greater consistency, relevance to the region, and cost savings for Councils.</p> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.</p>
<b>Common specifications</b>	Develop common policy provisions on regional/common matters, standardised wording.	<p><b>Advantages</b> Potential for greater consistency, relevance to the region, and cost savings for Councils.</p> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Potential lack of agreement on common issues.</p>
<b>Resource sharing</b>	Second staff from one or more Councils to others to prepare Code Amendments. Jointly prepare Code Amendments through a working group of staff from the Councils.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>greater consistency, relevance to the region, and cost savings for Councils</li> <li>staff capacity building</li> <li>attracting additional funding from external bodies.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Some loss of control by individual Councils. Potential lack of agreement on common issues.</p>
<b>Joint tender</b>	Jointly tender for the preparation of Code Amendments for Councils.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>greater consistency, relevance to the region, and cost savings for Councils</li> <li>attracting the best contractors/consultants.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Potential lack of agreement on common issues.</p>
<b>Joint provision</b>	One or more of the Councils provides services to other Councils to prepare (through their staff and/or contractors) Code Amendments.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>greater consistency, relevance to the region, and cost savings for Councils</li> <li>engaging, retaining and benefitting from staff in the region with specialist knowledge and expertise.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Potential lack of agreement on common issues. Potential for 'host' Council/s to have to meet full cost of specialist staff if other Councils don't use their services.</p>
<b>Regional subsidiary</b>	The LCLGA could tender for contractors/consultants to prepare Code Amendments for Councils.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>greater consistency, relevance to the region, and cost savings for Councils</li> <li>attracting the best contractors/consultants.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Land use planning not an existing function of the LCLGA.</p>

<b>Joint Planning Board</b>	Prepare Code Amendments consistent with the Regional Plan.	<p><b>Advantages</b> JPB would have the legal, governance and administrative structures in place to manage this function.</p> <p>Potential for:</p> <ul style="list-style-type: none"> <li>• greater consistency and cost savings for Councils</li> <li>• increased regional control over the Code Amendments</li> <li>• efficiencies through Regional Plan provisions satisfying requirements to implement Code Amendments where that is achievable.</li> </ul> <p><b>Disadvantages</b> Some loss of control by individual Councils.</p>
<b>Infrastructure Agreements</b>		
<b>Information sharing</b>	Exchange ideas and information about Infrastructure Agreements.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>• greater consistency, relevance to the region, and cost savings for Councils</li> <li>• building of staff knowledge and capacity</li> <li>• coordination and prioritisation between Councils, agencies and utilities</li> <li>• more effective advocacy, pursuit of external funding and delivery of infrastructure.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.</p>
<b>Common specifications</b>	Consistency of wording and standards in Infrastructure Agreements.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>• greater consistency, relevance to the region, and cost savings for Councils</li> <li>• building of staff knowledge and capacity</li> <li>• more effective advocacy and pursuit of external funding</li> <li>• greater awareness and consistency for developers and contractors.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Some loss of control by individual Councils. Potential lack of agreement on common issues.</p>
<b>Resource sharing</b>	<p>Second staff from one or more Councils to others to prepare Infrastructure Agreements.</p> <p>Jointly prepare Infrastructure Agreements through a working group of staff from the Councils.</p>	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>• greater consistency, relevance to the region, and cost savings for Councils</li> <li>• building of staff knowledge and capacity</li> <li>• more effective advocacy and pursuit of external funding</li> <li>• greater awareness and consistency for developers and contractors.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Some loss of control by individual Councils. Potential lack of agreement on common issues.</p>
<b>Joint tender</b>	Jointly tender for the preparation of Infrastructure Agreements for Councils.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>• greater consistency, relevance to the region, and cost savings for Councils</li> <li>• building of staff knowledge and capacity</li> </ul>



		<ul style="list-style-type: none"> <li>• more effective advocacy and pursuit of external funding</li> <li>• greater awareness and consistency for developers and contractors.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Some loss of control by individual Councils. Potential lack of agreement on common issues.</p>
<b>Joint provision</b>	One or more of the Councils provides services to other Councils to prepare (through their staff and/or contractors) Code Amendments.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>• greater consistency, relevance to the region, and cost savings for Councils</li> <li>• building of staff knowledge and capacity</li> <li>• more effective advocacy and pursuit of external funding</li> <li>• greater awareness and consistency for developers and contractors.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Potential for 'host' Council/s to have to meet full cost of specialist staff if other Councils don't use their services.</p>
<b>Regional subsidiary</b>	The LCLGA could tender for contractors/consultants to prepare Infrastructure Agreements for Councils.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>• greater consistency, relevance to the region, and cost savings for Councils</li> <li>• more effective advocacy and pursuit of external funding</li> <li>• greater awareness and consistency for developers and contractors.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Land use planning not an existing function of the LCLGA.</p>
<b>Joint Planning Board</b>	JPB to develop and manage Infrastructure Agreements.	<p><b>Advantages</b> JPB would have the legal, governance and administrative structures in place to manage this function.</p> <p>Potential for:</p> <ul style="list-style-type: none"> <li>• greater consistency and cost savings for Councils</li> <li>• increased capacity to develop the Agreements in-house across the region compared to individual Councils.</li> </ul> <p><b>Disadvantages</b> Some loss of control by individual Councils.</p>
<b>Planning and building compliance</b>		
<b>Information sharing</b>	Exchange ideas and information about compliance.	<p><b>Advantages</b> Potential for greater consistency, relevance to the region, and cost savings for Councils.</p> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council.</p>
<b>Common specifications</b>	Alignment of compliance procedures.	<p><b>Advantages</b> Potential for greater consistency of approach (benefits for Councils, applicants and complainants) and cost savings for the Councils.</p>

		<p><b>Disadvantages</b></p> <p>Ad hoc and potentially inconsistent involvement from Council to Council. Potential lack of agreement on common issues.</p>
<b>Resource sharing</b>	<p>Formalised 'backup' arrangements put in place to cover staff absences and peak periods.</p> <p>Staff secondments.</p>	<p><b>Advantages</b></p> <p>Potential for:</p> <ul style="list-style-type: none"> <li>consistency (for Councils and others), flexibility to meet changes in service demand, service continuity, and cost savings for Councils</li> <li>building of staff knowledge and capacity</li> <li>engaging, retaining and benefitting from staff in the region with specialist knowledge and expertise.</li> </ul> <p><b>Disadvantages</b></p> <p>Ad hoc and potentially inconsistent involvement from Council to Council. Potential for several Councils to have the need for backup at the same time (especially for periods of leave).</p>
<b>Joint tender</b>	<p>Jointly tender for compliance services, legal advice, prosecution services.</p>	<p><b>Advantages</b></p> <p>Potential for greater consistency of approach (benefits for Councils, applicants and complainants) and cost savings for the Councils.</p> <p><b>Disadvantages</b></p> <p>Ad hoc and potentially inconsistent involvement from Council to Council. Potential lack of agreement on priority services.</p>
<b>Joint provision</b>	<p>One or more of the Councils provides compliance services to other Councils.</p>	<p><b>Advantages</b></p> <p>Potential for:</p> <ul style="list-style-type: none"> <li>greater consistency, relevance to the region, and cost savings for Councils</li> <li>applying resources over a larger geographic area</li> <li>engaging, retaining and benefitting from staff in the region with specialist knowledge and expertise.</li> </ul> <p><b>Disadvantages</b></p> <p>Ad hoc and potentially inconsistent involvement from Council to Council. Potential lack of agreement on common issues. Potential for 'host' Council/s to have to meet full cost of specialist staff if other Councils don't use their services. Distances may lead to inefficiencies.</p> <p>Would require common IT, records management systems and application and assessment processes.</p>
<b>Regional subsidiary</b>	<p>LCLGA could provide compliance services for the Councils.</p>	<p><b>Advantages</b></p> <p>Potential for:</p> <ul style="list-style-type: none"> <li>greater consistency, relevance to the region as a whole, and cost savings for Councils</li> <li>applying resources over a larger geographic area</li> <li>engaging, retaining and benefitting from staff in the region with specialist knowledge and expertise.</li> </ul> <p><b>Disadvantages</b></p> <p>Ad hoc and potentially inconsistent involvement from Council to Council. Potential lack of agreement on common issues. Potential for LCLGA to have to meet full cost of specialist staff if Councils don't use their services. Distances may lead to inefficiencies. Staff would no longer be employed by the Councils.</p> <p>Would require common IT, records management systems and application and assessment processes.</p>

<b>Joint Planning Board</b>	Compliance services become a function of the Joint Planning Board with staff reporting to the Executive Officer.	<p><b>Advantages</b> Potential for:</p> <ul style="list-style-type: none"> <li>greater consistency, relevance to the region as a whole, and cost savings for Councils</li> <li>applying resources over a larger geographic area</li> <li>engaging, retaining and benefitting from staff in the region with specialist knowledge and expertise.</li> </ul> <p><b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council. Distances could make it difficult for community access to staff and may lead to travel inefficiencies. Staff would no longer be employed by the Councils.</p> <p>Would require legislative/regulatory changes, delegation from Councils, common IT and records management systems, and standardisation of application and assessment processes.</p>
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### 7.1.3. Selected opportunities – Band 1 functions

The opportunities selected for the Band 1 functions listed in 7.1.1 are:

- Regional Plan; and
- Appointment of a Regional Assessment Panel and an Assessment Manager.

### 7.2. Band 2 – Other local government functions

No Band 2 functions are currently proposed as part of this business case for delegation by the Councils that are parties to the Planning Agreement. However, it is recognised that the establishment of a JPB creates an opportunity for it to undertake additional research and planning for the Councils that are parties to the Planning Agreement at their request, with decisions for approval of any such plans remaining with the Councils. As a result, an additional function is proposed:

*Undertaking other research and planning for Councils that are parties to the Planning Agreement at their request.*

Additional planning functions (e.g. open space planning, environmental planning, community planning, road network planning, economic planning and development) could be considered for delegation to the JPB in the future. Service delivery functions (e.g. shared waste management services, community services, public and environmental health services, local infrastructure delivery, local nuisance and litter control, animal management), whether resulting from these plans or not, could also be considered for delegation to the JPB. Adding any of these functions to those of the JPB would require an amendment to the Planning Agreement, approved by all parties.

#### 7.2.1. Objectives and weightings – Band 2 functions

Objectives and weightings for collaboration in relation to the proposed Band 2 functions identified in section 6.2.1 of this Business Case are detailed in the following table.

Objective	Weightings						
	CMG	DCG	DCK	DCR	NLC	TDC	WRC
1. Increase consistency in planning for other local government functions across the region.	40	45	35	30	45	50	50

2. Improve efficiency of planning for other local government functions across the region.	60	55	65	70	55	50	50
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Overall the weightings by each Council CEO are relatively consistent. Taken as a whole they reflect a slight priority of efficiency of planning over consistency.

#### 7.2.2. Opportunities for collaboration – Band 2 functions

Opportunities for collaboration against the Types listed in this report were identified through input from Council staff and Jeff Tate of Jeff Tate Consulting and listed in the table below.

#### Collaboration types – Band 2

Collaboration type	Opportunities	Advantages/disadvantages
<b>Undertaking other research and planning for Councils that are parties to the Planning Agreement at their request</b>		
Information sharing	Share information and ideas between Councils when undertaking other research or developing other plans	<b>Advantages</b> Potential for greater consistency in research and planning <b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council; unless all are committed to this approach, information sharing will wane over time
Common specifications	Develop common specifications to engage consultants to conduct other research or prepare other plans	<b>Advantages</b> Consistent approach; potential cost savings in developing the specifications <b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council
Resource sharing	Have one Council develop common specifications to engage consultants to conduct other research or prepare other plans	<b>Advantages</b> Consistent approach; potential cost savings in developing the specifications <b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council
Joint tender	Jointly tender for consultants to conduct other research or prepare other plans	<b>Advantages</b> Consistent approach; potential cost savings if one consultant is engaged by all Councils developing the specifications <b>Disadvantages</b> Ad hoc and potentially inconsistent involvement from Council to Council
Joint provision	Same as resource sharing in this case	Same as resource sharing in this case
Regional subsidiary	LCLGA could develop common specifications, oversee preparation of common specifications, arrange joint tender for other research or other plans	<b>Advantages</b> Provides an existing governance structure and legal entity; potentially low overhead costs as LCLGA already separately funded

		<b>Disadvantages</b> Would only be one of a number of priority matters for LCLGA to manage
Joint Planning Board	Utilise the focus of the JPB as a planning organisation to undertake other research and other planning at the request of the Councils	<b>Advantages</b> Could help to build a centre of good practice in planning for the region, including potential links with tertiary institutions; provides an existing governance structure and legal entity; potentially low overhead costs as MRLGA already separately funded  <b>Disadvantages</b> The separation of 'planning' and 'doing' would need to be managed to ensure relevance and buy-in

### 7.2.3. Selected opportunities – Band 2 functions

The only opportunity identified for Band 2 was seen to have merit and was selected for inclusion in the next step of the business case, as follows:

- Undertaking other research and planning for Councils that are parties to the Planning Agreement at their request.

## 8. NEXT STEPS

From the outset the rationale for the formation of a JPB has primarily been to enable greater control over the direction of Regional Plans, to ensure they reflect regional ambitions and needs. The formation of a Regional Assessment Panel that alternates meetings in the north and south of the region as required, supported by a Regional Assessment Manager, is also proposed. This is in recognition of the number of planning matters that are referred to the current Council panels and the fact that there is cross membership. By establishing a single regional panel, a more streamlined and efficient assessment process that maximises the use of suitable panel members is envisaged. Access to panel meetings by applicants and representors will be aided by alternating meetings in the north and south of the region.

The initial Planning Agreement is intended to reflect this direction. Over time, as the JPB structure becomes embedded into the governance of the region, the functions could be increased to meet the needs of the constituent Councils that are deemed advantageous to the region. This would require amendments to the Planning Agreement approved by all of the parties to the Agreement. The effect would be that the Councils would delegate those functions to the JPB.

An additional JPB function of undertaking research and planning at the request of the Councils is proposed. Having a JPB in place provides an opportunity for greater consistency and efficiencies in other areas of planning. Approval of plans would remain with the Councils. This is different to the functions being delegated to the JPB.

In relation to the other potential collaboration opportunities (for Code Amendments, Infrastructure Agreements, and Planning and Building compliance) the LCLGA will initiate discussions with the Councils to determine which, if any, should be pursued and in what form.

## PART D –PLANNING AGREEMENT DESIGN

This section of the Business Case relates to the design of the JPB following consideration of options and agreement on the functions that it will undertake. It has been designed to easily convert to a Business Plan if the decision is made to enter into a Planning Agreement.

### 9. ASSUMPTIONS

The assumptions made in designing the Planning Agreement that could have a significant impact on the formation or operation of the JPB are:

- The Planning Agreement will allow for the member Councils to select JPB members without the need for Ministerial approval
- The costs and resourcing requirements of running a JPB will be shared across the Councils in an equitable manner
- Any power of direction and control over the Board will be limited to the Councils that are parties to the Agreement (if they so desire)
- The ability of the JPB to determine the scope of the Regional Plan (outside of compulsory components) will carry significant weight
- Member Councils and the JPB will receive appropriate assistance from the Department of Planning, Transport and Infrastructure to prepare a Regional Plan
- The Regional Plan will be the key document to guide planning outcomes for the Limestone Coast region for Councils, the JPB, State Government, infrastructure providers, developers and the community alike
- Code Amendments and potential Infrastructure Agreements will be envisaged and driven by the Regional Plan and all Code Amendments will align with the Regional Plan
- The Regional Plan will be used to drive funding priorities for infrastructure and utilities
- The Regional Plan will carry significant weight in grant applications for infrastructure funding
- In the event that any proposal to amend the Code is not consistent with the provisions of the Regional Plan such proposal will not be supported unless the proposed amendment is supported by the JPB in writing
- The Regional Plan will create opportunities for collaboration between member Councils in other areas.

### 10. JOINT PLANNING BOARD PARTIES, FUNCTIONS, MEMBERS, AREA, RISKS

#### 10.1. Planning Agreement Parties

The following are proposed to be parties to the Agreement:

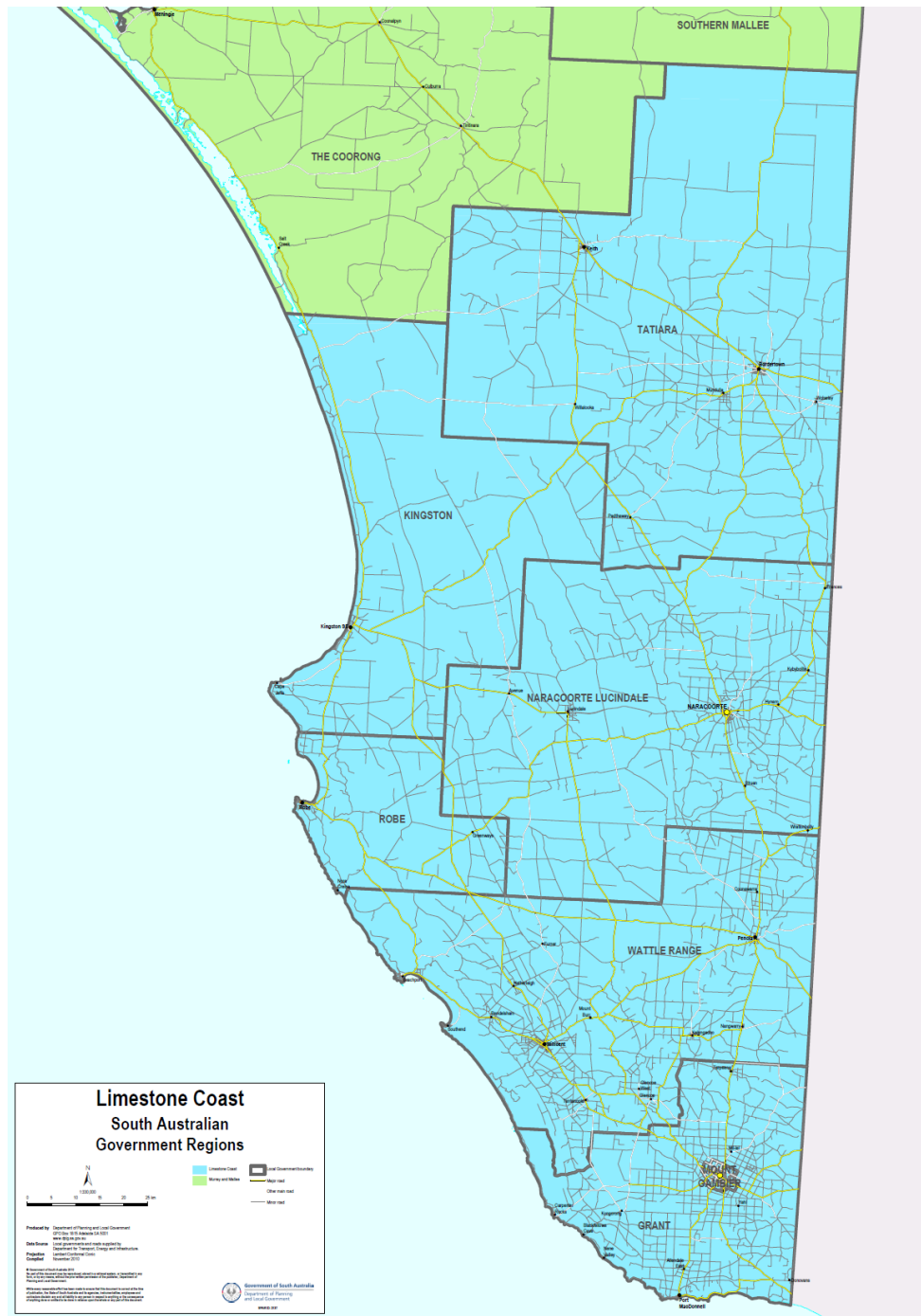
- Minister for Planning
- City of Mt Gambier
- District Council of Grant
- District Council of Kingston
- District Council of Robe
- Naracoorte Lucindale Council



- Tatiara District Council
- Wattle Range Council.

#### 10.2. Extent of area and relationships to adjoining Councils

The extent of the area subject to the Planning Agreement is indicated on the following map and can be described as the Limestone Coast Region. It was chosen as it remains consistent with the borders already identified in the existing *Limestone Coast Regional Plan – A volume of the South Australian Planning Strategy August 2011*. The boundary is also consistent with those of the Limestone Coast Local Government Association, Regional Development Australia Limestone Coast and the majority of the area of Natural Resources South East.



All Councils proposed to be parties to the Planning Agreement are also members of the LCLGA. The LCLGA will be one of the vehicles that can be used to ensure social, environmental and infrastructure connections and interrelationships within and external to the proposed JPB. Strong relationships already exist internally with the Councils proposed to be parties to the Planning Agreement.

The Limestone Coast shares its border with the Glenelg Shire Council and West Wimmera Shire Council of Victoria to the east and the Coorong District Council and the Southern Mallee District Council in South Australia (which would both be consulted in preparing a Regional Plan) to the north. The

remaining borders are contiguous with the Southern Ocean so there are a number of coastal planning matters that need to be taken into consideration.

### 10.3. Board membership

It is proposed that the Board will have as members the Mayor, or at the individual Council's discretion, a Councillor, of each of the seven Councils that are parties to the Planning Agreement.

### 10.4. Functions of the Joint Planning Board

The following table outlines the proposed functions of the JPB.

#### Band 1 Functions

Function	Scope	Timing
Preparation of the Regional Plan	<p>A regional plan for the area covered by the proposed Joint Planning Board that reflects the desired future of the Region (within State Planning Policies).</p> <p>The proposed scope of the Regional Plan is to include the primary focus of guiding long-term land use planning and proposing potential changes to the Planning and Design Code, and integrating public domain, infrastructure and transport requirements that will be needed to support the long-term land use vision. It is proposed to also include other areas to meet regional circumstances such as where there might be a gap in other regional plans or reinforcing key regional priorities and proposing investment in infrastructure and changes to services.</p> <p>Subject to full consideration by the JPB, the scope may also include being able to implement Code Amendments from the work undertaken to prepare the Plan.</p>	It is anticipated that preparatory work for the Regional Plan would commence within six months of the JPB being formed and the Plan completed within another 12 to 18 months.
Appointment of a Regional Assessment Panel and Manager	<p>Appointment of a Regional Assessment Panel and Assessment Manager.</p> <p>Meetings of the panel will alternate between the north and south of the region to make them accessible to applicants and representors.</p>	It is anticipated that governance arrangements and the organisational structure will be in place within three months of the JPB being formed and the Assessment Panel and Assessment Manager will be in place within another three months.

#### Band 2 Functions

Function	Scope	Timing
Undertake research and planning for the Councils that are parties to the Planning Agreement, at their request	Would be only for matters requested by the Councils and does not refer to matters being delegated to the JPB.	If and when requested by the Councils.

## 10.5. Risks and opportunities

The risks and opportunities associated with each activity are as follows:

### Band 1 Functions

Function	Risks/opportunities Risks/opportunities and potential impact on the JPB operations	Likelihood Highly likely, likely, unlikely, highly unlikely	Impact High, Medium, Low	Strategy Actions to mitigate risk or maximise opportunities
Regional Plan	Risk - management of costs associated with Regional Plan	Likely	Medium	Prepare and implement project plan; appoint project manager to oversee using good project management; establish robust cost sharing arrangements across the Councils; negotiate with DPTI for assistance
	Risk - achieving consistency and 'one voice' across region	Likely	Medium	Prepare and implement robust stakeholder engagement plan to ensure regional voice is captured
	Risk – loss of local content	Likely	Medium	Prepare and implement robust stakeholder engagement plan to ensure regional voice is captured
	Opportunity – ability to bring people on board to support the Plan's direction	Likely	High	Prepare and implement robust stakeholder engagement plan
Regional Assessment Panel and Manager	Risk - perceived loss of autonomy at the Council level	Likely	Low	Ensure good reporting procedures and robust agreement
	Opportunity - increased opportunity to secure skills and resources	Likely	High	Ensure employment approach optimises opportunity

### Band 2 Functions

Function	Risks/opportunities Risks/opportunities and potential impact on the JPB operations	Likelihood Highly likely, likely, unlikely, highly unlikely	Impact High, Medium, Low	Strategy Actions to mitigate risk or maximise opportunities
Undertake research and planning for the Councils that are parties to the Planning Agreement, at their request	Opportunity – increased capacity for research and planning for the Councils	Highly likely	Medium	Workshop areas where the JPB could assist with research and/or planning for the Councils
	Risk – costs not allocated on a fair basis	Unlikely	Medium	Agree on distribution of costs between participating Councils in planning for such research and/or planning. Identify costs separately within the financial management system.

## 11. JOINT PLANNING BOARD ADMINISTRATION

### 11.1. Registration details

(If a decision is made to enter into a Planning Agreement, update this section when adapting this Part for the Business Plan)

Business name	Proposed business name is Limestone Coast Joint Planning Board
Trading name(s)	Proposed trading name is Limestone Coast Joint Planning Board
Date registered	Date business name registered/likely to be registered
Location(s) registered	Elders Building, level 1/9 Bay Rd, Mount Gambier SA 5290. Registration in South Australia only.
Physical address(es)	Elders Building, level 1/9 Bay Rd, Mount Gambier SA 5290
Business structure	Joint Planning Board under the Planning, Development and Infrastructure Act 2016
ABN	Registered Australian Business Number – add for Business Plan
ACN	Registered Australian Company Number, if applicable – add for Business Plan
GST	Will you be/are you registered for Goods and Services Tax? Date to be/registered
Domain names	Proposed/registered domain names
Licences and permits	List all the licences or permits that you will register/have registered

### 11.2. Business premises

The business premises will be at Elders Building, level 1/9 Bay Rd, Mount Gambier SA 5290

### 11.3. Insurance

Workers' compensation	Provide details of insurer (add policy number when adapting this Part to a Business Plan)
Public liability insurance	Provide details of insurer and cover (add policy number when adapting this Part to a Business Plan)
Professional indemnity	Provide details of insurer and cover (add policy number when adapting this Part to a Business Plan)
Board member	Provide details of types, insurer and cover (add policy number/s when adapting this Part to a Business Plan)
Other	

### 11.4. Legal considerations

The following legal considerations and legislation will have an impact on the running of the JPB:

- Planning Agreement
- Planning, Development and Infrastructure Act 2016 and Regulations
- Local Government Act 1999.

### 11.5. Governance structure

A JPB may establish:

- committees "to advise the board on any aspect of its functions, or to assist the board in the performance of its functions or the exercise of its powers" (*s38(1) PDI Act 2016*); and
- subsidiaries, with separate corporate status "(a) to carry out a specified activity or activities; or (b) to perform a function or to exercise a power of the board under this Act; or (c) to hold or administer any land, facility or assets (*s39(1) PDI Act 2016*).

Decisions regarding establishment of committees (unless designated in the Planning Agreement) or subsidiaries will be made by Joint Planning Boards. The following comments are made to assist the Board in making such decisions.

### 11.5.1. Appointment of committees

It is proposed that an Executive Advisory Committee comprising the CEOs of the member Councils be appointed to oversee the role of Executive Officer, act as the Project Governance Group preparation of the Regional Plan and advise in the appointment of the Regional Assessment Panel and Manager.

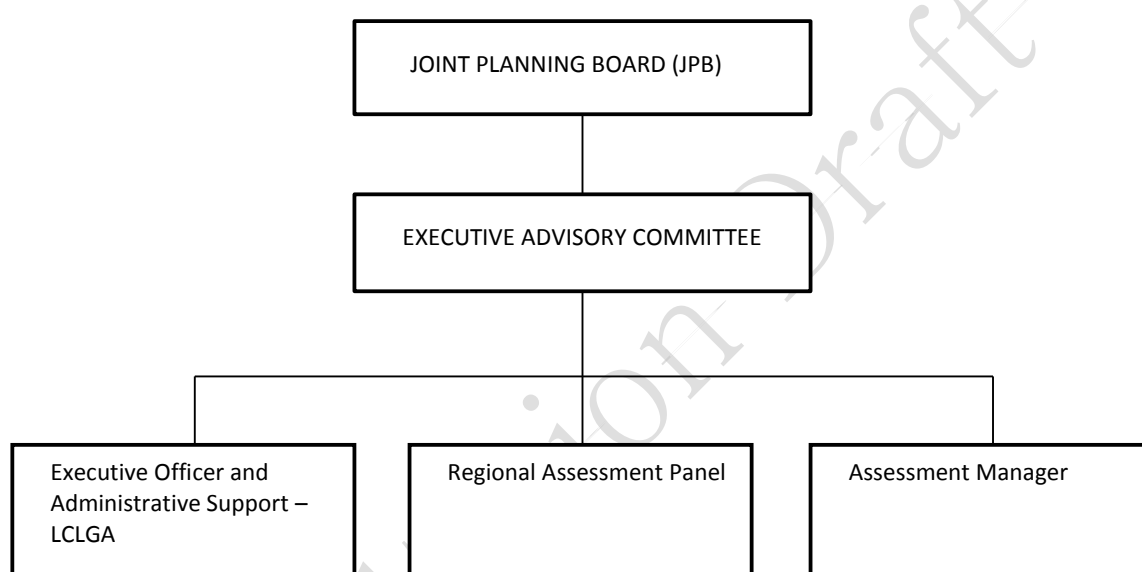
### 11.5.2. Establishment of subsidiaries

No subsidiaries are considered to be appropriate under the functions proposed in the Business Case.

### 11.6. Organisational structure

Administrative services would be provided on a cost recovery basis by the LCLGA and overseen by the Association's Executive Officer who would also be appointed as Executive Officer of the JPB.

The following organisational structure is proposed:



The activities would be provided as detailed in the following tables.

#### Band 1 Functions

Function	In house staff	Consultants	Contractors	Seconded staff	Other
Regional Plan	No	Yes - as required	Unlikely	Possibly	Executive Advisory Committee to be Project Governance Group
Appoint Regional Assessment Panel and Manager	No	No	Probably	Possibly	Executive Advisory Committee to advise

#### Band 2 Functions

Function	In house staff	Consultants	Contractors	Seconded staff	Other
Undertake research and planning for the Councils that are parties to the Planning Agreement, at their request	Unlikely	Yes – as required	Unlikely	Possibly	As required



### 11.7. Engagement of agencies, other stakeholders and the community

Engagement with stakeholders and the public should be guided by the preparation of a Stakeholder Engagement Plan that aligns with the Community Engagement Charter.

#### Band 1 Functions

Function	Agencies engagement	Other stakeholder engagement	Community engagement
Preparation of the Regional Plan	Department of Planning, Transport and Infrastructure Department of the Premier and Cabinet (Aboriginal Affairs and Reconciliation) Department of Primary Industries and Regions Department of State Development Department for Communities and Social Inclusion Department for Education and Child Development Department for Health and Ageing Department of Environment and Water SA Tourism Commission Renewal SA Country Fire Service SA Water Environment Protection Authority Regional Development Australia Limestone Coast	Councils in the region Coorong District Council Southern Mallee District Council Neighbouring LGAs Industry and tourism cluster groups Origin Energy SA Power Networks Electranet Indigenous Corporations and community groups Natural Resources Board Conservation Groups Heritage advisor/s Tertiary and Vocational Education providers	Communities
Appointment of Regional Assessment Panel and Manager	In establishing the Panel - Councils in the Region and DPTI In assessing applications – agencies as required	In assessing applications – Councils, applicants and others as required	In assessing applications - will be application specific

#### Band 2 Functions

Function	Agencies engagement	Other stakeholder engagement	Community engagement
Undertake research and planning for the Councils that are parties to the Planning Agreement, at their request	As required	As required	As required

## 12. IMPLEMENTATION CONSIDERATIONS

The following implementation issues and actions have been identified through input from Council CEO and staff workshops and meetings, the Executive Officer of the LCLGA and consultant Jeff Tate of Jeff Tate Consulting.

Action	How addressed	Timing
<b>Entering into a Planning Agreement</b>		
Drafting Agreement	The draft Agreement would be prepared by the EO of LCLGA, working with the Council CEOs, based on the model prepared for DPTI during the pilot project	Could only occur after consideration of this Business Case and determination of matters still requiring resolution
Approval of JPB Councils	Draft Agreement submitted to each Council for their consideration after being approved by the LCLGA Board	First half of 2019
Approval of Minister	Draft Agreement submitted to the Minister after approval by all Councils	After approval by all Councils
<b>Forming a Joint Planning Board</b>		
Appointment methodology	Approval by the Councils as part of approving the draft Agreement	At time of Councils' approval of the draft Agreement.
Appointment of Acting Executive Officer (clause 20.5.1 of draft Planning Agreement)	Appointment by the Councils.	As soon as possible after the Planning Agreement is finalised
Appointment process for Board members	Acting Executive Officer to activate appointment methodology	
Meetings	First meeting date determined by Acting Executive Officer. (Clause 20.5.2 of draft PA)	Likely to be several months after the Planning Agreement has been finalised
Induction	Acting Executive Officer to develop an induction plan in consultation with the Council CEOs	Induction plan to be developed and implemented before first Board meeting
<b>Developing a Business Plan</b>		
Refinement of Part D of Business Case	EO of LCLGA, working with the Council CEOs, to refine Part D prior to finalising the draft Planning Agreement	Could only occur after consideration of this Business Case and determination of matters still requiring resolution
<b>Finalising funding arrangements</b>		
Agreement on funding model	Approval by the Councils as part of approving the draft Planning Agreement	Could only occur after consideration of this Business Case and determination of matters still requiring resolution
<b>Completing administrative functions</b>		
Complete registrations (GST etc)	To be undertaken by Acting Executive Officer, working with the Council CEOs	As soon as possible after approval of the Planning Agreement and appointment of Acting Executive Officer
Determine office/s location and arrange	Approval by the Councils as part of approving the draft Planning Agreement	Could only occur after consideration of this Business Case and determination of matters still requiring resolution
Create bank account	To be undertaken by Acting Executive Officer, the Council CEOs	As soon as possible after approval of the Planning Agreement and appointment of Acting Executive Officer

Arrange insurances	To be undertaken by Acting Executive Officer, working with the Council CEOs	As soon as possible after approval of the Planning Agreement and appointment of Acting Executive Officer
Furniture, equipment, printing etc	To be undertaken by Acting Executive Officer, working with the Council CEOs	As soon as possible after approval of the Planning Agreement and appointment of Acting Executive Officer
Establish systems, records etc	To be undertaken by Acting Executive Officer, working with the Council CEOs	As soon as possible after approval of the Planning Agreement and appointment of Acting Executive Officer
Establish service standards	To be undertaken by Acting Executive Officer, working with the Council CEOs	As soon as possible after approval of the Planning Agreement and appointment of Acting Executive Officer
Determine and document responsibilities of the JPB and member Councils	To be undertaken by Acting Executive Officer, working with the Council CEOs	As soon as possible after approval of the Planning Agreement and appointment of Acting Executive Officer
<b>Developing a Regional Plan</b>		
Prepare a Project Plan incorporating scope, methodology, timing	Executive Officer to work with JPB Board, Executive Advisory Committee and Council staff to develop scope	Regional Plan to be completed within two years of JPB being formed
Arrange resources required including DPTI assistance	Executive Officer to work with Council staff to arrange	Regional Plan to be completed within two years of JPB being formed
<b>Engaging stakeholders and the community</b>		
Engagement Plan	Initial general Engagement Plan to be developed by Acting Executive Officer, working with the Council CEOs, and then reviewed by the Board when it is in place	As soon as possible after approval of the Planning Agreement and appointment of Acting Executive Officer. Review by Board when members are appointed
	For preparing the Regional Plan – will be part of the project plan	At time of preparing the project plan for the Regional Plan

### 13. JOINT PLANNING BOARD FUNDING AND FINANCIAL MANAGEMENT

If agreed by the Councils, sections 13.1, 13.2, 13.3 and 13.5 could be completed for the Business Case and the remainder could be completed for the Business Plan.

#### 13.1. Funding model

The following funding model will be adopted for the Joint Planning Board:

- Acknowledging that the structure of the Joint Planning Board will comprise of the Mayors (or nominated Councillor of each member Council) supported by the Chief Executive Officers of the member Councils
- The costs of administering the Joint Planning Board and preparing the Regional Plan will be distributed between the Councils that are parties to the Planning Agreement on the same basis as the base subscriptions are calculated for the Limestone Coast Local Government Association.
- The costs associated with the operation of the Regional and/or Sub-regional Assessment Panels will be allocated to those Councils which forward applications to the Assessment Panel for consideration and decision.

- The Panel will not receive application fees, these will be received and retained by the relevant Council
- The costs of the Assessment Manager and Assessment Panel will be met by the relevant Council for each application. Fees paid by applicants will be paid to the relevant Council for each application.

### 13.2. Start-up costs

Start-up costs are based on the following financial assumptions:

- The Joint Planning Board will be a stand-alone entity; however, it will not employ staff, occupy premises or operate an administration. These functions will be provided by the Limestone Coast Local Government Association through a service contract to the Joint Planning Board at an annual fee to be determined
- The Joint Planning Board will engage consultants and incur legal costs associated with the completion of the Planning Agreement (based on the template prepared for DPTI by Norman Waterhouse) and establish its own entity. The Planning Agreement is the formal document that establishes the Joint Planning Board which will be signed by those Councils that wish to become members and the Minister for Planning
- The Joint Planning Board will establish a fit for purpose website together with its own logo
- An allowance has been included for stationery development and procurement
- Appropriate insurance cover to be purchased
- It is assumed that the members of the Regional Panel will have had experience as panel members of the member Councils. However, there may need to be some training to ensure that they understand their role on the regional panel and the context in which it is established, and an allowance has been included for this
- There will be initial advertising costs associated with calling for panel members and informing the community of the changes to the assessment process.

Start-up costs	Cost
REGISTRATIONS	
Business name	\$500
Domain names	\$1,000
GENERAL	
Legal services	\$5,000
Logo/website development	\$1,500
Training	\$2,000
Consultants	\$2,000
MISC	
Printing	\$1,000
Marketing and advertising	\$500
Other.....	\$
<b>TOTAL START UP COSTS</b>	<b>\$13,500</b>

### 13.3. Plant and equipment

The Joint Planning Board will not own plant and equipment, this will be provided within the service agreement by the Limestone Coast Local Government Association.

### 13.4. Statement of Financial Position

The statement of financial position is based on the following assumptions:

- *List assumptions*

#### Statement of financial position **(to be completed during conversion of Part D to Business Plan)**

Assets and liabilities	Year 1	Year 2	Year 3
<b>Current assets</b>			
Cash and cash equivalents	\$	\$	\$
Receivables	\$	\$	\$
Total current assets	\$	\$	\$
<b>Non-current assets</b>			
Property, Plant and Equipment	\$	\$	\$
Information systems	\$	\$	\$
Total non-current assets	\$	\$	\$
Total assets	\$	\$	\$
<b>Current Liabilities</b>			
Payables	\$	\$	\$
Borrowings	\$	\$	\$
Employee benefits	\$	\$	\$
Provisions	\$	\$	\$
Total current Liabilities	\$	\$	\$
<b>Non-current liabilities</b>			
Borrowings	\$	\$	\$
Employee benefits	\$	\$	\$
Provisions	\$	\$	\$
Total non-current liabilities	\$	\$	\$
<b>Total liabilities</b>	\$	\$	\$
<b>Net assets</b>	\$	\$	\$
<b>Equity</b>			
Retained earnings	\$	\$	\$
Asset revaluation surplus	\$	\$	\$
<b>Total equity</b>	\$	\$	\$

### 13.5. Statement of Comprehensive Income

The statement of comprehensive income is based on the following assumptions:

- JPB to be a stand-alone entity
- JPB Board members not to receive a sitting fee as they will be the Mayors or Councillors of the member Councils
- Board meetings will be held on the same day as those of the board of the Limestone Coast Local Government Association
- JPB not to have any direct employees and will have a service level agreement for the provision of the administration and Executive Officer services with the Limestone Coast Local Government Association to carry-out the administrative/finance and governance functions of the JPB
- The fee for services under the service level agreement to be based on an agreed methodology (eg monthly fee of \$2,000)
- The JPB will not have its own audit committee given the small number of transactions it will have. Arrangements will be made to extend the terms of reference of the audit committee of one of the Councils that are parties to the Planning Agreement to include activities of the JPB.
- Regional Planning Board and Assessment Manager functions are to be based on a full cost recovery method based on applications received and an agreed eg agreed cost per application; or percentage of costs based on the % of applications referred by each Council to the Panel; or time spent by the Assessment Manager and Panel members
- Planning staff of the Councils referring development applications to the Regional Panel will assist the Assessment Manager in assessing the applications
- Five members of Regional Assessment Panel to receive a \$350 sitting fee per meeting (estimated 12 meetings per year).

#### Statement of comprehensive income

##### JOINT PLANNING BOARD:

JPB Expenses and Income	Year 1	Year 2	Year 3
<b>JPB EXPENSES</b>			
<b>Board expenses</b>			
Meeting expenses (Nil – same day as LCLGA board meetings)	\$0	\$0	\$0
Training, conferences, travel (eg to Adelaide events related to JPBs)	\$1,500	\$1,500	\$1,500
<b>Supplies and services</b>			
Administration/governance services service level agreement – paid to LCLGA	\$24,000	\$24,000	\$24,000
Insurances Costs not yet known. Similar amount charged to LCLGA by LGA Mutual Liability Scheme applied for indicative purposes.	\$6,000	\$6,000	\$6,000
Website hosting/maintenance	\$500	\$500	\$500
Legal services	\$2,000	\$2,000	\$2,000
Consultants (Regional Plan)	\$25,000	\$25,000	\$10,000



<b>JPB Expenses and Income</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Printing	\$500	\$500	\$500
<b>Other expenses</b>			
Audit fees	\$2,000	\$2,000	\$2,000
<b>TOTAL JPB EXPENSES</b>	<b>\$61,500</b>	<b>\$61,500</b>	<b>\$46,500</b>
<b>JPB INCOME</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Council contributions - general	\$61,500	\$61,500	\$46,500
<b>TOTAL JPB INCOME</b>	<b>\$61,500</b>	<b>\$61,500</b>	<b>\$46,500</b>
<b>Net result</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**REGIONAL ASSESSMENT:**

<b>Regional Assessment Expenses and Income</b>			
<b>REGIONAL ASSESSMENT EXPENSES</b>			
Panel Member sitting fees	\$21,000	\$21,000	\$21,000
Panel Members travel	\$5,000	\$5,000	\$5,000
Meeting expenses	\$1,500	\$1,500	\$1,500
Assessment process	\$80,000	\$80,000	\$80,000
<b>TOTAL ASSESSMENT EXPENSES</b>	<b>\$107,500</b>	<b>\$107,500</b>	<b>\$107,500</b>
<b>REGIONAL ASSESSMENT INCOME</b>			
Council contributions for assessment of applications	\$107,500	\$107,500	\$107,500
<b>TOTAL ASSESSMENT INCOME</b>	<b>\$107,500</b>	<b>\$107,500</b>	<b>\$107,500</b>
<b>Net result</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SUMMARY - COMBINED JOINT PLANNING BOARD AND REGIONAL ASSESSMENT**

<b>EXPENSES</b>			
Total Joint Planning Board expenses	\$61,500	\$61,500	\$46,500
Total regional assessment expenses	\$107,500	\$107,500	\$107,500
<b>TOTAL EXPENSES</b>	<b>\$169,000</b>	<b>\$169,000</b>	<b>\$154,000</b>
<b>INCOME</b>			
Total Joint Planning Board income	\$61,500	\$61,500	\$46,500
Total regional assessment income	\$107,500	\$107,500	\$107,500
<b>TOTAL INCOME</b>	<b>\$169,000</b>	<b>\$169,000</b>	<b>\$154,000</b>
<b>Net result</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### 13.6. Balance sheet forecast

The balance sheet forecast is based on the following assumptions:

- <list assumptions>

#### Balance sheet forecast *(to be completed during conversion of Part D to Business Plan)*

Assets and liabilities	Year 1	Year 2	Year 3
<b>Current assets</b>			
Cash	\$	\$	\$
Petty cash	\$	\$	\$
Pre-paid expenses	\$	\$	\$
<b>Fixed assets</b>			
Leasehold	\$	\$	\$
Property and land	\$	\$	\$
Renovations/improvements	\$	\$	\$
Furniture and fit out	\$	\$	\$
Vehicles	\$	\$	\$
Equipment/tools	\$	\$	\$
Computer equipment	\$	\$	\$
Other.....	\$	\$	\$
<b>Total assets</b>	\$	\$	\$
<b>Current/short term liabilities</b>			
Credit cards payable	\$	\$	\$
Accounts payable	\$	\$	\$
Interest payable	\$	\$	\$
Accrued wages	\$	\$	\$
Income tax	\$	\$	\$
Other.....	\$	\$	\$
<b>Long-term liabilities</b>			
Loans	\$	\$	\$
Other.....	\$	\$	\$
<b>Total liabilities</b>	\$	\$	\$
<b>Net assets</b>	\$	\$	\$

### 13.7. Profit and loss forecast

The profit and loss forecast is based on the following assumptions:

- <list assumptions>

#### Profit and loss forecast **(to be completed during conversion of Part D to Business Plan)**

Profit and loss	Year 1	Year 2	Year 3
<b>Income</b>			
Council contributions	\$	\$	\$
Other.....	\$	\$	\$
<b>Total income</b>	\$	\$	\$
<b>Expenses</b>			
Accounting fees	\$	\$	\$
Advertising and marketing	\$	\$	\$
Bank fees and charges	\$	\$	\$
Bank interest	\$	\$	\$
Credit card fees	\$	\$	\$
Utilities (electricity, gas, water)	\$	\$	\$
Telephone	\$	\$	\$
Lease/loan payments	\$	\$	\$
Rent and rates	\$	\$	\$
Motor vehicles expenses	\$	\$	\$
Repairs and maintenance	\$	\$	\$
Stationary and printing	\$	\$	\$
Insurance	\$	\$	\$
Superannuation	\$	\$	\$
Income tax	\$	\$	\$
Wages, including PAYG	\$	\$	\$
Other.....	\$	\$	\$
<b>Total expenses</b>	\$	\$	\$
<b>Net surplus</b>	\$	\$	\$

**PART E – ASSESSMENT**

**14. ASSESSMENT AGAINST OBJECTIVES**

An assessment of the potential collaboration activities against the objectives established in section 7 was undertaken by the CEO of each Council with the results as shown in the following tables.

Consultation Draft 3

#### 14.1. Band 1 – Functions under the Planning, Development and Infrastructure Act 2016

Objective	CMG		DCG		DCK		DCR		NLC		TDC		WRC	
	Weight	Rating	Weight	Rating	Weight	Rating	Weight	Rating	Weight	Rating	Weight	Rating	Weight	Rating
1.Effectively plan for regional growth, recognising common issues and opportunities, and speak with one voice.	30	H	30	H	35	H	20	M	15	H	30	H	25	H
2.Create an environment that encourages regional investment and growth.	20	H	15	H	20	M	15	M	15	M	25	M	25	M
3.Increase consistency and efficiency in development planning and approvals.	20	M	30	M	20	M	30	L	30	M	15	L	15	L
4.Share regional data and information that can be accessed across the region.	15	M	15	M	15	L,M,H	10	H	15	L	15	L	15	L
5.Improve access to appropriately qualified and skilled staff.	15	M	10	M	10	L	25	H	25	H	15	M	20	M
<b>TOTAL</b>	<b>100</b>		<b>100</b>		<b>100</b>		<b>100</b>		<b>100</b>		<b>100</b>		<b>100</b>	

#### 14.2. Band 2 - Other local government functions

Objective	CMG		DCG		DCK		DCR		NLC		TDC		WRC	
	Weight	Rating	Weight	Rating	Weight	Rating	Weight	Rating	Weight	Rating	Weight	Rating	Weight	Rating
1.Increase consistency in planning for other local government functions across the region.	40	M	45	M	35	M	30	M	45	M	50	L	50	L
2.Improve efficiency of planning for other local government functions across the region.	60	H	55	H	65	H	70	H	55	M	50	M	50	M
<b>TOTAL</b>	<b>100</b>		<b>100</b>		<b>100</b>		<b>100</b>		<b>100</b>		<b>100</b>		<b>100</b>	

## 15. PREPAREDNESS ASSESSMENT

The proposed collaboration was assessed against the lessons identified at section 4.2 of this report was undertaken by the CEO of each Council with the results shown in the following table.

### 15.1. Band 1 - Functions under the Planning, Development and Infrastructure Act 2016

Lesson	Rating	Action required	
		Action	Reason
Commitment and passion to a regional approach	H	Nil	Region has been considering this process since 2014
Political and community will to pursue a regional approach	H	Nil	Region has a long history of regional collaboration
Equity across each Council	M	Nil	Members recognise that complete equity may not be achieved but committed to regional outcome
Robust business case including a clear value proposition	H	Nil	Completion of the Business Case template demonstrates the steps taken to reach this conclusion
The right governance model	H	Nil	Parties have agreed to the proposed governance structure and composition
The 'infrastructure' (including compliance with legislation, industrial and other agreements) in place to support the governance model	H	Nil	Region has fully investigated the possibilities available by assessing relevant legislation and overlaying a governance model that can assist achieve the outcomes
Alignment of culture and common purpose between parties	H	Nil	Region has a long history of regional collaboration
OVERALL RATING	H		

**Conclusion: Proceed**

### 15.2. Band 2 - Other local government functions

Lesson	Rating	Action required	
		Action	Reason
Commitment and passion to a regional approach	H	Nil	Region has been considering this process since 2014
Political and community will to pursue a regional approach	M	Nil	Region has a long history of regional collaboration
Equity across each Council	M	Nil	Members recognise that complete equity may not be achieved but committed to regional outcome
Robust business case including a clear value proposition	H	Nil	Completion of the Business Case Template demonstrates the steps taken to reach this conclusion
The right governance model	H	Nil	Parties have agreed to the proposed governance structure and composition



Lesson	Rating	Action required	
		Action	Reason
The 'infrastructure' (including compliance with legislation, industrial and other agreements) in place to support the governance model	H	Nil	Region has fully investigated the possibilities available by assessing relevant legislation and overlaying a governance model that can assist achieve the outcomes
Alignment of culture and common purpose between parties	H	Nil	Region has a long history of regional collaboration
OVERALL RATING	H		

**Conclusion: Proceed**

## LCLGA Planning Agreement Fact Sheet

### What is a Planning Agreement?

Under the *Planning, Development and Infrastructure Act 2016* (the PDI Act), a 'Planning Agreement' (an Agreement) is a long-term arrangement that allows for specific functions to be delegated to Joint Planning Boards formed by regional groupings of Councils, and/or other entities (where relevant), subject to agreed performance measures and targets. The Agreement is between the relevant Councils and/or entities and the Minister for Planning (the Minister).

### What should a Planning Agreement include?

An Agreement may include provisions that outline the purposes of the Agreement and the outcomes that the Agreement is intended to achieve. The Agreement must provide for:

- the setting of objectives, priorities and targets for the area covered by the Agreement
- the constitution of the Joint Planning Board (*for LCLGA the Business Case has the Board comprising the Mayor or other Elected Member of each of the seven Councils*)
- the delegation of functions and powers to the Joint Planning Board (*for LCLGA the Business Case recommends Board functions of:*
  - *Preparation of a Regional Plan (this is the only mandatory function of a Joint Planning Board – if there is no Joint Planning Board the Regional Plan would be prepared by the State Planning Commission)*
  - *Forming a Regional Assessment Panel and appointing an Assessment Manager, with Panel meetings alternating between the north and south of the region, to replace the current Council appointed panels*
  - *Undertaking such research and planning for other local government functions for the Councils that are parties to the Planning Agreement that may be requested by them from time to time (noting that approval of any such plans would remain with the Councils).*
- the staffing and other support issues associated with the operation of the Board (*for LCLGA the Business Case recommends the LCLGA Executive Officer also act as Executive Officer of the Joint Planning Board and that administrative services are provided by LCLGA under a service agreement at a fixed cost per month; and the Assessment Manager be an employee of one of the Councils who undertakes the Assessment Manager roles on a cost recovery basis from the Council involved*)
- financial and resourcing issues associated with the operation of the Board
- the establishment of any committee (*for LCLGA the Business Case includes an Executive Advisory Committee comprising the CEOs of the seven Councils*)
- any other relevant matter.

A template for a Planning Agreement is available from DPTI.

### Why should Councils consider being a party to a Planning Agreement?

The LCLGA Business Case states:

*There are several benefits of entering into a Planning Agreement and appointing a JPB with the functions proposed. They are:*

- *Preparation of a Regional Plan by the JPB will provide enable better integration of strategic considerations, greater regional control over the scope and outcomes, and reflect the views of people of the region*
- *A Regional Assessment Panel for the region in place of seven Council Panels will lead to efficiencies and greater consistency in assessing development applications, resulting in cost savings for the Councils and better outcomes for applicants and communities*

- *The impacts of difficulties that some of the Councils have in recruiting and retaining suitably qualified and experienced Planning staff will be reduced through the appointment of a Regional Assessment Manager for the Regional Assessment Panel*
- *Establishing a body with a focus and expertise in planning to assist Councils.*

*It is acknowledged that there are also arguments against centralising land-use and other planning at a regional level - largely about the potential loss of control at the local level and reduced consideration of local nuances. These concerns need to be taken seriously and steps built into the processes for preparing the Regional Plan and assessing development applications to ensure that local circumstances are properly considered.*

#### **Can an Agreement be varied?**

An Agreement is able to be varied by agreement between the parties to the agreement. An agreement is able to be terminated:

- (a) by agreement between the parties to the agreement; or
- (b) by the Minister (because of reasons outlined in the PDI Act, section 5 (b) (A) (B) (C)).

#### **When does an Agreement expire?**

At the end of 10 years from the date of the execution, unless terminated earlier.

At expiration, an Agreement can be replaced by a new Agreement (subject to agreement by all parties).

#### **Will there be an exit clause written into an Agreement?**

This is an optional clause in the Planning Agreement template prepared by DPTI.

#### **What is a Joint Planning Board?**

The Minister must, in connection with the commencement of an Agreement, establish a Joint Planning Board, in accordance with the terms of the Agreement.

A Joint Planning Board constitutes between 3 and 7 members and:

- is a body corporate
- has the name assigned to it under the relevant Planning Agreement
- has the functions and powers assigned to it under this or any Act or conferred under the terms of the relevant Planning Agreement
- must prepare and furnish annual reports in accordance with requirements prescribed by the regulations.

#### **What is the difference between a *Local Government Act 1999* subsidiary and a Joint Planning Board?**

With approval of the Minister for Local Government a subsidiary can be formed under the *Local Government Act 1999* by a Council to:

- provide a specified service or services; or
- manage or administer property, facilities or activities on behalf of the Council; or
- perform a function of the Council under this or another Act.

A group of Councils may also form a subsidiary with the approval of the Minister for Local Government to:

- provide a specified service or services; or
- carry out a specified activity or activities; or (b) to perform a function of the councils under this or another Act

As with a Joint Planning Board, a subsidiary under the *Local Government Act* is a separate legal entity.

A Joint Planning Board is a body formed under the *Planning, Development and Infrastructure Act 2016* through a Planning Agreement between the Councils (and potentially other bodies) and the Minister for Planning. It has the specific functions stated in the Planning Agreement. Although the focus of a Joint Planning Board can be expected to be on planning it is able to carry out other functions, but only if they are included in the Planning Agreement.

A Joint Planning Board has one compulsory function which is to develop a Regional Plan. It may also appoint a Regional Assessment Panel and Assessment Manager. A subsidiary under the Local Government Act is unable to carry out either of those functions.

#### **What is meant by ‘body corporate’?**

Joint Planning Boards are independent legal entities with legislative responsibilities.

#### **What are the functions that a Joint Planning Board can undertake?**

A Joint Planning Board is only able to undertake the functions specified in the Planning Agreement. Any change in functions would require an amendment to the Planning Agreement.

#### **What is a committee and a subsidiary?**

A Joint Planning Board may establish committees to advise the Board on any aspects of its functions, or to assist the Board in the performance of its functions. *The LCLGA Business Case recommends formation of one committee – the Executive Advisory Committee comprising the CEOs of the seven Councils.*

A Joint Planning Board may also establish a subsidiary to carry out a specified activity, perform a function or exercise a power of the Board, hold or administer any land, facility or assets. *The LCLGA Business Case does not recommend formation of a subsidiary.*

#### **What are the criteria for membership of a Joint Planning Board?**

The criteria for members of a Joint Planning Board must be consistent with any requirement of the Minister that is intended to ensure that the members collectively have qualifications, knowledge, expertise and experience necessary to enable the Board to carry out its functions effectively.

#### **How are the Board Members selected?**

This will need to be set out in the Planning Agreement. *The LCLGA Business Case recommends the Board comprise the Mayor or other Elected Member of each of the seven Councils.*

#### **How is the Chair selected?**

This will need to be set out in the Planning Agreement.

#### **Will the Joint Planning Board need to appoint a CEO?**

An appointment is not required under the PDI Act but as a matter of good practice a person should be appointed to the role of CEO or Executive Officer. *The LCLGA Business Case recommends the Executive Officer of LCLGA also act as Executive Officer of the Joint Planning Board and that administrative tasks of the Joint Planning Board be carried out by LCLGA staff – both for a fixed fee per month. It also recommends that the LCLGA office also be the office of the Joint Planning Board.*

#### **What are the costs of a Joint Planning Board and how will they be attributed across the member Councils?**

The attribution of costs between constituent Councils should be set out in the Planning Agreement.

*The LCLGA Business Case identified start-up costs of \$13,500 which would be attributed to the member Councils on the same basis as the LCLGA subscriptions. The costs are shown in the following table from the Business Case.*

START-UP COSTS	Cost
<b>Registrations</b>	
Business name	\$500
Domain names	\$1,000
<b>General</b>	
Legal services	\$5,000

START-UP COSTS	Cost
Logo/website development	\$1,500
Training	\$2,000
Consultants	\$2,000
<b>Miscellaneous</b>	
Printing	\$1,000
Marketing and advertising	\$500
<b>TOTAL START UP COSTS</b>	<b>\$13,500</b>

The LCLGA Business Case also includes a draft budget for the first three years of operation of the Joint Planning Board and Assessment Panel and Assessment Manager as shown in the tables below from the Business Case. For the Joint Planning Board, the net cost is shown as \$61,500 for years one and two and for year three it is shown as \$46,500 (for each year inclusive of an amount of \$24,000 pa to be paid to the LCLGA for Executive Officer, administration and governance services which would be reflected in the LCLGA budget). The differences in costs between years one and two and year three reflect timing of preparing the Regional Plan over three financial years at an estimated cost of \$60,000. The costs would be attributed to the member Councils on the same basis as the LCLGA subscriptions.

For the Assessment Panel and Assessment Manager, estimated costs of \$107,500pa have been identified which would be recovered from the Councils for which Development Applications are assessed.

#### JOINT PLANNING BOARD:

JPB Expenses and Income	Year 1	Year 2	Year 3
<b>JPB EXPENSES</b>			
<b>Board expenses</b>			
Meeting expenses (Nil – same day as LCLGA board meetings)	\$0	\$0	\$0
Training, conferences, travel (eg to Adelaide events related to JPBs)	\$1,500	\$1,500	\$1,500
<b>Supplies and services</b>			
Administration/governance services service level agreement – paid to LCLGA	\$24,000	\$24,000	\$24,000
Insurances <i>Costs not yet known. Similar amount charged to LCLGA by LGA Mutual Liability Scheme applied for indicative purposes.</i>	\$6,000	\$6,000	\$6,000
Website hosting/maintenance	\$500	\$500	\$500
Legal services	\$2,000	\$2,000	\$2,000
Consultants (Regional Plan)	\$25,000	\$25,000	\$10,000
Printing	\$500	\$500	\$500
<b>Other expenses</b>			
Audit fees	\$2,000	\$2,000	\$2,000
<b>TOTAL JPB EXPENSES</b>	<b>\$61,500</b>	<b>\$61,500</b>	<b>\$46,500</b>
<b>JPB INCOME</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>

<b>JPB Expenses and Income</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Council contributions - general	\$61,500	\$61,500	\$46,500
<b>TOTAL JPB INCOME</b>	<b>\$61,500</b>	<b>\$61,500</b>	<b>\$46,500</b>
<b>Net result</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**REGIONAL ASSESSMENT:**

<b>Regional Assessment Expenses and Income</b>			
<b>REGIONAL ASSESSMENT EXPENSES</b>			
Panel Member sitting fees	\$21,000	\$21,000	\$21,000
Panel Members travel	\$5,000	\$5,000	\$5,000
Meeting expenses	\$1,500	\$1,500	\$1,500
Assessment process	\$80,000	\$80,000	\$80,000
<b>TOTAL ASSESSMENT EXPENSES</b>	<b>\$107,500</b>	<b>\$107,500</b>	<b>\$107,500</b>
<b>REGIONAL ASSESSMENT INCOME</b>			
Council contributions for assessment of applications	\$107,500	\$107,500	\$107,500
<b>TOTAL ASSESSMENT INCOME</b>	<b>\$107,500</b>	<b>\$107,500</b>	<b>\$107,500</b>
<b>Net result</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SUMMARY - COMBINED JOINT PLANNING BOARD AND REGIONAL ASSESSMENT**

<b>EXPENSES</b>			
Total Joint Planning Board expenses	\$61,500	\$61,500	\$46,500
Total regional assessment expenses	\$107,500	\$107,500	\$107,500
<b>TOTAL EXPENSES</b>	<b>\$169,000</b>	<b>\$169,000</b>	<b>\$154,000</b>
<b>INCOME</b>			
Total Joint Planning Board income	\$61,500	\$61,500	\$46,500
Total regional assessment income	\$107,500	\$107,500	\$107,500
<b>TOTAL INCOME</b>	<b>\$169,000</b>	<b>\$169,000</b>	<b>\$154,000</b>
<b>Net result</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**What is a Regional Plan?**

The PDI Act requires a Regional Plan to be prepared for each region.

Regional Plans provide a long-term vision for a region to guide land use planning over a 15 to 30-year period, expressing what the region wishes to achieve in the context of State Planning Policies. The primary focus of a Regional Plan is to guide long-term land use planning and to propose potential changes to the Planning and Design Code, integrating public domain, infrastructure and transport requirements (proposing investment in infrastructure and changes to services) that will be needed to support the long-term land use vision.

A secondary potential focus is on other areas to meet regional circumstances such as where there might be a gap in other regional plans or reinforcing key regional priorities.

There is a Regional Plan template and Guidelines on the SA Planning Portal to assist Joint Planning Boards to prepare a Regional Plan. A Regional Plan prepared by a Joint Planning Board must comply with any practice direction issued by the Commission with the approval of the Minister.

**Who can prepare a Regional Plan?**

Where a Board has been constituted in relation to an area of the State the Regional Plan must be prepared by the Board. The Commission must prepare the Regional Plan for the balance of any planning region that is not within an area in relation to which a JPB has been constituted. NOTE: there is no discretion in this part – a Board must prepare the Regional Plan for its area.

**Further information:**

Visit the SA Planning Portal website for further information and relevant legislation:

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



## 15.4 Director Engineering Services

### 15.4.1 Council Office - Public Consultation

Report Type	Officer Report
Department	Engineering Services
Author	Daryl Sexton
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Not Applicable
Strategic Plan Reference	<b>Theme 1 - Community Vibrancy &amp; Presentation</b> 1.3 Provide sustainable, vibrant community facilities.  <b>Theme 2 - Economic Prosperity</b> 2.1 Support and advocate for improved infrastructure that enhances and creates economic and business opportunities.  <b>Theme 4 - Infrastructure &amp; Asset Sustainability</b> 4.1 Create a sustainable stock of assets, with appropriate long term asset planning and optimal use. 4.4 Plan for and optimise Council's stock of building assets whilst meeting the future and current needs of community.  <b>Theme 5 - Organisational Excellence</b> 5.3 Increase community input into Council decision making, through adoption of quality Community Engagement principles and practices.
File Reference	GF/16.65.1/20
Attachments	<ol style="list-style-type: none"><li>1. New Admin Office_ Site 1 Netball Courts A 1 L [<b>15.4.1.1</b> - 1 page]</li><li>2. New Admin Office_ Site 2 Apex Park A 1 L [<b>15.4.1.2</b> - 1 page]</li><li>3. New Admin Office_ Site 3 Jubilee Park A 1 L [<b>15.4.1.3</b> - 1 page]</li><li>4. New Admin Office_ Site 4 Existing Office A 1 L [<b>15.4.1.4</b> - 1 page]</li></ol>

#### Purpose of Report

To lift the current motion off the table and to commence Public Consultation for the proposed new office site. This report complements Report 16.1.2 prepared by the CEO and presented to Council on 9 June 2020.

#### Report Details

At the Ordinary Council meeting held on 9 June 2020, Council considered Report 16.1.2 from the CEO on the Council Offices. At this meeting Council moved the following recommendation;

***Cr Neagle moved that Council staff investigate possible sites for the new Council Office building in the business centre of George Street among other options. Seconded Cr Agnew.***

***This motion was subsequently LOST.***

Subsequent to this motion:

***Cr Drew moved that Council proposes Apex Park as the preferred site location for a new Principal Office. Seconded Cr Price.***

Subsequently a motion was moved:

***Cr Burrow moved that the question lie on the table. Seconded Cr McGrath.***

As it currently stands Council has left lie on the table a comprehensive report prepared by the CEO which addresses, in detail, the investigations undertaken into a proposed new office complex.

The report noted 4 sites that have been considered in detail and also noted that 2 additional options had been looked at but were now not possible due to the sale of the Millicent Community Club.

Due to the number of options available, rather than resolving to undertake public consultation on one site it is prudent to undertake consultation on various site locations. The purpose of doing this would be to better gauge the community's preference as to the location of the Council Office.

For the purposes of a comprehensive public consultation process the option of a new build (or substantial conversion of an existing building/s in George Street, Millicent) is worthy of inclusion. However, please note that due to Council voting against the positioning of the Council Office in the George Street business centre precinct that this option has been excluded.

To assist with communication of the location options, simpler site description will be utilised for Public Consultation purposes, and for the purposes of this report each site be referred to simply as Site 1, Site 2 etc (with a short explanation of the location). This will assist respondents to the consultation describing the location/s they are referring to.

This report sets out a suggested commentary that could be used to provide details of each site (in a succinct and consistent format, and the consultation documents will also include any plans that have been developed for the site).

The recommended commentary follows.

## ***Public Consultation – New Office Proposal***

### ***Introduction:***

*Council has identified the need in its strategic planning to provide a more efficient and fit for purpose office for its administrative staff to work from. It is expected that this will be a project with a value in excess of \$6m but final costs will only be known when tenders are finalised.*

*Staff currently work from separate sites within the Millicent Township (being the Main office adjacent to the library and rented offices in Davenport Street and Ridge Terrace). The Main Office is an old building that has high operational costs, low environmental standards and is*

*very cluttered and segmented into multiple, small offices dictated by the building construction practices in place at the time of its construction.*

*Council is looking at a number of options and has commissioned preliminary conceptual designs for a number of greenfield sites as well as considering remodelling or replacement of the Main Office on its current site.*

*Importantly, there is no right or wrong site and Council is now seeking the views of the community to assist with its decision making.*

*In considering the options, Council has noted the following issues that need to be considered in determining the preferred site. However please note that this is not an exhaustive list of issues to consider:*

- The flatter the site, generally the cheaper the initial build;*
- The new office will need to cater for multiple generations of future workers and the building needs to be as efficient as possible now and flexible in its design to allow for remodelling in the future to accommodate modern advancements as they become available in the future;*
- The offices are to service the entire Wattle Range area and not just Millicent residents;*
- All sites are land owned by Council and offer a substantial financial advantage;*
- Whilst the build cost is very important, the ongoing operational cost of the building over the next 70-100 years is also extremely important so an emphasis on building orientation, building materials, renewable energy, minimal energy use etc needs to be integrated into the design of the office building and the chosen site needs to be sympathetic to these requirements;*
- Council Chambers to be included in the new complex.*

### **Site 1: Former Netball Precinct (corner Williams Road & North Terrace)**

*Advantages:*

- Flat and substantially undeveloped;*
- Very large site, building orientation can utilise natural light and heating/cooling;*
- Site integrates with Domain area;*
- Prominent site with exposure to passing traffic;*
- Will activate the southern end of the Domain.*

*Disadvantages:*

- Proximity to CBD area.*

### **Site 2: Apex Park (Corner George Street & Adelaide Road)**

*Advantages:*

- Greenfield site with good exposure to passing traffic;*
- Site owned by Council;*

- *Provides a good entry statement to the CBD area;*
- *Siting of new building can take advantage of appropriate orientation to maximise natural lighting and natural heating/cooling.*

*Disadvantages:*

- *Some loss of significant trees;*
- *Uncertainty about purchase and ownership of adjacent unused rail corridor;*
- *Risk of site contamination issues;*
- *Limitations on carparking and traffic management arrangements will be difficult.*

### **Site 3: Jubilee Park (North Terrace)**

*Advantages:*

- *Good connection to the Domain, Library and Civic and Arts Centre;*
- *Close to CBD;*
- *Can utilise some existing car parking;*
- *Good traffic management;*
- *Building orientation can utilise natural light and heating/cooling.*

*Disadvantages:*

- *Community connection to the land (e.g. park area);*
- *Loss of strong landscaping elements.*

### **Site 4: Existing Office**

*Two options are available for this site.*

#### **Option 4.1 - Renovate the existing Building**

*Advantages:*

- *Retain historical connection to the land, although this building is a former schoolhouse so its connection to Council is limited;*
- *Good open, flat site with good exposure to traffic;*
- *Good parking;*
- *Close to Library and Civic and Arts Centre.*

*Disadvantages:*

- *Building is not fit for purpose and renovations will need to be extensive and therefore expensive;*
- *Build time will be in the order of 2 years so alternate staff accommodation for this period will be required;*
- *Building will still be old when renovations completed incurring high operational and maintenance costs;*
- *Building footprint will need to be significantly increased to accommodate all staff and Council Chambers in a single facility.*

#### **Option 4.2 – Demolish Existing Building and Build New Office on same site.**

##### Advantages:

- *Good open, flat site with good exposure to traffic;*
- *Good parking;*
- *Close to Library and Civic and Arts Centre.*

##### Disadvantages:

- *Build time will be in the order of 2 years so alternate staff accommodation for this period will be required;*
- *Building footprint will need to be significantly increased to accommodate all staff and Council Chambers in a single facility;*
- *There will be difficulty in integrating the new building design with the existing Civic buildings immediately adjacent.*

#### **Financial Considerations**

Budget Allocation	\$50,000
Budget Spent to Date	\$27,500
Budget Variation Requested	\$0

#### **Risk Considerations**

There are no known risk considerations related to this report.

#### **Policy Considerations**

Community Engagement Policy.

#### **Legislative Considerations**

There are no known legislative considerations related to this report.

#### **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

#### **Communication & Consultation Considerations**

It is proposed that 30 days public consultation commence in relation to the site location selection.

## RECOMMENDATION

That Council:


1. Lift the matter that lie on the table from 9 June 2020 meeting, being item 16.1.2 Council Office.
2. (Recommendation from 9 June 2020)  
*Cr Drew Moved that Council proposes Apex Park as the preferred site location for a new Principal Office. Seconded Cr Price*
3. Commence a 30 day Public Consultation in relation to the (4) four designated site options for the future location and development of the Wattle Range Council principal office being:
  - (Site 1) Former Netball Precinct (corner Williams Road & North Terrace)
  - (Site 2) Apex Park (Corner George Street & Adelaide Road)
  - (Site 3) Jubilee Park (North Terrace)
  - (Site 4) Existing George Street office site






**Legend Key:**

- Roof Outline
- Wall Outline
- Future Office Expansion
- New Pavement
- New Vegetation
- Vegetation Maintained

<div>Drawing Reference:</div> <div>Netball Courts - Site 1</div> <div>CNR Williams RD and North Terrace</div>	<div>Drawn by:</div> <div>Chapman Herbert Architects</div>	<div>Project:</div> <div>Wattle Range Council New Administration Office Concepts</div>	<div>Date:</div> <div>22/06/2020</div>	<div></div> <div>Wattle Range Council Engineering Services Division</div> <div>Ph: 08 8733 0901      Fax: 08 8733 4999 PO Box 27, Millicent, 5280</div> <div><small>This drawing was created for the Wattle Range Council. The Council is not liable for any damages resulting from its use.</small></div>
	<div>Reviewed by:</div> <div>PH</div>	<div>Drawing Title:</div> <div>Netball Courts (Site 1) Location and Site Plan</div>	<div>Scale on A1L:</div> <div>1:500</div>	
			<div>Sheet:</div> <div>1 of 1</div>	






Drawing Reference:  Apex Park - Site 2 CNR Ridge Terrace and George Street		Drawn by: Chapman Herbert Architects	Project: Wattle Range Council New Administration Office Concepts	Date: 22/06/2020	 Wattle Range Council Engineering Services Division Ph: 08 8733 0901 Fax: 08 8733 4999 PO Box 27, Millicent, 5280 <small>This drawing was created for the Wattle Range Council. The Council is not liable for any damages resulting from its use.</small>
		Reviewed by: PH	Drawing Title: Apex Park (Site 2) Location and Site Plan	Scale on A1L: 1:500	
				Sheet: 1 of 1	






<b>Drawing Reference:</b>  Jubilee Park - Site 3 Off North Terrace		<b>Drawn by:</b> Chapman Herbert Architects	<b>Project:</b> Wattle Range Council New Administration Office Concepts	<b>Date:</b> 22/06/2020	 <b>Wattle Range Council</b> Engineering Services Division Ph: 08 8733 0901 Fax: 08 8733 4999 PO Box 27, Millicent, 5280 <small>This drawing was created for the Wattle Range Council. The Council is not liable for any damages resulting from its use.</small>
		<b>Reviewed by:</b> PH	<b>Drawing Title:</b> Jubilee Park (Site 3) Location and Site Plan	<b>Scale on A1L:</b> 1:500	
				<b>Sheet:</b> 1 of 1	





<b>Drawing Reference:</b>  Existing Office - Site 4 CNR Ridge Terrace and George Street	<b>Drawn by:</b> Chapman Herbert Architects	<b>Project:</b> Wattle Range Council New Administration Office Concepts	<b>Date:</b> 22/06/2020	 <b>Wattle Range Council</b> Engineering Services Division Ph: 08 8733 0901 Fax: 08 8733 4999 PO Box 27, Millicent, 5280 <small>This drawing was created for the Wattle Range Council. The Council is not liable for any damages resulting from its use.</small>
	<b>Reviewed by:</b> PH	<b>Drawing Title:</b> Existing Office (Site 4) Location and Site Plan	<b>Scale on A1L:</b> 1:500  <b>Sheet:</b> 1 of 1	



## 15.4.2 2020/2021 Black Spot Program

Report Type	Officer Report
Department	Executive
Author	Catherine Allen
Disclosure of Interest	No Council Officers or Contractors have declared a Conflict of Interest regarding the matter under consideration.
Current Risk Rating	Medium
Strategic Plan Reference	<b>Theme 4 - Infrastructure &amp; Asset Sustainability</b> 4.2 Plan and provide for a safe local road network that meets the future and current needs of our community.
File Reference	GF/14.64.1
Attachments	1. I 172903 [15.4.2.1 - 36 pages] 2. SOUTHEND ACCESS ROAD [15.4.2.2 - 1 page]

### Purpose of Report

Seek Council approval to affix the Council seal to the funding agreement provided by the Federal Government.

### Report Details

Council has been advised that it was successful in obtaining funding through the Federal Government Blackspot Road Safety Program.

Southend Access Road is primarily a community access road that sees a significant increase in vehicles during the warmer months primarily from tourism and commercial fishing activities. Vehicle counts of up to 2000vpd have been recorded during summer months. The roadway contains numerous horizontal and vertical curves.

The application made by Council officers proposes the installation of audio tactile markings along the edge lines for the full length of this road, along with installation of RRPMS along both edge lines and the centre dividing line. It is also proposed to replace existing signage that does not meet current code requirements, and the installation curve warning and/or chevron alignment markers where warranted. White post placement will be reviewed and replaced where necessary.

With these measures in place, the roadway will have an improved safety feature, especially during periods of low visibility.

The funding agreement provides Council with \$115,500 (inc GST) to complete the works and requires no matching funding for the project.

The funding agreement has been received and requires the Council common seal to authorise the agreement. The CEO requires the approval of Council to affix the common seal to an agreement.

### Financial Considerations

Budget Allocation	\$105,000
Budget Spent to Date	\$0
Budget Variation Requested	\$0

The grant and expenditure were adopted as part of the 2020/21 budget.

### **Risk Considerations**

Internal Financial Controls - Medium

### **Policy Considerations**

There are no known policy considerations related to this report.

### **Legislative Considerations**

There are no known legislative considerations related to this report.

### **Environmental / Sustainability Considerations**

There are no known environmental or sustainability considerations related to this report.

### **Communication & Consultation Considerations**

There are no known communication and consultation considerations related to this report.

### **RECOMMENDATION**

That Council:

1. Receive and note the report.
2. Authorise the Mayor and CEO to execute the Funding Deed under the 2020/21 Commonwealth Infrastructure Investment Black Spot Program and affix the common seal.



Government of South Australia

Department of Planning,  
Transport and Infrastructure

In reply please quote 2018/23571/01

Enquiries to Amit Dua

Telephone (08) 8343 2416

Mr Ben Gower  
Chief Executive Officer  
Wattle Range Council  
PO Box 27  
MILLICENT SA 5280

LETTER NO: 11172903					
FILE NO: 14.64.1/1					
DATE RECD		06 JUL 2020		RECEIVED	
Aleo-PA					
CEO	DCS	ODS	DES		FILE

ROAD ASSET  
MANAGEMENT SERVICES  
DIRECTORATE77 Grenfell Street  
Adelaide SA 5000GPO Box 1533  
Adelaide SA 5001Telephone: 08 8343 2222  
Facsimile: 08 8204 8740

ABN 92 366 288 135

Dear Mr Gower

**2020/2021 BLACK SPOT PROGRAM**

The Australian Government has confirmed that the South Australian projects have been approved for funding under the 2020/2021 Australian Government Black Spot Program.

I am pleased to advise that the following project was **successful** in gaining funding under this Program:

- Safety improvements at Southend Access Road, Southend
  - Installation of Audio Tactile Lime marking and delineation improvement.
  - Approved funding: \$115,500 (GST inclusive).
  - Completion by the end of June 2021.

A funding deed will need to be entered into by the council. The deed contains information about project funding, conditions, reporting and payment arrangements. Additional reporting requirements have also been stipulated by the Australian Government.

Two copies of the deed are attached.

**Please insert the required details in item 2 of Schedule 1, attach the seal and sign on page 8 and return both copies within six weeks from the date of this letter to:**

Mr Naly Sim  
Road Safety Engineer  
Road Asset Management Services Directorate  
Department of Planning, Transport and Infrastructure  
77 Grenfell Street  
ADELAIDE SA 5000





It is important that the obligations and conditions in the funding deed are met. Work on the project must be undertaken in accordance with appropriate Austroads, Australian and Departmental Standards and the requirements of the *Notes on Administration for the Infrastructure Investment Black Spot Program*, which is available on the internet at <http://dpti.sa.gov.au/blackspot>.

For further information regarding project nominations, please contact Mr Amit Dua on telephone number (08) 8343 2416.

I wish you every success with your approved project.

Yours sincerely



Kerry McConnell  
**Unit Manager, Road Safety Infrastructure**

30 June 2020

Encl. Copies of Funding Deed



**FUNDING DEED**

under

**2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT  
BLACK SPOT PROGRAM**

Project Number	106469-20SA-BS
Location	Southend Access Road, Southend
Project Description	Southend Access Road Delineation Improvements
Project Funding	\$115,500 (GST Inclusive)

between

**THE COMMISSIONER OF HIGHWAYS**  
**(Grantor)**

and

**THE COUNCIL NAMED IN SCHEDULE 1**  
**(Council)**

## FUNDING DEED

Between

**COMMISSIONER OF HIGHWAYS**, a body corporate pursuant to the *Highways Act 1926* (administered by the Department of Planning, Transport and Infrastructure) (ABN: 92 366 288 135).....(**Grantor**)

And

**THE COUNCIL NAMED IN SCHEDULE 1**, a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

### 1. BACKGROUND

- 1.1 The Council has proposed to undertake the project (**Project**) described in item 3 of Schedule 1.
- 1.2 This deed sets out the terms and conditions under which the Grantor intends to provide funding to the Council solely for the purpose (**Purpose**) described in item 3 of Schedule 1 which includes the conduct of the Project.
- 1.3 The maximum amount that may be paid to the Council under this deed is set out in item 0 of Schedule 1 (**Funding**).
- 1.4 Item 3 of Schedule 1 indicates whether or not the Project is to be conducted on a road(s) under the care, control and management of the Commissioner of Highways (**Commissioner**).
- 1.5 If conducted on a road(s) under the care, control and management of the Commissioner the additional terms and conditions set out in Schedule 2 will also apply.

### 2. FUNDING

- 2.1 Subject to this deed, the Grantor will pay the Council up to the amount of the Funding.
- 2.2 The Council must only use the Funding for the Purpose.
- 2.3 For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in item 4 of Schedule 1.
- 2.4 The Funding is payable by way of progress payments in arrears for work undertaken for the Purpose and may also be part payable (if indicated in item 5 of Schedule 1) by way of an Initial Instalment in Advance.
- 2.5 During the Funding Period, the Council is entitled in accordance with the conditions set out in item 5 of Schedule 1:
  - (a) to invoice the Grantor for the payment of the amount of any Initial Instalment in Advance set out in item 5 of Schedule 1 (if any); and
  - (b) once the amount of the Initial Instalment in Advance (if any) has been expended on work undertaken for the Purpose, to invoice the Grantor for progress payment(s) for work undertaken for the Purpose.

The total of any Initial Instalment in Advance (if any) and all progress payments must not exceed the amount of the Funding.
- 2.6 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.

- 2.7 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Grantor, unless the Grantor gives written approval for the Council to retain the money.

### 3. GST

- 3.1 The Funding (including any Initial Instalment in Advance or any progress payment) is all-inclusive and not subject to any adjustment for GST or any other tax or cost.
- 3.2 In this Deed "*Taxable Supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999 (GST Law)*.

### 4. ADMINISTRATION OF DEED

- 4.1 Any power or discretion exercisable by the Grantor under this deed may be exercised by the person (**Grantor's Representative**) for the time being in the position within the Department of Planning, Transport and Infrastructure (**Department**) set out in item 2 of Schedule 1.
- 4.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in item 2 of Schedule 1.

### 5. PROVISION OF FINANCIAL INFORMATION

- 5.1 The Council must provide the Grantor with appropriate and regular information, records and reports as the Grantor may request from time to time about:
- (a) the administration and financial affairs of the Council;
  - (b) the progress of (and any change to) the authorised scope of the Purpose or the Project;
  - (c) any significant changes to the nature and scope of the activities conducted by the Council;
  - (d) any other matter relevant to the granting of assistance;
  - (e) any other funding or financial assistance promised or received from any source other than the Grantor;
  - (f) the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
  - (g) the performance of the Council's undertakings and obligations under this deed.
- 5.2 The information provided by the Council must be sufficient for the Grantor to make an informed judgement about:
- (a) the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
  - (b) the Council's performance in managing public moneys, acquiring and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
  - (c) the overall effectiveness of the Funding throughout the Funding Period;
  - (d) compliance with legislation and generally accepted accounting principles; and



- 
- (e) compliance with the Council's constitution and the conditions of this deed.

5.3 The Council must permit any officer authorised by the Grantor:

- (a) to enter the Council's premises and to have access to all accounting records, equipment, documents and information in possession of the Council; and
- (b) to interview employees of the Council on matters pertaining to the operations of the Council.

## 6. GENERAL OBLIGATIONS OF THE COUNCIL

The Council must:

- 6.1 use the Funding only for the Purpose for which the Funding was made;
- 6.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 6.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 6.4 comply with its constitution;
- 6.5 comply with the additional reporting requirements set out in item 6 of Schedule 1;
- 6.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Grantor no later than one calendar month after the expiry of the Funding Period;  
(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)
- 6.7 where the Funding to Council is in excess of One Million Dollars (GST exclusive) prepare financial statements in the nature of General Purpose Financial Statements; and
- 6.8 where requested by the Grantor, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

## 7. CONDUCT OF THE PROJECT

- 7.1 The Council must ensure that any works undertaken towards the Purpose and/or the Project are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.
- 7.2 If (as indicated in item 3 of Schedule 1) the Project is to be conducted on a Road(s) under the care, control and management of the Commissioner, the Council must comply with the additional terms and conditions set out in Schedule 2.
- 7.3 The Council must erect signs on each road approach to the Project that comply with Section 4.7.1 – "Signposting" of the Notes on **Administration for Land transport Infrastructure Projects** published by the Commonwealth.

## 8. TERMINATION

- 8.1 If the Council fails to comply with this deed and/or fails within 6 months from the Commencement of this deed to commence the works on the Project (or make sufficient progress to the satisfaction of the Grantor), the Grantor may:
- (a) require the Council to repay either the whole or a portion of the Funding (whether expended or not);
  - (b) withhold all future funding from the Council;
  - (c) pursue any legal rights or remedies which may be available to the Grantor; and
  - (d) terminate or curtail any program or project conducted by the Grantor of which the Purpose conducted by the Council is part.
- 8.2 The Grantor may review any decision made pursuant to this clause if the Council is able to satisfy the Grantor within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 8.3 Nothing in this deed is to be taken to limit the Grantor's discretion to determine whether and how any program or project of the Grantor is to be conducted, except if and to the extent that the Grantor gives an express undertaking in that regard.

## 9. GENERAL TERMS AND CONDITIONS

### 9.1 Insurance

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

### 9.2 Commonwealth Funded Project

The Council acknowledges that the Funding provided under this deed is (and remains) contingent upon the Commonwealth funding and despite any other clause of this deed, if the Commonwealth for any reason ceases its provision of funding then the Grantor may by notice to the Council cease its provision of Funding under this deed.

### 9.3 Audit

The Grantor may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Grantor may specify the minimum qualifications to be held by a person appointed to conduct the audit.

### 9.4 Acknowledgements

The Council acknowledge that the Funding represents a one-off contribution by the Grantor towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Grantor. The Grantor is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Grantor will not be liable to reimburse the Council for any losses or cost over runs that may result from the operation of this deed or the carrying out of the Purpose or Project.

**9.5 Indemnity**

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Project and it releases and indemnifies the Grantor, the Commissioner and the Crown in right of the State of South Australia together with their employees, contractors and agents (**those indemnified**) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect to the works to complete the Project or otherwise caused by any breach or default of the Council under this Deed.

**9.6 Assignment**

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

**9.7 Publicity**

The Council must not make (or permit a public announcement or media release to be made) about any aspect of this deed without first obtaining the Grantor's written consent.

**9.8 Consent**

If the Council requires the Grantor's consent under this deed, the Grantor may, in its absolute discretion, give or withhold its consent and if giving consent, the Grantor may impose any condition on that consent that it considers appropriate. The Grantor's consent will not be effective unless it is in writing and signed.

**9.9 Entire Deed**

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

**9.10 Proper Law**

The laws in force in South Australia apply to this deed.

**9.11 Jurisdiction of Courts**

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

**9.12 Compliance with Laws**

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

**9.13 Notices**

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- (a) if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- (b) if sent by facsimile, at the time which the sender's facsimile machine records that the communication has been transmitted satisfactorily (or, if such time is outside normal business hours (9am to 5pm on a business day), at the time of resumption of normal business hours);

- (c) if sent by electronic mail or other electronic means, only in the event that the other party acknowledges receipt by any means; or
- (d) if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

#### 9.14 **Performance and future proposals**

The satisfactory completion of the works for the Purpose, the making of regular progress payments (see note under item 5 of Schedule 1) and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any applications by the Council for future funding.

#### 9.15 **Waiver**

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights.

A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision.

The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

#### 9.16 **Variation**

Any variation of this deed must be in writing and signed by each party (or its Representative). Any request by the Council for agreement to vary the Funding, the Purpose, the scheduled timing for the conduct of the works for the Project and/or the Funding Period must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Grantor to have regard to its merits.

#### 9.17 **Reading down and Severance**

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision (or part of a provision) shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

#### 9.18 **Auditor General**

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

#### 9.19 **Public Disclosure**

The Grantor may disclose this deed (and/or information relating to this deed) in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

The special conditions set out under item 7 of Schedule 1 (if any) form part of this deed.

By the Grantor

was affixed on: .....  
(Date above)

(Affix Seal Above)

in the presence of:

Witness Signature:.....

Print Name: .....

By the Council

was affixed on: .....  
(Date above)

(Affix Seal Above)

as attested by the Principal Member and  
Chief Executive Officer.

Signature:.....

Signature: .....

Print Name: .....

Print Name: .....

Principal Member

Chief Executive Officer

**SCHEDULE 1 - PARTICULARS****1. THE COUNCIL**

Name: **Wattle Range Council**

Site Address: **Civic Centre, George Street, Millicent SA 5280**

Postal Address: **PO Box 27, Millicent SA 5280**

ABN: **48 797 441 024**

**2. REPRESENTATIVES****Grantor's Representative**

Name: **Ms Kerry McConnell**

Position: **Unit Manager, Road Safety Infrastructure**  
**Department of Planning, Transport and Infrastructure**

Address: **77 Grenfell Street**  
**ADELAIDE SA 5000**

Telephone: **(08) 7109 7897**

E-mail: [kerry.mcconnell@sa.gov.au](mailto:kerry.mcconnell@sa.gov.au)

**Council's Representative**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**3. THE PURPOSE, DESCRIPTION OF PROJECT & DETAILS OF THE ROAD(S)**

The Purpose: The funding is provided for the purpose of the Council undertaking on the road(s) identified below (within the Funding Period) the Project described below (and in any plans and/or proposal attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project:	Project Number	<b>106469-20SA-BS</b>
	Project Description	<b>Installation of audio tactile line marking on edge lines with raised reflective pavement markers, improved signage and delineation</b>

**Note:** Please ensure that a full description setting out all aspects of the Project is included (this is of particular importance for Projects undertaken on DPTI maintained roads).

Details of the Road(s): **Southend Access Road, Southend**

Is the Road(s) under the care control and management of the Commissioner of Highways:

**Yes**

**Note:** If under the care, control and management of the Commissioner then Schedule 2 will apply.



#### 4. THE FUNDING

The Funding: **\$115,500** (GST Inclusive)

The Funding Period: Start Date: **1 July 2020**  
End Date: **30 June 2021**

#### 5. MANNER & CONDITIONS OF PAYMENT

##### Limit on payments

The Funding of **\$115,500** (GST Inclusive) is the maximum total amount the Grantor may be liable to pay the Council under this deed.

##### Initial Instalment in Advance & Progress Payments

The following table sets out the details of payments comprising the Funding the Council may invoice the Grantor for in accordance with clause 2.5 of the deed.

Payment	Amount AUD (GST Inclusive)
Initial Instalment in Advance  (Note: If no amount is indicated <u>then</u> no Initial Instalment in Advance will be made and the Funding will be made entirely through Progress Payments in arrears)	<b>\$nil</b>
Allocation for Progress Payments	<b>\$115,500</b>
Total Funding	<b>\$115,500</b>

##### Periodic Progress Payments

Except in relation to the last Quarter prior to an End Date of 30 June, the Council is entitled (provided any instalment in advance has been expended) to invoice the Grantor after the end of each Quarter (or after another interval agreed between the parties) for progress payments for work undertaken for the Purpose.

A "Quarter" is the 3 calendar month period ending on 31 March, 30 June, 30 September and 31 December of each year during the Funding Period.

Last Quarter: If the End Date is 30 June (to coincide with the end of the Financial Year) then the Council must by **1 June** issue the Grantor with the final invoice for all works undertaken for the Purpose. Late invoices will only be accepted with the written agreement of the Grantor.

Note on Regular Invoices: The Grantor expects that works for the Purpose will be undertaken promptly during the Funding Period and expects to receive the invoice for any instalment in advance (if any) soon after the commencement of this deed and then regular subsequent receipt of invoices for progress payments.

##### Invoices

The Grantor is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- quotes the relevant purchase order number allocated by the Grantor;
- is accompanied by a Claim Form and invoices (if any) from the Council's contractor(s) undertaking work for the Purpose;
- reflects the correct amount for payment under this deed; and

(e) is a valid Tax Invoice in accordance with GST Law.

The **Claim Form** must set out:

- (a) The progress of the work towards the Purpose.
- (b) Project expenditure report from Council's financial management system and a summary schedule of expenditure.
- (c) Statement of the amount of any under or over expenditure of the Funding.

A pro-forma Claims Form is available from web-link:

[http://www.dpti.sa.gov.au/roadsafety/safer\\_roads/black\\_spot\\_program\\_2](http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2)

### Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Grantor must pay the amount of a properly rendered invoice for an Initial Instalment in Advance (if indicated above) and a progress payment for work undertaken towards the Purpose issued by the Council, within 30 days of receiving the Council's invoice.

## 6. ADDITIONAL REPORTING REQUIREMENTS

Report (Title)	Frequency (By when)	Requirements (Information and applicable standard)
<b>Project Report</b>	1 <sup>st</sup> Report- 1 <sup>st</sup> August  2 <sup>nd</sup> Report-1 <sup>st</sup> November  3 <sup>rd</sup> Report-1 <sup>st</sup> February  4 <sup>th</sup> Report- 1 <sup>st</sup> May  <b>or 7 days from request</b>	<ul style="list-style-type: none"> <li>The progress of the Project and scheduling of works.</li> <li>Updated Expenditure forecasts during the term of the funding period.</li> <li>The management of the Funding (i.e. break down of expenditure of the Funding).</li> <li>Any changes to the authorised scope of the Project.</li> <li>Any significant changes to the nature, scope and cost of the activities conducted by the Council.</li> <li>Any operational matters requested from time to time by the Grantor for inclusion in the Project Report.</li> <li>Use Template as per attachment (DPTI PM reporting template (PM203-1))</li> </ul>
<b>Completion Report</b>	Within 30 days from the completing the works for the Project.	<ul style="list-style-type: none"> <li>Use Template as per <a href="http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2">http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2</a></li> </ul>
<b>Financial Statements</b> (As referred to in clauses 6.6 and 6.7 of the Deed)	Within 30 days from the expiry of the Funding Period.	<p>Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council's expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council.</p> <p><b>Standard:</b> If the Funding is in excess of \$1 M (GST exclusive) <u>then</u> the recipient must prepare its Financial Statements in the nature of General Purpose Financial Statements.</p> <p>(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)</p>

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**7. SPECIAL CONDITIONS**

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- 7.1 The Road Asset Management Services Directorate will contact Council for a commencement meeting or other meetings as required.

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## SCHEDULE 2 – WORKS ON COMMISSIONER MAINTAINED ROAD(S)

### 1. APPLICATION OF THIS SCHEDULE 2

The Council must comply with the terms and conditions set out in this Schedule 2 if (as indicated in item 3 of Schedule 1) the Council's proposed Project funded under this deed involves work on (or alterations to) a road ("**Road**") that is under the care, control and management of the Commissioner of Highways ("**Commissioner**").

### 2. LEGAL REQUIREMENT TO GAIN COMMISSIONER'S APPROVAL

Subsection 26(7) of the *Highways Act 1926* (SA) provides that a council must not exercise its powers under Part 2 of Chapter 11 of the *Local Government Act 1999* (SA) (e.g. the powers to conduct roadwork) in relation to a road under the care, control and management of the Commissioner except to the extent (if any) as the Commissioner may approve by written notice to the council.

The Council therefore acknowledges that prior to undertaking any works on the Road it will first need to gain the written approval of the Commissioner pursuant to section 26(7) of the *Highways Act 1926*.

### 3. TERMS AND CONDITIONS FOR WORKS ON COMMISSIONER'S ROAD

3.1 The Commissioner makes no warranties or representations concerning the suitability of the Road for the Purpose or the presence of third party installations on, in, along, over, under or near the Road. The Council must arrange for any required relocation or alteration of third party installations at its own cost.

In this Deed "third party installations" means any rail, gas, electrical, telecommunications, stormwater, water or other underground or overground installation on, in, along, over, under or near the Road.

3.2 The Council must:

- (a) not less than one calendar month prior to the commencement of works for the Purpose, submit the detailed design(s), any applicable drawings and plans and its Traffic Management Plan(s) to the Commissioner (acting through the Department) for its comment;
- (b) modify the documents submitted in accordance with the preceding item 3.2(a) in accordance with any comments received from the Commissioner (or the Department);
- (c) give prior notification to the Commissioner before commencing any works on the Road and abide by (and ensure that its contractor also abides by) any requirements imposed as to the times for access to the Road;
- (d) undertake (and ensure that its contractor undertakes) the works on the Road in accordance with:
  - (i) the Department's requirements as outlined in "*Works by other Organisations on Roads Maintained by the Commissioner of Highways*" available at [http://www.dpti.sa.gov.au/contractor\\_documents](http://www.dpti.sa.gov.au/contractor_documents) ; and
  - (ii) the detailed design(s), drawings and plans and Traffic Management Plan agreed to by the Commissioner,
 unless a variation is first agreed in writing by the Commissioner;
- (e) ensure that any works undertaken do not disrupt (or impede) any activity undertaken by the Commissioner (or the Department) on the Road;

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- (f) ensure that a defect liability period of not less than 24 calendar months applies to the works and the Council must invite (and make provision for) a representative of the Commissioner to attend inspections to assess both practical completion and final completion of the works;
  - (g) ensure that any additional works required to reach practical completion or any remediation (or repair of) defects that are required to allow for final completion, identified by either the Council or the Commissioner, are promptly carried out by the Council (or its contractor);
  - (h) at its cost, comply with any written direction by the Commissioner in relation to the conduct of the works, any alteration or removal of any infrastructure installed, the removal or minimisation of any risks to safety identified, the reinstatement of pavements, traffic management, the public's access to the Road or partial road closures;
  - (i) undertake such reasonable safety measures necessary to protect its employees, contractors, the public and commuters [including without limitation compliance with (and ensuring its contractor complies with) the *Work Health and Safety Act, 2012* (SA) and the *Work Health and Safety Regulations, 2012* (SA)];
  - (j) notify the Commissioner of any safety risk posed by the works or any infrastructure installed or any activity undertaken by the Council (or its employees, contractors and agents), on the Road; and
  - (k) following practical completion of the works [and following any further modifications undertaken by the Council (or its contractor)] provide at the Council's cost, the Commissioner with as constructed drawings and plans accurately depicting the type and location of the works and any infrastructure installed in accordance with Departmental standards available at:

[http://www.dpti.sa.gov.au/contractor\\_documents](http://www.dpti.sa.gov.au/contractor_documents) (intellectual property in the plans and drawings vests in the Commissioner).

- 3.3 If the Council fails to comply with the requirements of item 3.2(g) or fails to carry out a direction of the Commissioner issued in accordance with item 3.2(h) then the Commissioner may (without being obliged to) carry out (or engage a contractor to carry out) the necessary work and the Council promises to pay to the Commissioner the cost it incurs in doing so.

# Attachment

- **DPTI Project Management Quarterly Report Template**





**FUNDING DEED**

under

**2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT  
BLACK SPOT PROGRAM**

Project Number	106469-20SA-BS
Location	Southend Access Road, Southend
Project Description	Southend Access Road Delineation Improvements
Project Funding	\$115,500 (GST Inclusive)

between

**THE COMMISSIONER OF HIGHWAYS  
(Grantor)**

and

**THE COUNCIL NAMED IN SCHEDULE 1  
(Council)**

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## FUNDING DEED

Between

**COMMISSIONER OF HIGHWAYS**, a body corporate pursuant to the *Highways Act 1926* (administered by the Department of Planning, Transport and Infrastructure) (ABN: 92 366 288 135).....(**Grantor**)

And

**THE COUNCIL NAMED IN SCHEDULE 1**, a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

### 1. BACKGROUND

- 1.1 The Council has proposed to undertake the project (**Project**) described in item 3 of Schedule 1.
- 1.2 This deed sets out the terms and conditions under which the Grantor intends to provide funding to the Council solely for the purpose (**Purpose**) described in item 3 of Schedule 1 which includes the conduct of the Project.
- 1.3 The maximum amount that may be paid to the Council under this deed is set out in item 0 of Schedule 1 (**Funding**).
- 1.4 Item 3 of Schedule 1 indicates whether or not the Project is to be conducted on a road(s) under the care, control and management of the Commissioner of Highways (**Commissioner**).
- 1.5 If conducted on a road(s) under the care, control and management of the Commissioner the additional terms and conditions set out in Schedule 2 will also apply.

### 2. FUNDING

- 2.1 Subject to this deed, the Grantor will pay the Council up to the amount of the Funding.
- 2.2 The Council must only use the Funding for the Purpose.
- 2.3 For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in item 4 of Schedule 1.
- 2.4 The Funding is payable by way of progress payments in arrears for work undertaken for the Purpose and may also be part payable (if indicated in item 5 of Schedule 1) by way of an Initial Instalment in Advance.
- 2.5 During the Funding Period, the Council is entitled in accordance with the conditions set out in item 5 of Schedule 1:
  - (a) to invoice the Grantor for the payment of the amount of any Initial Instalment in Advance set out in item 5 of Schedule 1 (if any); and
  - (b) once the amount of the Initial Instalment in Advance (if any) has been expended on work undertaken for the Purpose, to invoice the Grantor for progress payment(s) for work undertaken for the Purpose.

The total of any Initial Instalment in Advance (if any) and all progress payments must not exceed the amount of the Funding.
- 2.6 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.

- 
- 2.7 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Grantor, unless the Grantor gives written approval for the Council to retain the money.

### 3. GST

- 3.1 The Funding (including any Initial Instalment in Advance or any progress payment) is all-inclusive and not subject to any adjustment for GST or any other tax or cost.
- 3.2 In this Deed "*Taxable Supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999* (**GST Law**).

### 4. ADMINISTRATION OF DEED

- 4.1 Any power or discretion exercisable by the Grantor under this deed may be exercised by the person (**Grantor's Representative**) for the time being in the position within the Department of Planning, Transport and Infrastructure (**Department**) set out in item 2 of Schedule 1.
- 4.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in item 2 of Schedule 1.

### 5. PROVISION OF FINANCIAL INFORMATION

- 5.1 The Council must provide the Grantor with appropriate and regular information, records and reports as the Grantor may request from time to time about:
- (a) the administration and financial affairs of the Council;
  - (b) the progress of (and any change to) the authorised scope of the Purpose or the Project;
  - (c) any significant changes to the nature and scope of the activities conducted by the Council;
  - (d) any other matter relevant to the granting of assistance;
  - (e) any other funding or financial assistance promised or received from any source other than the Grantor;
  - (f) the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
  - (g) the performance of the Council's undertakings and obligations under this deed.
- 5.2 The information provided by the Council must be sufficient for the Grantor to make an informed judgement about:
- (a) the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
  - (b) the Council's performance in managing public moneys, acquiring and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
  - (c) the overall effectiveness of the Funding throughout the Funding Period;
  - (d) compliance with legislation and generally accepted accounting principles; and

- 
- (e) compliance with the Council's constitution and the conditions of this deed.

5.3 The Council must permit any officer authorised by the Grantor:

- (a) to enter the Council's premises and to have access to all accounting records, equipment, documents and information in possession of the Council; and
- (b) to interview employees of the Council on matters pertaining to the operations of the Council.

## 6. GENERAL OBLIGATIONS OF THE COUNCIL

The Council must:

- 6.1 use the Funding only for the Purpose for which the Funding was made;
- 6.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 6.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 6.4 comply with its constitution;
- 6.5 comply with the additional reporting requirements set out in item 6 of Schedule 1;
- 6.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Grantor no later than one calendar month after the expiry of the Funding Period;  
(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)
- 6.7 where the Funding to Council is in excess of One Million Dollars (GST exclusive) prepare financial statements in the nature of General Purpose Financial Statements; and
- 6.8 where requested by the Grantor, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

## 7. CONDUCT OF THE PROJECT

- 7.1 The Council must ensure that any works undertaken towards the Purpose and/or the Project are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.
- 7.2 If (as indicated in item 3 of Schedule 1) the Project is to be conducted on a Road(s) under the care, control and management of the Commissioner, the Council must comply with the additional terms and conditions set out in Schedule 2.
- 7.3 The Council must erect signs on each road approach to the Project that comply with Section 4.7.1 – "Signposting" of the Notes on **Administration for Land transport Infrastructure Projects** published by the Commonwealth.

## 8. TERMINATION

- 8.1 If the Council fails to comply with this deed and/or fails within 6 months from the Commencement of this deed to commence the works on the Project (or make sufficient progress to the satisfaction of the Grantor), the Grantor may:
- (a) require the Council to repay either the whole or a portion of the Funding (whether expended or not);
  - (b) withhold all future funding from the Council;
  - (c) pursue any legal rights or remedies which may be available to the Grantor; and
  - (d) terminate or curtail any program or project conducted by the Grantor of which the Purpose conducted by the Council is part.
- 8.2 The Grantor may review any decision made pursuant to this clause if the Council is able to satisfy the Grantor within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 8.3 Nothing in this deed is to be taken to limit the Grantor's discretion to determine whether and how any program or project of the Grantor is to be conducted, except if and to the extent that the Grantor gives an express undertaking in that regard.

## 9. GENERAL TERMS AND CONDITIONS

### 9.1 Insurance

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

### 9.2 Commonwealth Funded Project

The Council acknowledges that the Funding provided under this deed is (and remains) contingent upon the Commonwealth funding and despite any other clause of this deed, if the Commonwealth for any reason ceases its provision of funding then the Grantor may by notice to the Council cease its provision of Funding under this deed.

### 9.3 Audit

The Grantor may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Grantor may specify the minimum qualifications to be held by a person appointed to conduct the audit.

### 9.4 Acknowledgements

The Council acknowledge that the Funding represents a one-off contribution by the Grantor towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Grantor. The Grantor is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Grantor will not be liable to reimburse the Council for any losses or cost over runs that may result from the operation of this deed or the carrying out of the Purpose or Project.



**9.5 Indemnity**

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Project and it releases and indemnifies the Grantor, the Commissioner and the Crown in right of the State of South Australia together with their employees, contractors and agents (**those indemnified**) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect to the works to complete the Project or otherwise caused by any breach or default of the Council under this Deed.

**9.6 Assignment**

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

**9.7 Publicity**

The Council must not make (or permit a public announcement or media release to be made) about any aspect of this deed without first obtaining the Grantor's written consent.

**9.8 Consent**

If the Council requires the Grantor's consent under this deed, the Grantor may, in its absolute discretion, give or withhold its consent and if giving consent, the Grantor may impose any condition on that consent that it considers appropriate. The Grantor's consent will not be effective unless it is in writing and signed.

**9.9 Entire Deed**

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

**9.10 Proper Law**

The laws in force in South Australia apply to this deed.

**9.11 Jurisdiction of Courts**

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

**9.12 Compliance with Laws**

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

**9.13 Notices**

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- (a) if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- (b) if sent by facsimile, at the time which the sender's facsimile machine records that the communication has been transmitted satisfactorily (or, if such time is outside normal business hours (9am to 5pm on a business day), at the time of resumption of normal business hours);

- (c) if sent by electronic mail or other electronic means, only in the event that the other party acknowledges receipt by any means; or
- (d) if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

#### 9.14 **Performance and future proposals**

The satisfactory completion of the works for the Purpose, the making of regular progress payments (see note under item 5 of Schedule 1) and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any applications by the Council for future funding.

#### 9.15 **Waiver**

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights.

A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision.

The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

#### 9.16 **Variation**

Any variation of this deed must be in writing and signed by each party (or its Representative). Any request by the Council for agreement to vary the Funding, the Purpose, the scheduled timing for the conduct of the works for the Project and/or the Funding Period must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Grantor to have regard to its merits.

#### 9.17 **Reading down and Severance**

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision (or part of a provision) shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

#### 9.18 **Auditor General**

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

#### 9.19 **Public Disclosure**

The Grantor may disclose this deed (and/or information relating to this deed) in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

The special conditions set out under item 7 of Schedule 1 (if any) form part of this deed.

## ) ) ) ) ) ) ) ) ) )

(Affix Seal Above)

Print Name: .....

[illegible]

(Affix Seal Above)

Chief Executive Officer

**SCHEDULE 1 - PARTICULARS****1. THE COUNCIL**

Name: **Wattle Range Council**

Site Address: **Civic Centre, George Street, Millicent SA 5280**

Postal Address: **PO Box 27, Millicent SA 5280**

ABN: **48 797 441 024**

**2. REPRESENTATIVES****Grantor's Representative****Council's Representative**

Name: **Ms Kerry McConnell**

Position: **Unit Manager, Road Safety Infrastructure**  
**Department of Planning, Transport and Infrastructure**

Address: **77 Grenfell Street**  
**ADELAIDE SA 5000**

Telephone: **(08) 7109 7897**

E-mail: [kerry.mcconnell@sa.gov.au](mailto:kerry.mcconnell@sa.gov.au)

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**3. THE PURPOSE, DESCRIPTION OF PROJECT & DETAILS OF THE ROAD(S)**

The Purpose: The funding is provided for the purpose of the Council undertaking on the road(s) identified below (within the Funding Period) the Project described below (and in any plans and/or proposal attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project: Project Number **106469-20SA-BS**

Project Description **Installation of audio tactile line marking on edge lines with raised reflective pavement markers, improved signage and delineation**

**Note:** Please ensure that a full description setting out all aspects of the Project is included (this is of particular importance for Projects undertaken on DPTI maintained roads).

Details of the Road(s): **Southend Access Road, Southend**

Is the Road(s) under the care control and management of the Commissioner of Highways: **Yes**

**Note:** If under the care, control and management of the Commissioner then Schedule 2 will apply.

#### 4. THE FUNDING

The Funding: **\$115,500** (GST Inclusive)

The Funding Period: Start Date: **1 July 2020**

End Date: **30 June 2021**

#### 5. MANNER & CONDITIONS OF PAYMENT

##### Limit on payments

The Funding of **\$115,500** (GST Inclusive) is the maximum total amount the Grantor may be liable to pay the Council under this deed.

##### Initial Instalment in Advance & Progress Payments

The following table sets out the details of payments comprising the Funding the Council may invoice the Grantor for in accordance with clause 2.5 of the deed.

Payment	Amount AUD (GST Inclusive)
Initial Instalment in Advance <small>(Note: If no amount is indicated then no Initial Instalment in Advance will be made and the Funding will be made entirely through Progress Payments in arrears)</small>	<b>\$nil</b>
Allocation for Progress Payments	<b>\$115,500</b>
Total Funding	<b>\$115,500</b>

##### Periodic Progress Payments

Except in relation to the last Quarter prior to an End Date of 30 June, the Council is entitled (provided any instalment in advance has been expended) to invoice the Grantor after the end of each Quarter (or after another interval agreed between the parties) for progress payments for work undertaken for the Purpose.

A "Quarter" is the 3 calendar month period ending on 31 March, 30 June, 30 September and 31 December of each year during the Funding Period.

Last Quarter: If the End Date is 30 June (to coincide with the end of the Financial Year) then the Council must by **1 June** issue the Grantor with the final invoice for all works undertaken for the Purpose. Late invoices will only be accepted with the written agreement of the Grantor.

Note on Regular Invoices: The Grantor expects that works for the Purpose will be undertaken promptly during the Funding Period and expects to receive the invoice for any instalment in advance (if any) soon after the commencement of this deed and then regular subsequent receipt of invoices for progress payments.

##### Invoices

The Grantor is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- quotes the relevant purchase order number allocated by the Grantor;
- is accompanied by a Claim Form and invoices (if any) from the Council's contractor(s) undertaking work for the Purpose;
- reflects the correct amount for payment under this deed; and

(e) is a valid Tax Invoice in accordance with GST Law.

The **Claim Form** must set out:

- (a) The progress of the work towards the Purpose.
- (b) Project expenditure report from Council's financial management system and a summary schedule of expenditure.
- (c) Statement of the amount of any under or over expenditure of the Funding.

A pro-forma Claims Form is available from web-link:

[http://www.dpti.sa.gov.au/roadsafety/safer\\_roads/black\\_spot\\_program\\_2](http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2)

### Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Grantor must pay the amount of a properly rendered invoice for an Initial Instalment in Advance (if indicated above) and a progress payment for work undertaken towards the Purpose issued by the Council, within 30 days of receiving the Council's invoice.

## 6. ADDITIONAL REPORTING REQUIREMENTS

Report (Title)	Frequency (By when)	Requirements (Information and applicable standard)
<b>Project Report</b>	1 <sup>st</sup> Report- 1 <sup>st</sup> August  2 <sup>nd</sup> Report-1 <sup>st</sup> November  3 <sup>rd</sup> Report-1 <sup>st</sup> February  4 <sup>th</sup> Report- 1 <sup>st</sup> May  <b>or 7 days from request</b>	<ul style="list-style-type: none"> <li>The progress of the Project and scheduling of works.</li> <li>Updated Expenditure forecasts during the term of the funding period.</li> <li>The management of the Funding (i.e. break down of expenditure of the Funding).</li> <li>Any changes to the authorised scope of the Project.</li> <li>Any significant changes to the nature, scope and cost of the activities conducted by the Council.</li> <li>Any operational matters requested from time to time by the Grantor for inclusion in the Project Report.</li> <li>Use Template as per attachment (DPTI PM reporting template (PM203-1))</li> </ul>
<b>Completion Report</b>	Within 30 days from the completing the works for the Project.	<ul style="list-style-type: none"> <li>Use Template as per <a href="http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2">http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2</a></li> </ul>
<b>Financial Statements</b> (As referred to in clauses 6.6 and 6.7 of the Deed)	Within 30 days from the expiry of the Funding Period.	<p>Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council's expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council.</p> <p><b>Standard:</b> If the Funding is in excess of \$1 M (GST exclusive) <u>then</u> the recipient must prepare its Financial Statements in the nature of General Purpose Financial Statements.</p> <p>(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)</p>



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**7. SPECIAL CONDITIONS**

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- 7.1 The Road Asset Management Services Directorate will contact Council for a commencement meeting or other meetings as required.

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## SCHEDULE 2 – WORKS ON COMMISSIONER MAINTAINED ROAD(S)

### 1. APPLICATION OF THIS SCHEDULE 2

The Council must comply with the terms and conditions set out in this Schedule 2 if (as indicated in item 3 of Schedule 1) the Council's proposed Project funded under this deed involves work on (or alterations to) a road ("**Road**") that is under the care, control and management of the Commissioner of Highways ("**Commissioner**").

### 2. LEGAL REQUIREMENT TO GAIN COMMISSIONER'S APPROVAL

Subsection 26(7) of the *Highways Act 1926* (SA) provides that a council must not exercise its powers under Part 2 of Chapter 11 of the *Local Government Act 1999* (SA) (e.g. the powers to conduct roadwork) in relation to a road under the care, control and management of the Commissioner except to the extent (if any) as the Commissioner may approve by written notice to the council.

The Council therefore acknowledges that prior to undertaking any works on the Road it will first need to gain the written approval of the Commissioner pursuant to section 26(7) of the *Highways Act 1926*.

### 3. TERMS AND CONDITIONS FOR WORKS ON COMMISSIONER'S ROAD

3.1 The Commissioner makes no warranties or representations concerning the suitability of the Road for the Purpose or the presence of third party installations on, in, along, over, under or near the Road. The Council must arrange for any required relocation or alteration of third party installations at its own cost.

In this Deed "third party installations" means any rail, gas, electrical, telecommunications, stormwater, water or other underground or overground installation on, in, along, over, under or near the Road.

3.2 The Council must:

- (a) not less than one calendar month prior to the commencement of works for the Purpose, submit the detailed design(s), any applicable drawings and plans and its Traffic Management Plan(s) to the Commissioner (acting through the Department) for its comment;
- (b) modify the documents submitted in accordance with the preceding item 3.2(a) in accordance with any comments received from the Commissioner (or the Department);
- (c) give prior notification to the Commissioner before commencing any works on the Road and abide by (and ensure that its contractor also abides by) any requirements imposed as to the times for access to the Road;
- (d) undertake (and ensure that its contractor undertakes) the works on the Road in accordance with:
  - (i) the Department's requirements as outlined in "*Works by other Organisations on Roads Maintained by the Commissioner of Highways*" available at [http://www.dpti.sa.gov.au/contractor\\_documents](http://www.dpti.sa.gov.au/contractor_documents) ; and
  - (ii) the detailed design(s), drawings and plans and Traffic Management Plan agreed to by the Commissioner,
 unless a variation is first agreed in writing by the Commissioner;
- (e) ensure that any works undertaken do not disrupt (or impede) any activity undertaken by the Commissioner (or the Department) on the Road;

- 
- (f) ensure that a defect liability period of not less than 24 calendar months applies to the works and the Council must invite (and make provision for) a representative of the Commissioner to attend inspections to assess both practical completion and final completion of the works;
  - (g) ensure that any additional works required to reach practical completion or any remediation (or repair of) defects that are required to allow for final completion, identified by either the Council or the Commissioner, are promptly carried out by the Council (or its contractor);
  - (h) at its cost, comply with any written direction by the Commissioner in relation to the conduct of the works, any alteration or removal of any infrastructure installed, the removal or minimisation of any risks to safety identified, the reinstatement of pavements, traffic management, the public's access to the Road or partial road closures;
  - (i) undertake such reasonable safety measures necessary to protect its employees, contractors, the public and commuters [including without limitation compliance with (and ensuring its contractor complies with) the *Work Health and Safety Act, 2012* (SA) and the *Work Health and Safety Regulations, 2012* (SA)];
  - (j) notify the Commissioner of any safety risk posed by the works or any infrastructure installed or any activity undertaken by the Council (or its employees, contractors and agents), on the Road; and
  - (k) following practical completion of the works [and following any further modifications undertaken by the Council (or its contractor)] provide at the Council's cost, the Commissioner with as constructed drawings and plans accurately depicting the type and location of the works and any infrastructure installed in accordance with Departmental standards available at:  
[http://www.dpti.sa.gov.au/contractor\\_documents](http://www.dpti.sa.gov.au/contractor_documents) (intellectual property in the plans and drawings vests in the Commissioner).
- 3.3 If the Council fails to comply with the requirements of item 3.2(g) or fails to carry out a direction of the Commissioner issued in accordance with item 3.2(h) then the Commissioner may (without being obliged to) carry out (or engage a contractor to carry out) the necessary work and the Council promises to pay to the Commissioner the cost it incurs in doing so.

# Attachment

- DPTI Project Management Quarterly Report Template






BLACKSPOT PROGRAM SOUTHEND ACCESS ROAD SOUTHEND



— Road Network  
— Black Spot Road



Revision notes:			Drawn by:	Project:	Date:	 <div>Wattle Range Council Engineering Services Division</div> <div>Ph: 08 8733 0901      Fax: 08 8733 4999 PO Box 27, Millicent, 5290</div> <div>This drawing was created for the Wattle Range Council. The Council is not liable for any damages resulting from its use.</div>
Rev.	Date	Notes	J.KARUNAHARAN	BLACKSPOT PROGRAM	16/10/19	
0.1d	20/08/19	Original Draft			Scale on A3L: N.T.S	
			Reviewed By: K.BAKER	Drawing Title: BLACKSPOT PROGRAM SOUTHEND ACCESS ROAD SOUTHEND	Sheet: 1 of 1	



## 16 Correspondence

### 16.1 2020 LGA Annual General Meeting - Proposed Items of Business

Report Type	Correspondence
Correspondent	Local Government Association
File Reference	GF/10.14.3/1
Attachments	<ol style="list-style-type: none"><li>1. 2020 LGA Annual General Meeting - Proposed Items of Business [16.1.1 - 2 pages]</li><li>2. Form [16.1.2 - 1 page]</li></ol>

#### RECOMMENDATION

That the correspondence from the Local Government Association regarding Proposed Items of Business due by Monday, 17 August 2020 be received and noted.



# 2020 LGA Annual General Meeting - Proposed Items of Business

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2020 LGA Annual General Meeting - Proposed Items of Business

**27th May 2020**

Proposed items of business to be considered by SAROC, GAROC or the LGA Board of Directors for inclusion on the agenda of the 2020 LGA Annual General Meeting are due by Monday, 17 August 2020.

The LGA Annual General Meeting (AGM) is scheduled to be held on Thursday 29 October 2020 at the Adelaide Town Hall (subject to restrictions on gatherings). A key purpose of the AGM is to consider items of strategic importance to local government and the LGA, as recommended by SAROC, GAROC or the Board of Directors.

In anticipation of the AGM being held in October as scheduled, member councils are invited to submit proposed items of business for consideration by SAROC, GAROC or the LGA Board of Directors.

To submit a proposal please complete the [LGA General Meeting - Proposed Item of Business](#) form. For items of business to be considered for the AGM of 29 October 2020, proposals must be received no later than 5pm on **Monday, 17 August 2020**.

Proposals received after this date will not be considered for the 2020 AGM.

Member councils may at any time throughout the year propose an item of business for a General Meeting. Any proposed items of business received after 17 August 2020 will be considered by SAROC, GAROC or the LGA Board of Directors for the next LGA Ordinary General Meeting in April 2021.

In order to be included on the agenda for a General Meeting, all proposed items of business should conform with the LGA's Guidelines, which are available at [LGA AGM and OGM](#).

Proposals should be accompanied by sufficient supporting information to assist SAROC, GAROC and the LGA Board of Directors to make informed decisions and recommendations. Councils are encouraged to discuss

proposed items of business with the LGA Secretariat prior to being submitted.

Further information about LGA General Meetings, Board of Directors, SAROC and GAROC, the LGA Constitution and Ancillary Documents is available on the [LGA website](#).

Note: Items of Business recommended to the LGA Ordinary General Meeting April 2020 (meeting deferred due to COVID-19) do not need to be resubmitted. At the direction of the submitting councils, those items will be considered by the LGA Board of Directors or included on the agenda for the next LGA General Meeting.

For further information please contact Lisa Teburea, Executive Director Public Affairs at [lisa.teburea@lga.sa.gov.au](mailto:lisa.teburea@lga.sa.gov.au) or on 8224 2068

Phone: 08 8224 2000 • Email: [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au)  
148 Frome St Adelaide SA 5000 • GPO Box 2693 Adelaide SA 5001  
ABN: 83 058 386 353  
Disclosure Statement | Accessibility

## LGA General Meeting – Proposed Item of Business

The purpose of this form is to request consideration by SAROC, GAROC or the Board of Directors of an item of business to be included on the agenda of an LGA General Meeting - refer Clause 16.3.1 of the LGA Constitution. Prior to submitting a proposed Item of Business, please refer to the Considering Proposed Items of Business for LGA General Meetings Guidelines.

<b>Council Name</b>	
<b>The body the item is being referred to</b>  <i>Proposals may only be submitted to the ROC of which council is a member, or to the LGA Board of Directors.</i>	Board of Directors <u>OR</u> SAROC <u>OR</u> GAROC ( <i>choose only one</i> )
<b>Subject of the proposed item of business</b>	
<b>Proposed motion for the General Meeting</b>	That the Annual / Ordinary General Meeting requests the LGA to .....
<b>Supporting information</b>  <i>Provide a summary of the issue(s), relevant background information, description of the impact on the sector and evidence that this is an item of strategic importance to local government.</i>	
<b>LGA Policy Manual</b>  <i>Does this item require a change to the LGA Policy Manual (new policy or amendment to existing policy)?</i>	( <a href="#">please click here to view the LGA Policy Manual</a> )
<b>LGA Strategic Plan reference</b>	( <a href="#">please click here to view the plan and identify the Key Initiative and Strategy reference</a> )  ( <i>choose only one Key Initiative and one Strategy</i> )
<b>Council Contact Officer submitting form</b>	(insert name)  (insert email address)  (insert telephone number)
<b>Council Meeting minute reference and date of meeting</b>	
<b>Date submitted to LGA</b>	

Please return Word version of completed form to [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au).  
Refer to LGA Circulars in respect to deadlines for upcoming General Meetings.

## 16.2 Launch of the Community Wellbeing & Resilience Grants

Report Type	Correspondence
Correspondent	Hon David Speirs MP – Minister for Environment & Water
File Reference	GF/7.41.1 EI2020/172265
Attachments	1. Community Wellbeing & Resilience Grants [16.2.1 - 1 page]

### RECOMMENDATION

That the correspondence from Hon David Speirs MP dated 19 June 2020 regarding the launch of the Community Wellbeing and Resilience grants be received and noted.



**Government  
of South Australia**

**Office of the Minister for  
Environment and Water**

81-95 Waymouth Street  
Adelaide SA 5000

GPO Box 1047  
Adelaide SA 5001

Tel 08 8463 5680  
minister.speirs@sa.gov.au

20EW0009543

Mayor Des Noll  
Wattle Range Council  
Email: [mayor@wattlerange.sa.gov.au](mailto:mayor@wattlerange.sa.gov.au)

Dear Mayor Noll *Des,*

I am pleased to announce the launch of the Community Wellbeing & Resilience grants as part of the Open Your World Wellbeing fund.

The Open Your World campaign has been designed by the South Australian government to help build community resilience and support physical, social, mental and community wellbeing in response to the COVID-19 pandemic.

As we embark on the recovery from COVID-19, it is so important that we provide opportunities to support those who have been impacted the most. The wellbeing fund is a major pillar to achieving this goal.

Through the community wellbeing and resilience grants, the South Australian government will provide \$800,000 of funding in 2020-21 for community-based projects that support groups within our community who have been significantly or disproportionately impacted by COVID-19. Projects will address the COVID-19 impacts by contributing to positive physical, social and mental wellbeing and resilience outcomes.

Non-government organisations (NGOs) and local government are eligible to apply for individual grants of between \$10,000 and \$100,000 (GST exclusive). Community organisations are also eligible to apply, in partnership with an NGO or local government.

Applications for the grants are open **until Friday 17 July 2020**. The grants are administered by Wellbeing SA, and applications can be lodged via the [Open Your World website](#). A grant guide has been developed which sets out further details about the grants, including eligibility and assessment criteria, and tips on completing an application.

I encourage you to review the grant guide and consider applying for a community wellbeing and resilience grant.

Yours sincerely

**DAVID SPEIRS MP**  
Minister for Environment and Water  
Chair, Wellbeing Senior Officials Group

Date: 19/06/2020



## 16.3 Public Service Medal - Australia Day 2021

Report Type	Correspondence
Correspondent	Jan Chorley, CEO, Australia Day Council of South Australia
File Reference	GF/17.3.2/12 EI2020/172491
Attachments	1. Public Service Medal [16.3.1 - 1 page]

### RECOMMENDATION

That:

1. The correspondence from Jan Chorley, CEO, Australia Day Council of South Australia dated 25 June 2020 regarding the Public Service Medal – Australia Day 2021 be received and noted.
2. The following person be nominated for the Public Service Medal  
.....

25/06/2020



Office 18, 240 Currie Street  
Adelaide SA 5000

Tel 08 8212 3999  
adcsa@adcsa.com.au  
ABN 95 945 352 311

australiadaysa.com.au

Dear Mayor

**RE: Public Service Medal – Australia Day 2021**

We are delighted to inform you that nominations for the 2021 Australia Day Public Service Medal are now open. I am writing to you to encourage your organisation to consider nominating members of your staff for the Public Service Medal.

The Public Service Medal is a prestigious, internationally recognised award within the national system of Australian Honours and Awards. It is awarded twice-yearly by the Governor-General.

The Medal is designed to recognise outstanding public service. 'Outstanding service' includes service above and beyond the normal requirements of the position. You are encouraged to consider nominating employees who have made an outstanding contribution regardless of their age, length of service or classification level.

All public sector employees, including Local Government, can be nominated for this award unless they are eligible for other comparable awards such as the Australian Public Service Medal and the Australian Fire Service Medal.

Details on how to nominate someone can be found at <https://www.dpc.sa.gov.au/responsibilities/state-protocols-acknowledgements/australian-honours-and-awards>

**Nominations must be received by close of business on Monday 3 August 2020.**

For more information please feel free to contact our office by email [adcsa@adcsa.com.au](mailto:adcsa@adcsa.com.au) or phone 8212 3999.

Kindest regards,

**Jan Chorley**  
Chief Executive Officer  
Australia Day Council of South Australia

## **16.4 Liberal Government's delivery to reform natural resource management in SA**

Report Type	Correspondence
Correspondent	Hon David Speirs MP – Minister for Environment and Water
File Reference	GF/5.14.3 EI2020/172703
Attachments	1. Letter re natural resource management reform [ <b>16.4.1</b> - 2 pages]

### **RECOMMENDATION**

That the correspondence from Hon David Speirs MP regarding natural resources management reform in SA dated 1 July 2020 be received and noted.



**Government  
of South Australia**

**Office of the Minister for  
Environment and Water**

81-95 Waymouth Street  
Adelaide SA 5000

GPO Box 1047  
Adelaide SA 5001

Tel 08 8463 5680  
minister.speirs@sa.gov.au

20EW0008208

Mayor Des Noll  
Wattle Range Council  
Email: [mayor@wattlerange.sa.gov.au](mailto:mayor@wattlerange.sa.gov.au)

Dear Mayor Noll *Des,*

I am delighted to advise that today, 1 July 2020, marks the Marshall Liberal government's delivery on its promise to reform natural resource management in our state.

As you would be aware, a new framework for the management of our state's landscapes is being implemented following passage of *the Landscape South Australia Act 2019*. I write to introduce you to the members to the new Limestone Coast Landscape South Australia board and extend an offer for your council to meet with the board in the early stages of its establishment.

The relationship between the Limestone Coast Landscape South Australia board and the Wattle Range Council will be critical. As such, I am eager for joint projects to be forged wherever possible in order to maximise the environmental and economic benefits that come from collaborative programs.

The new Limestone Coast Landscape South Australia board will deliver a stronger, back-to-basics system with greater autonomy and flexibility to respond to local issues and support local communities and land managers to be directly responsible for sustainably managing the region's natural resources. The experience and keen interest of these appointees will lead to great outcomes for your jurisdiction.

Inaugural chair of the Limestone Coast Landscape South Australia board, Ms Kerry DeGaris, will be joined by the following members:

- Ms Robbie Davis
- Mr Miles Hannemann
- Mr Ben Hood
- Mr Mark Bachmann
- Mrs Penny Schulz
- Mr Bruce Wood

Further information on the implementation of the Landscape South Australia legislation is available at <https://landscape.sa.gov.au>, however, to arrange a meeting with the Limestone Coast Landscape South Australia Board, please contact Regional Manager, Mr Tim Collins, by email at [tim.collins@sa.gov.au](mailto:tim.collins@sa.gov.au) or telephone on 08 8735 1204.

I look forward to the implementation of this reform and building a strong collaborative relationship with your council.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Speirs', with a stylized flourish at the end.

**DAVID SPEIRS MP**

Minister for Environment and Water

Date: 01 | 07 | 2020

## 16.5 Coastal Grants

Report Type	Correspondence
Correspondent	Hon David Speirs MP – Minister for Environment and Water
File Reference	GF/7.41.1/6 EI2020/172715
Attachments	1. Letter re Coastal Grants [ <b>16.5.1</b> - 1 page]

### RECOMMENDATION

That the correspondence from Hon David Speirs MP regarding Coastal Grants dated 1 July 2020 be received and noted.





**Government  
of South Australia**

**Office of the Minister for  
Environment and Water**

81-95 Waymouth Street  
Adelaide SA 5000

GPO Box 1047  
Adelaide SA 5001

Tel 08 8463 5680  
minister.speirs@sa.gov.au

20EW0009371

Mayor Des Noll  
Wattle Range Council  
Email: [mayor@wattlerange.sa.gov.au](mailto:mayor@wattlerange.sa.gov.au)

Dear Mayor Noll

**Applications now open for 2020-21 Coastal Grants**

I write to update you on the Marshall Liberal government's commitment to working with local government and coastal communities to better manage and protect South Australia's valuable coastal assets.

I am pleased to announce that two grant programs are now open for consideration by your council.

*Regional Coast Protection Grants* comprise funding from the state government's *Securing the future of our regional coastlines* commitment of \$1 million per year to 2022-2023, for coastal councils outside of the managed metropolitan beach system to help repair, restore and sustain South Australia's regional coastlines. High priorities for funding include council works and studies that address erosion or flooding hazards along the coast. Applications close at midnight, Friday 14 August 2020.

*Coastal Community Participation Grants* is an ongoing program that provides up to \$10,000 (excluding GST) to volunteer groups to undertake small-scale, on-ground coastal management activities (e.g. dune revegetation, access control, improvements to minor recreational facilities, monitoring projects and signage to educate the community). Importantly, grants can contribute up to 80 per cent of the total project cost. Applications are sought from coastal community groups within your council area, with applications accepted throughout the year until funding has been expended.

Grant funding will be delivered by the Coast Protection Board with the support of the Department for Environment and Water. For further information, I encourage you to contact the DEW Coast and Marine Branch on (08) 8124 4928 or email at [DEWCoasts@sa.gov.au](mailto:DEWCoasts@sa.gov.au).

Yours sincerely

**DAVID SPEIRS MP**  
Minister for Environment and Water

Date: 07/07/2020

## 16.6 Marine Fishers in South Australia

Report Type	Correspondence
Correspondent	Dr Gary Morgan, Executive Officer – Marine Fisher's Association Inc
File Reference	GF/4.3.2/2 EI2020/172590
Attachments	1. Email re Marine Fishers [ <b>16.6.1</b> - 2 pages]

### RECOMMENDATION

That the correspondence from Dr Gary Morgan regarding Marine Fishers in South Australia dated 29 June 2020 be received and noted.

**From:** [Barbara Venn](#)  
**To:** [Gary Morgan](#)  
**Subject:** EI2020/172590 - 4.3.2/2 - Your support for our - and your - marine fishers  
**Date:** Monday, 29 June 2020 4:42:45 PM

---



29<sup>th</sup> June 2020

Dear Mayor,

I am writing to you to seek your support for our – and your – marine fishers.

As you no doubt know, the South Australian Government has announced plans for a 'reform' of the local commercial fishery industry that involves two main principles – 1) a Government buyback of some commercial fishing licences, and 2) the setting of limits on the commercial catch of whiting, snapper, garfish and squid. There will be an overall Total Allowable Commercial Catch (TACC) for these species and this will be divided up and allocated to each individual fisher as an Individual Transferable Quota or ITQ. Holders of ITQs can, as the name suggests, buy, sell or lease their quota shares.

All of this sounds fine and the Government's intentions are no doubt honourable in proposing the reform of the local fishery into a soundly managed, sustainable, and profitable industry.

In recent times other countries have gone down a similar route to what the Government is proposing. However, over the past 30+ years working with UN and EU agencies and nation governments in helping manage fisheries throughout the world (including being Director of Fisheries in South Australia), I have seen the good, bad and unintended consequences of proposed fisheries management arrangements – and there is a warning here for South Australia.

Other countries that have gone down the route that the Government is proposing have, almost without exception, seen:

- Aggregation of quota over time by a small number of companies and foreign and local 'investors' – not the local commercial fishers. I know of no instances in the world where this has not occurred. Benefits therefore flow to these 'absentee investors' and [not the local communities](#).
- Quota trading becomes a major business. In New Zealand, for example, the trading of quota is now a bigger business than actually catching the fish.
- A reduction in the supply of local fish to local markets as large quota holders seek more lucrative, external markets. In an attempt to reverse this

practice, Canada, New Zealand, South Africa and others have recently legislated to ensure that the benefits of fishing licences flow to the fisher and to local coastal communities.

The key in South Australia for avoiding these problems is to ensure that the local commercial fishery industry remains an Owner/Operator fishery where the fishing licence holder and the quota holder are the same person.

This will require the South Australian Government to act (in the way that most other countries have now acted) to legislate regulations that put simple constraints on quota trading and amalgamation. We have provided the Government with details as to how this can be done, and I am happy to share these details with you – just ask.

The marine fishers in South Australia are an integral part of the economy and culture of regional South Australia. We, and the fishers, want it to remain that way.

We are seeking your support to send the message to the Government either through your local MP or direct to Minister Whetstone, **THAT THE FISHERY MUST REMAIN AN OWNER/OPERATOR FISHERY.**

Dr. Gary Morgan  
Executive Officer  
Marine Fisher's Association Inc.  
M 0419 010 132  
Suite 27, 6-8 Todd Street, Port Adelaide SA 5015  
[eo@mfasa.org.au](mailto:eo@mfasa.org.au)

## 16.7 Statutes Amendment (Local Government Review) Bill 2020

Report Type	Correspondence
Correspondent	Hon Stephan Knoll MP – Minister for Transport, Infrastructure and Local Government Minister for Planning
File Reference	GF/10.14.3/2 EI2020/172037
Attachments	<ol style="list-style-type: none"> <li>1. Letter from Hon Stephan Knoll MP [<b>16.7.1</b> - 2 pages]</li> <li>2. Local Government Review Bill 2020 - Summary of Major Changes [<b>16.7.2</b> - 27 pages]</li> <li>3. EXPLANATORY PAPER - Statutes Amendment Local Government Review Bill 2020 [<b>16.7.3</b> - 16 pages]</li> </ol>

### RECOMMENDATION

That the correspondence from Hon Stephen Knoll MP regarding Statutes Amendment (Local Government Review) Bill 2020 dated 18 June 2020 be received and noted.



Government  
of South Australia

The Hon Stephan Knoll MP  
Member for Schubert

20MLG0189

Mayor Des Noll  
Wattle Range Council  
PO Box 27  
MILLICENT SA 5280  
Email: [council@wattlerange.sa.gov.au](mailto:council@wattlerange.sa.gov.au)

Dear Mayor  Noll

On 17 June 2020 I introduced the Statutes Amendment (Local Government Review) Bill 2020 (the Bill) in Parliament. The Bill is the result of the local government reform program that has been underway since the Local Government Reform Roundtable Discussion hosted by the Premier in February 2019.

The Bill includes more reforms to the system of local government in our State than any single Bill that has been put before Parliament since the current Local Government Act was passed in 1999. It includes a range of improvements and simplifications to the Act, and, more importantly, major reforms to improve the quality and level of both oversight and support that is provided to councils and council members.

From the start, the reform program has focused on four key areas where it was clear that improvements to the practice and the system of local government is needed. These areas are—

1. **Stronger council member capacity and better conduct** — helping our council members to perform their roles to the best of their ability, and ensuring that the right measures are in place to deal with conduct issues when they arise.
2. **Lower costs and enhanced financial accountability** — delivering greater confidence in council audits, improving council decision-making, financial reporting, and making information about council financial performance and rating decisions more accessible to both council members and communities.
3. **Efficient and transparent local government representation** — improving an election process that is fair, transparent, run independently, that provides the right information at the right time, and encourages participation from potential council members and voters alike.
4. **Simpler regulation** — streamlining rules and regulations to ensure that the public interest objectives can be delivered with reduced impact on councils' administration and costs.

Minister for Transport, Infrastructure and Local Government  
Minister for Planning

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171  
Tel 08 7109 8430 | Email [ministerknoll@sa.gov.au](mailto:ministerknoll@sa.gov.au)





The Bill is important to councils and their communities. While it proposes many changes to councils and their operations, it is at its core an opportunity to provide the most important people in our local government system—our ratepayers and communities—with a greater sense of trust and confidence in our councils; through stronger support; greater consistence, accountability and transparency; and better value for money.

I would like to thank the Local Government Association, and the many individual councils, mayors and members, chief executive officers and professional organisations that provided their ideas for reform, submissions on the *Reforming Local Government in South Australia Discussion Paper* and engaged with the extensive consultation throughout the reform program.

To support the Bill additional material has been released, including an explanatory paper and a 'marked-up' version of the Act. I encourage you to review this information, which is available at—

[www.dpti.sa.gov.au/local\\_govt/local\\_government\\_reform](http://www.dpti.sa.gov.au/local_govt/local_government_reform).

Yours sincerely



**HON STEPHAN KNOLL MP**  
**MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT**  
**MINISTER FOR PLANNING**

18/6 /2020

# Local Government Review Bill 2020

## Summary of major changes

The Local Government Review Bill 2020 ('the Bill') was introduced in the House of Assembly by the Minister for Transport, Infrastructure and Local Government on 17 June

The following table sets out the substantive changes proposed in the Local Government Review Bill 2020 and provides preliminary LGA comments on the proposed reforms. The LGA will consult with member councils before finalising a position on the Bill.

The 'LGA Guidance' colour code is based upon previous consultation with member councils, decisions of LGA General Meetings and positions taken by the LGA Board.

The LGA has been advocating for sensible and effective legislative change and adopted a local government reform agenda in 2017. The Bill includes some of the reforms advocated by the LGA, particularly in relation to an improved framework for managing issues of behaviour.

Unfortunately, the Bill also includes unwarranted and expensive proposals that can replace local decision making on council budgets and services with broad powers for a Minister to direct a council in these matters, such as setting a cap on council rates. The local government sector has a longstanding policy position to oppose rate capping in any form. Information about why rate capping is bad public policy can be found [here](#).

The Bill is expected to be debated in the House of Assembly in July 2020 and the Legislative Council in September. If passed by the Parliament, the new clauses would probably not commence for several further months.

The LGA is seeking submissions from councils on the Bill by Friday 9 August 2020. Details about consultation workshops being held for metropolitan and regional councils will be available shortly.

Which section of the Act does it amend?	What does it do?	LGA Guidance	LGA Comments
6 Principal role of council.	New. “6(b) to make decisions about the provision of various public services and facilities that will benefit the community in the context of the capacity and willingness of ratepayers to pay for those services and facilities.”		The LGA is seeking clarification on what that means in practice and whether this additional principal creates grounds for council budgetary decisions to be contested.
7 Functions of a Council	New. (ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the council.		A number of additions in the ‘role’ and ‘functions’ sections tie into later changes relating to rate setting and Ministerial directions. These preliminary sections related to the role and functions of council are considered to be acceptable, but the later sections on rate capping and new Ministerial ability to override council policies are strongly opposed.
8 Principles to be observed by a council	(ea) Seek to collaborate, form partnerships and <i>share resources</i> with other councils... (h) seek to ensure that council resources are used fairly, effectively and efficiently <i>and council services, facilities and programs are provided effectively and efficiently.</i> (ia) seek to balance the provision of services facilities and programs with the financial impact of the provision of		The additional wording introduced by this clause is in <i>italics</i> . A number of additions in the ‘role’ and ‘functions’ and ‘principles’ sections tie into later changes relating to rate setting processes.

	those services, facilities and programs on ratepayers.		
11A Number of elected members	<p>The number of members of a council (including the Mayor) will be capped at 12.</p> <p>Remove current Representation Review clauses.</p> <p>New requirement to review number of wards and number of electors per ward. But no longer need to review the number of members.</p> <p>If a council conducts a review by 2022, they can implement this change for 2022 council elections.</p> <p>If not, then must implement by the 2026 elections.</p>		<p>This proposal needs to be tested with member councils before the LGA forms a position.</p> <p>During sector consultation in 2019, most councils preferred to retain their current arrangements.</p> <p>If councils have started a Representation Review under current Act, they can use this process for purpose of this section.</p> <p>This proposal is designed to be a simpler process and respond to feedback from councils that the current Representation Review process is overly complex.</p>
12 Rep review process -deleted	<p>If a council has area councillors but not wards, they will not need to perform a representation review.</p> <p>Councils must consult with the public re the representation report. The resulting report must include public submissions.</p>		<p>If a council has wards, they may still need to conduct a representation review on the optimal number of electors in each ward.</p> <p>The Bill includes transitional provisions that will capture reviews that have already commenced or will commence before the 2022 council elections.</p>
44 Delegations	Amendment to include Joint Planning Boards as a possible delegate.		<p>Councils retain the ability to make decisions about delegations and the terms and conditions of a delegation.</p> <p>There is no requirement to make a delegation.</p>

<p>50</p> <p>Current public consultation sections deleted</p>	<p>New.</p> <p>Introduces one Community Engagement Charter for the whole local government sector.</p> <p>This will replace many individual sections requiring councils to report info, consult, publish in newspapers, keep hard copy at principal office, etc</p> <p>The Charter will be decided by the Minister and Gazetted and will apply across all councils.</p> <p>Some parts will be mandatory, others will be up to council policy (See 50A).</p> <p>The Minister approves and varies the Charter, after consultation with the LGA.</p>		<p>This proposal needs to be tested with member councils before the LGA forms a position</p> <p>The concept of a state-wide Community Engagement Charter is consistent with the LGA's previous local government reform submission.</p> <p>Consolidating consultation arrangements within one state-wide charter could lead to savings and efficiencies by reducing duplication and allowing for more targeted and effective consultation to occur.</p> <p>Local government will be consulted on the development of and any variation to the Charter, via a process facilitated by the LGA.</p> <p>To be effective, it is considered that the Charter needs to:</p> <ul style="list-style-type: none"> <li>• Clarify the matters that councils must consult on, but not require councils to consult on minor or uncontroversial decisions; and</li> <li>• Ensure complaints about non-compliance with the Charter are dealt with in an efficient manner through an administrative process.</li> </ul>
<p>50A</p>	<p>Each council must have its own policy on how to implement the Community Engagement Charter.</p>		<p>A large number of sections in the Act relating to specific consultation on specific matters are deleted, as a consequence of new ss 50 and 50A.</p> <p>Councils must consult with the community regarding adoption of their Policy or if they want to vary it. This policy must be consistent with the Charter.</p>

			A failure to comply with a Community Engagement Charter or the council's related community engagement policy still exposes the subsequent council decision to judicial review.
54 Casual vacancy	<p>If a council member resigns to take up another position (eg Mayor) their position as member becomes vacant.</p> <p>Councils can go to next election without filling the casual vacancy if an election is to be held within the next 12 months (currently 7 months) or January 1.</p>		This proposal is consistent with the LGA's previous local government reform submission.
55A Elected Members running for Parliament	<p>If a council member runs for State Parliament, they are automatically granted a 'leave of absence'.</p> <p>The leave commences at the close of nominations –even if the member/candidate is campaigning earlier.</p> <p>The provision applies to any council office -including council committees and subsidiaries.</p> <p>If a candidate withdraws their nomination, -they are automatically reinstated to their council position.</p> <p>Members will not receive remuneration/allowances during the leave period.</p> <p>In subsection 5, candidates can't use council facilities in this leave period.</p>		<p>This proposal is consistent with the LGA's previous local government reform submission.</p> <p>During previous elections, there have been inconsistent approaches by candidates in relation to standing down from council roles and payment of allowances. These proposed provisions create a level playing field for all council members.</p> <p>It appears that council members can still call themselves 'Mayor' or 'Councillor' during the leave of absence.</p> <p>The LGA will seek feedback from member councils on the optimal wording for this section.</p>



58 Role of Principal Member (usually called Mayor)	<p>New sections clarifying the role of a principal member of council. This includes:</p> <ul style="list-style-type: none"> <li>• “Providing leadership and guidance to the council.</li> <li>• To lead the promotion of positive and constructive working relationships amongst members of the council</li> <li>• To provide guidance to council members on the performance of their role; and</li> <li>• To support council members understanding on the separation of responsibilities between elected representatives and employees of the council.”</li> </ul>		<p>This proposal needs to be tested with member councils before the LGA forms a position.</p> <p>Mayors are not given specific new powers.</p> <p>The proposed section states general principles, setting out what the principal member’s leadership role entails.</p>
59 Role of members of council	<p>New.</p> <p>It will be a role of council members to act with integrity.</p>		<p>‘Integrity’ is not defined and will have a common law definition.</p> <p>The existing Act and Bill contain specific sections about integrity, which are still primarily regulated by ICAC, the OPI and Ombudsman.</p>
62 General Council Member duties	<p>The prohibitions on disclosure of confidential council information are extended to documents that the council member “knows or ought reasonably to have known is ...required to be treated confidentially”.</p>		<p>This change will clarify council member confidentiality obligations and make it easier to establish that a breach has occurred.</p>

68 Council Member Register of Interests	<p>(1a) If a council member fails to return their Register after a defined period (in most cases 12 months) the member will be suspended.</p> <p>(1b) If a member is suspended under this section, so are their member allowances.</p> <p>(3a) If the member subsequently submits a return, to the satisfaction of the CEO, the CEO will publish a notice on website to this effect.</p> <p>(3a)(b) The suspension is revoked upon publication of this notice.</p> <p>(3b) If the failure to submit a return continues, the CEO <i>may</i> refer to SACAT</p>		<p>Consultation with member councils in 2019 showed support for clear consequences for a breach of this requirement.</p> <p>The proposed clause gives council CEOs a role in imposing consequences, including exercising a degree of discretion (ie determining whether the return is satisfactory).</p> <p>The LGA will seek feedback from member councils on the optimal wording for this section.</p>
70 Inspection of a Register	<p>The Register will now no longer publish the home address of a councillor.</p> <p>Additional information can be suppressed for personal safety.</p>		This proposal is consistent with the LGA's previous local government reform submission.
73 Register of gifts and benefits	<p>The Minister will declare the threshold amount for the purpose of this clause.</p> <p>The Minister must consult the LGA prior to making this declaration.</p>		This proposal is consistent with the LGA's previous local government reform submission.
74-75C	The three categories of Conflict of Interest are reduced to two: 'General		The new sections are simpler and less confusing. They should allow greater council member participation in decision-

Conflicts of Interest	<p>Conflicts of Interest' and 'Material Conflicts of Interest'.</p> <p>A member of a council will not be regarded as having a conflict of interest in a matter if the interest is held in common with a 'substantial proportion' of the ratepayers, electors or residents of the council area (if that interest is equal) .</p> <p>Onus is on the council member to declare/decide whether they have a conflict. Failure to declare a conflict can result in penalties.</p>		<p>making where there is no actual conflict, or the conflict can be managed appropriately.</p> <p>Areas where further clarification is required include:</p> <ul style="list-style-type: none"> <li>• circumstances where the council has nominated an elected member to the board of another legal entity,</li> <li>• mechanisms for abstaining; and</li> <li>• the 'substantial proportion' test.</li> </ul>
75E Member 'Behaviour Standards'	<p>The Minister may publish and vary 'Member Behaviour Standards'. These Standards are not set out in the Bill.</p> <p>They apply State-wide.</p> <p>The Minister must consult the LGA first.</p> <p>Minister's decision will be published in the Government <i>Gazette</i>.</p>		<p>There will continue to be multiple (but slightly different) sources of rules that govern member behaviour. This includes:</p> <ul style="list-style-type: none"> <li>• the Act,</li> <li>• in these proposed 'Member 'Behaviour Standards'; and</li> <li>• in the 'Council Behavioural Support Policies' (see s75F).</li> </ul> <p>This could be confusing and it will be important for the LGA to provide support and guidance.</p> <p>These standards will be reviewable by Parliament, which provides a level of oversight of the decisions made by a Minister.</p>

<p>75F</p> <p>Council Behavioural Support Policies.</p>	<p>Council may implement their own policies on how to support “appropriate behaviour by members of the council”. These can’t be inconsistent with the Behavioural Standards.</p> <p>Council must review these within 6 months of general elections.</p> <p>Council must consult the public on these.</p> <p>Council members must comply with their CBSPs.</p>		<p>Sector feedback indicated that dedicated meetings (usually just after elections), where councillors deliberated and then agreed on behavioural standards, led to strong improvements in meeting culture.</p> <p>The Bill will enable each council to address these issues and to approve their own policy.</p> <p>Members may face sanctions for a breach of a CBSP.</p> <p>The Council itself can impose limited sanctions (see s262C).</p> <p>A breach of the CBSP could constitute ‘misbehaviour’ (s262E), could be referred to the new Behavioural Standards Panel and could result in more serious sanctions or penalties.</p>
<p>75G</p> <p>Council member health and safety obligations</p>	<p>New.</p> <p>Council members are not ‘workers’ for the purpose of the WHS Act. But they will now have specific WH&amp;S obligations.</p> <p>Council members must not adversely affect the health and safety of other members of council or employees.</p> <p>Could include a direction that a member of a council not attend a meeting of the council.</p> <p>Council members must follow the reasonable directions of a responsible person (usually the CEO) in this respect.</p>		<p>This proposal needs to be tested with member councils before the LGA forms a position.</p> <p>The CEO will have clear powers to put in place arrangements to ensure employee safety. This could include, for example implementing administrative arrangements to limit contact between council members or between a council member and an employee.</p> <p>The LGA has sought advice from Norman Waterhouse Lawyers to clarify the proposed role of CEOs in administering this provision.</p> <p>Where appropriate in the circumstances, provision for alternative participation in a council or committees should be considered.</p>

76 Member Allowances	<p>Remaining:</p> <p>Member Allowances set by Remuneration Tribunal.</p> <p>LGA to pay Remuneration Tribunal their “reasonable costs”.</p>		<p>The requirement of the Remuneration Tribunal to consult with the LGA and reach agreement on arrangements has been deleted.</p> <p>Clarification is required regarding “reasonable costs” to ensure there are appropriate limits on the cost to councils (via the LGA).</p> <p>100% of South Australian councils are currently members of the LGA and the enjoy the numerous savings and benefits that result from their membership. However, provisions need to be made that enable an equitable proportion of the costs to be recovered from a council that may withdraw or be expelled from the LGA in the future.</p>
80A Training & Development	<p>‘LGA Training Standards’ will still be specified in the Regs.</p> <p>Each council must adopt their own policy for conduct and completion of training and development by their members.</p> <p>If a council member has not completed the training, the CEO must suspend the council member unless the council member satisfies the CEO that good reasons exist.</p> <p>(See s262 for referral to Behavioural Standards Panel and penalties. )</p>		<p>The LGA submission recommended that there be approved candidate training and candidates must indicate whether they have completed the approved candidate training, when nominating for council elections.</p> <p>At present, the State Government does not intend to include these in the (yet to be drafted) Regulations.</p> <p>Feedback from members is required about the proposed role for council CEOs in enforcing compliance with the training standards.</p>
80B Suspension of Council Member	<p>Suspend a council member who is the subject of an intervention order.</p>		<p>This proposal needs to be tested with member councils before the LGA forms a position.</p>

subject to an intervention order	The CEO will have a discretion to suspend a member		<p>The LGA has sought advice from Norman Waterhouse Lawyers to clarify the proposed role of CEOs in administering this provision.</p> <p>Feedback from members is required about the proposed role for council CEOs.</p>
90(3)(o) Meetings held in public	New exemption, allowing councils to discuss potential award recipients in confidence.		<p>This is a minor but welcome amendment.</p> <p>This will allow the names of award-winners to not enter the public domain until the award is presented.</p>
S90(8) Informal Meetings held in public	<p>The rules relating to informal gatherings are simplified.</p> <p>The Bill replaces 'informal gatherings or discussions' with a simpler scheme of clearly defined 'information and briefing sessions'.</p>		<p>The current provisions are confusing and unintentionally broad.</p> <p>These new sessions will enable councils to more easily discuss and better understand their business, but will also retain the expectation that these sessions cannot be used to obtain, or effectively obtain, decisions that should be made in a public council meeting.</p>
New S90A	<p>The concept of 'Information or briefing session' is described more carefully. If it is one of these, it needs to be open to the public and a record made.</p> <p>The CEO makes decisions regarding whether a matter will be on the agenda and if the group has 'effectively made the decision'.</p>		As per S90(8) above.
S92 Access to meetings and documents	Councils must already have a Code of Practice about meetings and access to documents. The new obligation		Almost all of the reporting consultation provisions are removed from the Act and will be replaced by a schedule.



	<p>requires councils to consult with the public before adopting, altering or substituting this Code.</p> <p>Council reporting obligations are taken out of the various sections of the Act and will be replaced by a schedule, making it easier for councils and the public to understand what needs to be reported (and how).</p>		<p>Similarly, the Bill also removes requirements to have documents available to the public (online or in office) e.g. sections 77, 79, 105, 252, 259.</p>
97(3)(a) Terminate a CEO	<p>Before council can terminate a CEO's employment they must have regard to advice from a "qualified independent person".</p> <p>Definition: "a legal practitioner OR someone determined by the council to have appropriate qualifications or experience in human resource management".</p>		<p>The detail of this proposal needs to be tested with member councils before the LGA forms a position.</p> <p>Council must consider the advice but is not bound by it.</p> <p>This provision only applies to some of the grounds for termination. There is no requirement to obtain this advice if the CEO is 'guilty of an offence', etc.</p>
98 Fill CEO Vacancy	<p>Councils no longer need to advertise in a newspaper -instead, can use a website.</p> <p>Selection Panel: At least one is not a council member or member of staff.</p> <p>Before the CEO appointment, council must obtain and consider independent advice on the assessment of</p>		<p>Councils will typically engage a suitably qualified and experienced third party to assist with CEO recruitment.</p> <p>The detail of this proposal needs to be tested with member councils before the LGA forms a position.</p>

	applications and recommendation on appointment		
99 (ia) and (ib) Role of CEO	<p>New subsections relating to CEO functions.</p> <p>A CEO must:</p> <ul style="list-style-type: none"> <li>-ensure council has effective policies systems procedures, etc</li> <li>-Report annually to the relevant audit and risk committee on the council's internal audit process.</li> </ul>		The section clarifies a role that most council CEOs perform already.
99A Remuneration Tribunal extends to CEOs	<p>The Remuneration Tribunal will determine minimum and maximum remuneration for CEOs.</p> <p>The Remuneration Tribunal may have regard to any matter set out in the Regulations.</p> <p>ss(4) remuneration may differ based on geographical factors or other factors.</p> <p>Amounts may be indexed.</p> <p>The LGA will pay for the Remuneration Tribunals' reasonable costs.</p> <p>Councils must ensure the remuneration they pay is within the range set by the Remuneration Tribunal.</p>		<p>The proposed provisions are modelled on the Western Australia legislative scheme and were broadly supported by councils and the LGA in previous local government reform submissions.</p> <p>Clarification is required about how additional allowances (such as mobile phone, travel/fuel for country CEOs etc) will be considered/determined by the Tribunal.</p> <p>The Bill allows for a determination to be made 'from time to time'. Greater certainty should be provided about the minimum / maximum frequency of determinations, particularly as the cost of this process will be borne by councils (via the LGA).</p> <p>100% of South Australian councils are currently members of the LGA. However, provisions need to be made that enable an equitable proportion of the costs to be recovered from a council that may withdraw or be expelled from the LGA in the future.</p>

102A CEO Performance review	<p>New.</p> <p>A CEO Performance Review must occur at least once a year <u>and</u> “if relevant” before reappointment.</p> <p>Council must obtain independent advice by “qualified independent person” who is not a member of council and determined by the council (same as the requirements for CEO termination but a legal practitioner is not listed as an option. see 97(3), above).</p>		The detail of this proposal needs to be tested with member councils before the LGA forms a position.
110 Code of conduct for employees	This is replaced by s119A		The employee register is designed to mirror the requirements for council members. CEOs have responsibility to manage this through council policies and industrial arrangements.
110A Duty to protect confidential information	<p>Duty of employees to protect confidential information.</p> <p>Adds a new limb “employee knew or ought to have known that the information is to be treated confidentially”.</p>		This is consistent with the clarification for council members’ confidentiality obligations.
119A Register of Gifts and Benefits for Employees	This was previously dealt with by Code of Conduct. The limit is intended to be the same as is currently declared by Minister.		The aim is for consistency in these arrangements, for employees and council members.

120A Employee Behavioural standards	<p>Council must prepare and adopt standards.</p> <p>An employee must comply with these standards.</p> <p>These standards will set out:</p> <ul style="list-style-type: none"> <li>-grounds for suspending or dismissing, disciplinary action against the employee.</li> </ul> <p>Before a council adopts or alters these standards, they must consult with relevant industrial association re the Employee Behavioural standards and any subsequent variation.</p> <p>Within 6 months of periodic election, council must review these standards.</p>		<p>While the council will adopt the overall policy, the CEO otherwise remains in charge of employee matters.</p> <p>The LGA will consult with member councils and with the relevant trade unions</p>
122 Strategic Management Plan	<p>A Council's Long-Term Financial Plan - must be for a 10yr period.</p> <p>The LTFP must:</p> <p>(NEW)</p> <ul style="list-style-type: none"> <li>-outline council's approach to funding services and infrastructure</li> <li>-Set out council total revenue for the period</li> <li>-Outline the sources of revenue including fees, grants, rates and charges.</li> </ul>		<p>The LGA acknowledges the significant work that almost all councils have undertaken in developing their LTFPs and is comfortable with this codification of existing practice.</p> <p>Note that the Consultation Charter arrangements:</p> <ul style="list-style-type: none"> <li>• will require councils to consult with their communities on their LTFPs; and</li> <li>• are likely to require councils to undertake further consultation before changes are made to the LTFP.</li> </ul>

	(3a) Regulations may require the inclusion of other information.		
123 Annual Business Plan	<p>An Annual Business Plan (ABP) must include:</p> <ul style="list-style-type: none"> <li>-NEW: a statement on the proposed change in total revenue from general rates for the financial year and if ABP sets out a growth component in relation to general rates it may only relate to growth in the no of rateable properties and must not relate to the growth in the value of rateable properties.</li> <li>-an explanation of how the proposed change is consistent with the council's LTFP.</li> <li>-A summary of other reasons for the proposed change.</li> <li>-Details of impact of the proposed change on average rates for each land use category.</li> <li>-The advice received from the 'Designated Authority' (which looks like being the Essential Services Commission of SA); and</li> <li>- The council's response to the advice which must set out whether the proposed change in total revenue from general rates is consistent with the</li> </ul>		<p>This section would impose a series of expensive and unwarranted new requirements on councils in drafting and adopting their Annual Business Plan and Budget.</p> <p>This proposal introduces another layer of bureaucracy and gives a significant role to an unelected body that has no relationship with or accountability to the local community.</p> <p>This process will place councils in a continuous cycle of administrative planning and reporting that will detract from the councils' role in providing local services and facilities that benefit the local community.</p> <p>The timeframes outlined in this section are unrealistic and unworkable. A council will be required to adopt a draft Annual Business Plan and Budget in December – 6 months prior to the commencement of the new financial year. This provides limited flexibility to respond quickly and effectively to changing economic and social circumstances, such as those we have experienced in 2020 during the Covid-19 public health emergency.</p> <p>In 2019, the South Australian Productivity Commission undertook an Inquiry into Local Government Costs and Efficiency. The Inquiry found that SA councils are achieving high levels of efficiency and did not make any recommendations that are consistent with the rate capping proposals contained within the Bill.</p> <p>The Commission did, however, find that regulatory compliance costs and the expansion of mandated</p>

	<p>advice and if not the reasons for the inconsistency.</p> <p>(3a) The DRAFT ABP must be provided to the Designated Authority by 31 Dec in the FY preceding and must include:</p> <ul style="list-style-type: none"> <li>- The proposed change in total revenue from general rates.</li> <li>- The council's view of the impact of the change.</li> <li>- Information about consideration given by council to alternatives to the proposed change including total revenue resulting from such alternative measures.</li> </ul> <p>(d) information as to how the proposal is consistent with the Council's LTFP.</p> <p>-Any other matter set out in the in Regs.</p> <p>The Designated Authority must provide its advice back to the council by 31 March of each year.</p> <p>The Designated Authority must have regard to:</p> <ul style="list-style-type: none"> <li>- information provided by, AND any matter directed by the Minister; and</li> <li>-Any other matter considered relevant by the Designated Authority.</li> </ul>		<p>responsibilities under state legislation have created additional cost pressures for councils.</p> <p>This Bill introduces a range of new compliance requirements that will need to be funded by councils. The costs of this process are likely to be significant. A 'Designated Authority' (likely to be ESCOSA) will need to undertake an individual assessment of every councils plans and budget, every year.</p> <p>As a reference, the Essential Services Commission in Victoria spent \$2 million in 2018/19 administering its local government regulatory role.</p> <p>Every extra dollar that is needed to fund new reporting requirements in an extra dollar that needs to be paid by ratepayers, or one less dollar that is invested in local services and facilities.</p> <p>This proposal is inconsistent with the LGA's longstanding policy position to oppose rate capping in any form.</p>
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	<p>The Designated Authority must publish a copy of any direction given by the Minister as soon as practicable.</p> <p>If the Designated Authority considers a council has failed to respond to its advice -it MAY provide a report to the Minister.</p>		
Ch 13 s273 Reviews Initiated by Minister	<p>Minister may ask the council to report.</p> <p>If the council has “failed to adequately respond” to the Minister / Designated Authority advice, then....</p> <p>The Minister can give directions to the council to “rectify the matter” or to prevent recurrence of the “act, failure or irregularity”.</p> <p>This is not limited to situations where there has been a breach or failure by a council. It could relate to any council budgetary decision -eg where the Minister and council merely have different financial priorities.</p>		<p>Councils already publicly consult and report on Annual Business Plans and Budgets, which outline proposed rate increases.</p> <p>Councils also have Audit Committees and are subject to an annual external audit. The Auditor General also has broad powers to review a councils’ financial decision making.</p> <p>Ultimately, councils are accountable to the community and are held to account via democratic elections that are held every 4 years.</p> <p>This proposal centralised more power with an individual Minister, who will be given extremely broad scope to direct a council in relation to its budget and the delivery of local services and projects.</p> <p>This proposal is inconsistent with the LGA’s longstanding policy position to oppose rate capping in any form.</p>
125 Internal Control policies	<p>New Regulation making powers.</p> <p>Councils must ensure their policies,</p>		<p>This is a potentially significant power and has the potential for the State government to significantly encroach on the decision-making of local representatives.</p>

	practices and procedures comply with these Regulations.		<p>The scope of the section extends to any policy, procedure, etc.</p> <p>The section could be used to effectively take away almost all council discretion and undermines the role of local government as an independent, democratic sphere of government.</p>
126 Audit and Risk Committee	<p>A majority of members of council Audit and Risk Committees must not be members of the council and may not be an employee of the council.</p> <p>The role of these committees is expanded to include 'risk'.</p> <p>'Functions' of Audit and Risk Committees expanded:</p> <p>NEW functions include:</p> <ul style="list-style-type: none"> <li>-Monitoring expenses of council.</li> <li>-to make recommendations for improvements based on previous audit/risk assessments.</li> <li>-Review powers when CEO assists audit committee.</li> <li>-Liaise with council auditor in accordance with the Regulations</li> </ul> <p>(g) <u>if</u> a council has an internal audit function -to review/comment on an annual report by CEO in internal report re the scope of internal audit work; and</p>		<p>The LGA's previous local government reform submission provided broad support for an expanded role for council Audit Committees. will seek advice on these details from the sector.</p> <p>The detail of this proposal needs to be tested with member councils before the LGA forms a position.</p>

	<p>-The objectivity and standard demonstrated in the carrying out of the function.</p> <p>If a council does <u>not</u> have internal audit function, the CEO must report on policies of council etc</p> <p>The must be one meeting of the Audit and risk Committee each quarter.</p> <p>Audit and risk Committee must provide a report to council every 3 months.</p>		
126A	Regional audits permitted, where 2 or more councils share audit resources. This is optional.		This option may be useful for regional councils who struggle to recruit qualified independent auditors.
128 Auditor	<p>Councils must use a different audit firm at least every 5 years.</p> <p>Then a council must wait five years before re-engaging that same auditor.</p>		Unlike the Corporations Act, councils can't just change the particular auditor within the same firm.
129 Conduct of Audit	<p><u>If</u> the SA Auditor-General exercises (existing) powers to perform the council audit, then a normal audit is not required.</p> <p><u>If</u> the Auditor -General conducts the audit, the council must pay for the reasonable costs incurred.</p>		<p>Note that the Auditor-General also has new powers to conduct a 'review' which is not a full audit but might be, for example, an investigation into a particular aspect of a council's affairs.</p> <p>The broad powers that are already available to the Auditor General to review or audit a council's financial management are further justification that the additional, expensive rates</p>

			oversight processes outlined in the Bill are unnecessary and unwarranted.
151 Basis of rating	Delete council power to use 'site value' as a means of rating. All councils will use 'capital value' method.		The OLG advise that currently only 8 councils use site value. This will mean state-wide consistency for ratepayers, but the detail of this proposal needs to be tested with member councils before the LGA forms a position.
170 Notice of declaration of rates	Requirements to give the public notice of the declaration of rates.		The specific requirements to give the public notice of the declaration of rates will be set out in the Community Engagement Charter.
194 Revocation of community land	Simplification of current unwieldy process to revoke community lands. Cases where the Minister will be required to make the decision is clarified.  More situations where councils can make the decision to revoke uncontroversial community land (eg unmade roads).  Does not apply to Adelaide Parklands.		On an initial review of this proposed clause the LGA is not convinced that the drafting achieves the policy intention. With assistance from Norman Waterhouse Lawyers, we hope to clarify this and ensure the Minister is not required to approve minor or uncontroversial applications.
222 (1a) – permits for mobile food vending business	Removal of automatic granting of permits to mobile food vendors (food trucks).		Mobile food vending business will now be treated like any other business seeking a council permit. This is consistent with ongoing submissions from the sector and LGA advocacy.
262A Council Member Behaviour	First step requires the council deal with issue in accordance with their (new) behaviour management policy and .behaviour support policy.		Council has initial obligation to deal with council member behavioural issues, according to their own 'Code'.  This is consistent with previous LGA local government reform submissions.

<p>262C</p> <p>Member Behaviour - Action</p>	<p>Council has powers to insert consequences/ penalties into their policy for breaches of their Council policy. Councils may:</p> <p>(a)-censure</p> <p>(b)-Require a public apology.</p> <p>-(c) Require the councillor to undertake a specified course of training or instruction.</p> <p>(d) remove or suspend the member from 1 or more offices held by the member</p> <p>In dealing with these, council must proceed with as little as possible formality and technicality</p> <p>The clause has been designed in an attempt to enable councils to operate without requiring lawyers.</p> <p>Councils are not bound by the rules of evidence but must provide procedural fairness</p> <p>Council can refuse to deal with a matter because it is frivolous, vexatious, trivial. Council can also decide to take a matter no further.</p>		<p>Most of these changes are welcome.</p> <p>Legal advice, mediation and other options can be used, if a council elects.</p> <p>Based on the consultation with the sector in 2019, there may be some concern if a majority of council members have a power to suspend a council member, even after a formal process had been completed.</p> <p>The LGA will seek feedback from member councils on the detail of this proposal.</p>
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262D - Member Behaviour - Reasons	If a council refuses to deal with a complaint or determines to take no further action, then the council must provide written reasons.		This is a new administrative step that, ideally, will be part of an overall scheme that is faster and less expensive than currently operating.
262E Behaviour Panel	<p>Misbehaviour means:</p> <ul style="list-style-type: none"> <li>-A failure by a member of council to comply with a requirement under 262C(1) (ie the council determination about the complaint)</li> <li>-Failure to comply with a council behaviour management policy.</li> </ul> <p>A failure to comply with an agreement reached following mediation, conciliation arbitration, dispute resolution process (ie a councillor has agreed and re-negged).</p> <p>Repeated misbehaviour.</p> <p>Misbehaviour, repeated behaviour and serious misbehaviour are defined.</p> <p>‘Serious misbehaviour’ means bullying or harassment of another member or employee of council.</p>		<p>Classifying these levels of poor behaviour will enable the new Behaviour Panel to issue guidelines on likely penalties.</p> <p>The proposal will give the Panel power to define bullying and harassment, for the purposes of the Local Government Act.</p>



S262F Panel	<p>Local Government Behaviour Panel will have 3 members:</p> <ol style="list-style-type: none"> <li>1. Jointly appointed by Minister and LGA</li> <li>2. appointed by Minister</li> <li>3. appointed by LGA</li> </ol>		This proposal is consistent with the LGA's previous local government reform submissions.
262J	Remuneration and expenses of the Panel will be determined by Governor.		<p>Early estimates (based on Local Government Grants Commission Model) indicate costs will be \$300-350K for all three Panel Members (and including an Executive Officer and one administrative person).</p> <p>It is proposed that the LGA pay these fixed costs with councils paying on a fee for service basis when their matters come before the Panel.</p> <p>The LGA seeks feedback on whether the sector is prepared to fund the proposed model.</p>
S262N	<p>The Panel must:</p> <ul style="list-style-type: none"> <li>-Publish guidelines</li> <li>-Publish model behavioural management policies</li> <li>-Practice directions</li> </ul> <p>Panel can perform other functions assigned.</p>		<p>The LGA will seek further details on the funding model. At present, the LGA would pay extra, if the Minister assigned the Panel additional functions. This appears to present an open-ended financial commitment.</p> <p>There is a danger that the State Government could use LGA to take on extra regulatory roles (cost shifting). Extra LGA and sector funding needs to be <i>by agreement</i>.</p>

S262Q Referral	<p>Matters can be referred to the Panel by</p> <ul style="list-style-type: none"> <li>-Resolution of council</li> <li>-CEO of council</li> <li>-at least 3 members of council</li> <li>-the Minister</li> </ul> <p>+ <u>any person</u> dissatisfied with council decision</p>		<p>Council policies should have processes to deal with complaints from the public, council staff and council members. However, appeals do not need to be treated consistently.</p> <p>This clause needs to distinguish members of the public complaining about council member behaviour (already dealt with by s273 with appeals to Ombudsman) and complaints from staff and council members. The public already have the ability to complain about council member behaviour. There is no need (and have been no calls) for an additional grievance process for members of the public.</p> <p>Council staff and members should have access to the Panel where internal council processes have not been successful. This is the specific problem that the Panel is established to solve.</p>
S262S	Panel <u>may</u> arrange for investigations, compel reports from council, etc.		Council will often conduct an initial investigation. While the Panel should be a fast and low-cost forum, it may need to (but should not be required to) conduct its own investigation.
262W Powers of the Behaviour Panel.	<p>The Panel may:</p> <ul style="list-style-type: none"> <li>-Reprimand</li> <li>-Direct a council to censure</li> <li>-Require a public apology</li> <li>-Require a councillor to undertake a course of training or development.</li> <li>-Require a councillor to reimburse an amount of money.</li> </ul>		The LGA queries why the Panel refers censures back to councils and doesn't have the power to censure, itself.

	<p>-Remove or suspend an office in capacity as member of another body</p> <p>-Suspend for up to 3 months</p> <p>-Direct council to lodge complaint with SACAT (SACAT can suspend for longer or remove a person from council).</p> <p>If a councillor fails to comply with an order, this is defined as an integrity issue and goes to SACAT (not OPI) and the Panel must make a report to the Minister.</p>		
S262Y	<p>If corruption or integrity issue -it goes to Office of Public Integrity.</p> <p>Council or Panel can refer a matter to OPI.</p>		Clarification is required regarding where appeals from Panel go, where there is <u>not</u> corruption.
S273 Action a Minister can take on Report	<p>A Minister may, on the basis of information received from:</p> <ul style="list-style-type: none"> <li>• ICAC</li> <li>• Ombudsman</li> <li>• A Designated Authority under s123</li> <li>• A report of the Small Business Commissioner</li> <li>• A report of the behavioural standards panel; or</li> </ul>		This is the clause that gives the Minister broad powers to direct a council on matters arising out of these bodies.

	<ul style="list-style-type: none"><li>• A report of a council administrator, ask council why s/he shouldn't direct the council. If not satisfied, the Minister can <u>direct</u> the council</li></ul>		
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# EXPLANATORY PAPER

## Statutes Amendment (Local Government Review) Bill 2020

June 2020

[dpti.sa.gov.au](http://dpti.sa.gov.au)

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Government of South Australia  
Department of Planning,  
Transport and Infrastructure

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## Introduction

The Statutes Amendment (Local Government Review) Bill 2020 (the Bill) was introduced into Parliament on 17 June 2020.

This Explanatory Paper provides a general overview of the reforms to the system of local government in South Australia that are in the Bill, with references to the relevant clauses. This Paper included information on the major reforms that are contained in the Bill's four 'reform areas' that were the basis of the Local Government Reform Program that ran over 2019–2020—

1. Stronger council member capacity and better conduct
2. Cost savings and financial accountability
3. Efficient local government representation
4. Simpler regulation.

## Background Material

The Bill, this explanatory paper and other background material can be found on the Office of Local Government (OLG) website at [www.dpti.sa.gov.au/local\\_govt/local\\_government\\_reform](http://www.dpti.sa.gov.au/local_govt/local_government_reform).

Please note that a 'marked-up' version of the *Local Government Act 1999*, showing the amendments to it that the Bill proposes, is also available on the OLG website.

**Disclaimer: The marked-up version of the *Local Government Act 1999* is provided for reference purposes only and should be read in conjunction with the Statutes Amendment (Local Government Review) Bill 2020.**

The Bill itself can also be accessed from [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

## REFORM AREA 1 | STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT

### New council member conduct management framework

This reform creates a new conduct management framework for council members. This new framework changes the focus of the *Local Government Act 1999* (the Act) from ‘conduct’ to more clearly delineated ‘behavioural’ and ‘integrity’ matters, to separate poor behaviour from matters that can affect the integrity of council decisions. The new framework also provides clearer pathways for the investigation and resolution of issues that arise within these areas.

As is currently the case, the conduct management framework is chiefly within two parts of the Act. Chapter 5 Part 4 (currently ‘member conduct and registers’) will become ‘member integrity and behaviour’. It will contain all matters that are the standards that apply to council members. Chapter 13 Part 1 of the Act contains the processes by which alleged breaches of these standards may be dealt with, and, if necessary, investigated and sanctions applied.

#### Managing behavioural matters

Councils will continue to have responsibility for managing behavioural matters in the first instance. The current Code of Conduct for Council Members—that details all behavioural standards for all councils—will be replaced with ‘behavioural standards’ that will be published by the Minister, and that all members will be required to observe.

The intent is that the Ministerial standards will be relatively high level, rather than detailing specific behavioural instructions, which councils may establish themselves in ‘behavioural support policies’. These will be policies in which councils decide themselves what actions, behaviours and standards their members should adhere to (for example, appropriate use of social media). While councils will not be required to have a ‘behavioural support policy’, the Bill proposes that councils must consider whether they will have a policy or not, and what it could contain, within six months of each periodic election. This ensures that every council, when it has settled into a new term, will have this important conversation about the standards and behaviours that they will hold themselves and their fellow members to.

Councils will also continue to have the chief responsibility for managing instances where behavioural standards are not met. The current Code of Conduct requires councils to have policies for managing breaches of the ‘Behavioural’ Part of the Code (Part 2)—this will be continued through a requirement for councils to have a ‘behavioural management policy’. This is contained within a new section to be inserted into Chapter 13 (new sections 262A-262D).

As is the case with the current Code, councils can determine what processes best suit their needs to manage behavioural matters. Unlike the current Code, however, the Bill provides significantly more detail as to what councils’ policies may contain. A new section, 262B, clarifies that councils can deal with complaints as each council considers appropriate. This can be by utilising mediation, conciliation, arbitration, by undertaking an inquiry through such methods as written submissions, or interviews, or by a more formal investigation. Councils can also conduct an inquiry itself, or appoint a person to do so on its behalf.

The Bill also includes proposed provisions to clarify that a council need not inquire into a complaint, if there is good reason not to. This could be that the complaint is trivial, frivolous or vexatious; that it is

## Explanatory Paper—Statutes Amendment (Local Government Review) Bill 2020

not made in good faith; that the person making the complaint does not have a sufficient personal interest in the matter; or that the matter has already been investigated through other means.

Finally, the Bill provides a range of actions that a council can take in response to a behavioural issue. These are similar to the sanctions that are contained within the current Code of Conduct for Council members – censure motions, apologies, training and removal from an office within council.

### Managing serious behavioural matters

The most significant change in the conduct management framework that the Bill proposes is the introduction of a 'Behavioural Standards Panel' to deal with repeated or serious misbehaviour, or where a council member has failed to comply with a council's processes or resolved actions (clause 126 of the Bill). The introduction of the Panel is to enable more efficient resolution of difficult issues that can arise between council members, with an expanded range of sanctions, including the suspension of members for a maximum period of 3 months.

### Managing integrity matters

The SA Ombudsman and the Independent Commissioner Against Corruption will continue their respective roles in the investigation of matters relating to council member integrity, maladministration, misconduct and corruption.

Clause 130 of the Bill will amend section 263B of the Act to expand Ombudsman's recommendation powers to include the ability to recommend suspension (maximum 3 months) of a council member and to apply some recommendations directly to a council member.

More significant sanctions will remain with the South Australian Civil and Administrative Tribunal (SACAT), which will be able impose suspensions for up to 6 months or disqualification from the office of council member (see clauses 131-133).

The main provisions for the new conduct management framework in the Bill are—

- Clauses 24–38 — Amends Chapter 5 Part 4 Division 1 to set out the 'Member integrity' provisions. These include amendments to the general duties in section 62 and a simplification of the conflict of interest provisions (further detail below).
- Clause 39 — Inserts Chapter 5 Part 4 Division 2 which deals with 'Member behaviour'—
  - New section 75E provides the Minister with the power to establish 'Behavioural Standards' that will specify the standards to be observed by council members. This will replace the Behavioural Code in the current Code of Conduct for Council Members.
  - New section 75F provides for councils to be able to adopt 'behavioural support policies', which are in addition to but must not be inconsistent with the Behavioural Standards.
  - New section 75G introduces health and safety duties for council members to take reasonable care not to adversely affect the health and safety of other council members or council employees (for example, bullying). Council members must also comply with any reasonable direction given by a responsible person in accordance with this section. This section is in addition to and does not limit the operation of the *Work Health and Safety Act 2012*. A failure by a council member to comply with these duties is considered 'serious misbehaviour' (under new section 262E) and is grounds for referral to the Behavioural Standards Panel.
- Clause 126 — Inserts Chapter 13 Part A1 — Member behaviour—

## Explanatory Paper—Statutes Amendment (Local Government Review) Bill 2020

- Division 1 — Sets out that councils are to deal with member behaviour and that complaints are to be dealt with under a council's 'behavioural management policy'. New section 262B sets out what must or may be in a council's behavioural management policy and new section 262C sets out the actions that may be taken by a council in relation to a complaint.
- Division 2 — Establishes the Behavioural Standards Panel (see new sections 262E–262Y), including—
  - New section 262F — Provides that the Panel will consist of three members (with specified collective qualifications, knowledge, expertise and experience under section 262F(5)) appointed by the Governor with:
    - A member nominated jointly by the Minister and the LGA (Local Government Association of SA) to be the presiding member of the Panel; and
    - A member nominated by the Minister; and
    - A member nominated by the LGA.
  - New section 262N — The primary function of the Panel is to assess and deal with complaints referred to the Panel under Subdivision 3, which are complaints alleging 'misbehaviour', 'repeated misbehaviour' and 'serious misbehaviour' (these are defined under section 262E).
  - New section 262Q — Complaints may be referred to the Panel by resolution of the council; the principal member; at least three members of the council; and the Minister.

## Suspension

The Bill also clarifies what suspension means (see clause 146, which inserts Schedule 9) and introduces new processes and the ability for the suspension of council members at the council level in certain specified circumstances—

- Clause 33 — Provides that if a council member fails to submit a return (for the Register of Interests) to the chief executive officer before the expiration of 1 month from the end of the allowed period, the member is suspended from office. This suspension provision replaces the current process where a failure triggers a casual vacancy.
- Clause 43 — Provides for the suspension of a council member who fails to comply with the prescribed mandatory requirements unless the member satisfies the chief executive officer that there were good reasons for the failure to comply.
- Clause 44 — Provides the ability for the chief executive officer to suspend a council member who has an intervention order against them, where the protected person is another council member or a council employee.

## Health and safety duties

The Bill introduces new provisions into the Act (clause 39 — inserting a new section 75G) to clarify that council members must take reasonable care that their acts do not adversely affect the health and safety of other members or council employees. Members must also comply with reasonable directions that may be given to them by a responsible person to protect the health and safety of other members and employees.

## Explanatory Paper—Statutes Amendment (Local Government Review) Bill 2020

The responsible person will be the principal member, the deputy principal member (or other member nominated by the council) or the chief executive officer, depending on who the reasonable direction should be given to.

These clauses have been included in response to a concern that councils lack some powers to give reasonable directions to members that may need to be made to protect the health and safety of other members and employees, given that members are not considered to be ‘workers’ under the *Work Health and Safety Act 2012*. The Bill is clear that these new powers do not limit the operation of this Act (new section 75G).

### Conflict of interest

The Bill amends the sections of the Act that set the conflict of interest rules for members. The current division between more significant, or ‘material’ conflicts (for which members are required to not participate in the matter) and less significant matters (for which members make their own decision on how best to deal with the interest) is kept, however, the current 3 different categories (material, actual and perceived) have been reduced to 2 (general and material)—refer clause 38.

All exemptions have been consolidated into one section.

### Presiding Member additional meeting management powers

Clause 48 of the Bill includes amendments to section 86 to provide an additional new power for the presiding member at council meeting to direct that a member—who is behaving in an improper or disorderly manner or causing an interruption or interrupting another member who is speaking—be excluded from the meeting room, for a period not exceeding 15 minutes. A matter must not be put to a vote while the member is excluded.

### Council employees

#### Chief Executive Officer

The Bill contains a number of changes to the employment and management of council chief executive officers (CEOs). Clause 60 of the Bill inserts a new role for the Remuneration Tribunal of South Australia to determine the minimum and maximum bands for the remuneration of chief executive officers. The Tribunal will do this with regard to any factor, as determined by the Remuneration Tribunal. This could include factors such as the size, the location and the level of growth of any council.

Clauses 57, 58 and 61 of the Bill amend sections 97 and 98, and inserts new section 102A, to require councils to receive and consider independent advice when appointing, undertaking performance management, and, if necessary, terminating its CEO.

#### Employees

Reflecting a long standing policy to have similar conduct schemes apply to both council members and employees, the Bill amends Chapter 7 Part 4 to deal with ‘Employee integrity and behaviour’ through a similar structure as it proposed for members – separating behaviour and integrity matters. The Bill does not provide for behavioural matters to be set in regulation, as per the current Code of Conduct for Council Employees, but allows councils to adopt ‘employee behavioural standards’ (clause 77 — inserting a new section 120A).

**Explanatory Paper—Statutes Amendment (Local Government Review) Bill 2020**

Integrity matters that employees must comply with will be in the Act. These include a number of matters that are already in the Act (such as the duty to protect confidential information) and other matters that are currently within the Code of Conduct (such as the proper management of gifts and benefits).

The Bill also increases the maximum penalties for council employee offences to \$15 000 in line with similar offences for public sector employees under the *Public Sector (Honesty and Accountability) Act 1995*.



## REFORM AREA 2 | LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY

### Rate monitoring system

The Bill introduces a rate monitoring system that will require all councils to receive, consider and publish independent advice on proposed changes to their general rate revenue each year from a designated authority.

The intent of this requirement is to provide and make public, independent advice on councils' critical rating decisions and improve accountability and engagement with councils' annual business plans.

Clause 79 amends section 123 of the Act which sets out the requirements for council annual business plans. The Bill inserts a new section 123(2)(ea) requiring the inclusion of the following matters in draft and adopted annual business plans—

- (i) a statement on the change in total revenue from general rates for the financial year and, if an annual business plan sets out a growth component in relation to general rates, it may only relate to growth in the number of rateable properties (and must not relate to growth in the value of rateable properties); and
- (ii) an explanation of how the change is consistent with the council's long-term financial plan; and
- (iii) a summary of any other reasons for the change; and
- (iv) details of the impact of the change on average rates for each land use category (if relevant); and
- (v) the advice received from the designated authority under subsection (3a); and
- (vi) the council's response to the advice, which must set out whether the change in total revenue from general rates is consistent with the advice and, if not, the reasons for the inconsistency.

In preparing a draft annual business plan (and before finalising the draft plan and undertaking consultation on it), councils must provide critical information to the designated authority by 31 December. This includes the proposed change in total revenue from general rates and the reasons for this proposed change, the council's view of the impact of the proposed change on ratepayers, information as to whether consideration has been given to alternatives to the proposed change in total revenue from general rates, and information as to how the proposal is consistent with the council's long-term financial plan and infrastructure and asset management plan.

The Bill provides that the designated authority must provide advice to councils on the appropriateness of the proposed change in total revenue from general rates for the financial year compared to the previous financial year by no later than 31 March.

This advice must be included in draft and adopted annual business plans, together with the council's response to the advice. Councils are not required to comply with the advice, however, the annual business plan must include an explanation of whether the change in total revenue from general rates is consistent with the advice and, if not, the reasons for the inconsistency.

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If the designated authority is of the view that a council has not responded appropriately to its advice, it may report this to the Minister. The Minister may then consider making recommendations or a direction to the council on the basis of this advice.

### Audit and Risk Committees

The value of audit committees is widely recognised in the local government sector. Many councils have taken additional steps, beyond those required by the Act, to improve the independence of audit committee members, and to expand the role of audit committees.

Clause 83 of the Bill therefore amends section 126 of the Act to expand the role of audit committees to a new role as 'audit and risk committees', consisting of a majority of independent members. The intention of these amendments is to provide better quality, independent advice to councils on a range of critical financial and risk management matters.

The Bill provides that the purpose of an audit and risk committee is to provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters.

Clause 83(6) sets out the expanded functions of an audit and risk committee, including —

- (a) reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- (b) proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
- (c) monitoring the responsiveness of the council to recommendations for improvement based on previous audits and risk assessments, including those raised by a council's auditor; and
- (d) proposing, and reviewing, the exercise of powers under section 130A; and
- (e) liaising with the council's auditor in accordance with any requirements prescribed by the regulations; and
- (f) reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis; and
- (g) —
  - (i) if the council has an internal audit function—
    - (A) providing oversight of planning and scoping of the internal work plan; and
    - (B) reviewing and commenting on reports provided by the person primarily responsible for the internal audit function at least on a quarterly basis; or
  - (ii) if the council does not have an internal audit function, reviewing and commenting on an annual report provided by the chief executive officer in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures; and
- (h) reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis; and
- (i) reviewing any report obtained by the council under section 48(1); and
- (j) performing any other function determined by the council or prescribed by the regulations.

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Given the expanded role of audit and risk committees, the Bill also prescribes the required skillsets, knowledge and experience for committee members (when considered as a whole), requires meetings to be held at least quarterly, and sets out reporting requirements to councils.

The Bill enables councils to establish regional audit and risk committees through the insertion of new section 126A, to ensure that this is available to councils who are of the view that a regional committee can be an effective and resource effective option.

The Bill also amends section 128 of the Act, by requiring councils to change audit firms at least every five years (rather than the current requirement to change auditors).

## Public and Finance Act

The Bill includes a number of amendments to the *Public Finance and Audit Act 1987* (PFA Act) that relate to the activities that the Auditor-General can undertake in regard to councils and other local government bodies (refer Part 8).

Currently, under section 32 of the PFA Act, the Auditor-General can undertake an examination of a council's accounts and the efficiency, economy and effectiveness of its activities. The Bill also allows for the Auditor-General to undertake a review, to allow for a less detailed and therefore lower resource impact activity. The Bill also enables the Auditor-General to audit the accounts of a council, effectively becoming a council's auditor (clause 87 of the Bill amends section 129 of the Act to clarify that if this is the case, the relevant council auditor is not required to have provide an audit for that period).

The Bill does not change the way in which the Auditor-General undertakes these activities. They will continue to be as the Auditor-General deems advisable, or on the direction of the Treasurer or the Independent Commissioner Against Corruption.

## Basis of rating

Clause 93 removes the ability of councils under the current section 151(3) of the Act to use the site (unimproved) valuation of land as the basis of rating, to provide for a consistent approach across the State. If passed, it is expected that some time will elapse before this change would commence, given that the 7 councils that currently use site valuation as the basis of rating will need to make significant changes to their rating structures and policies.

## REFORM AREA 3 | EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION

### Council representation

The Bill proposes two significant changes to council representation. The first of these (contained in clause 9) will require all councils to have no more than 12 elected members. It is proposed that these change will be progressed through representation reviews, given that it may also necessitate consideration other internal council representation structures, such as wards. Councils that undertake a representation review between the commencement of the section and 1 January 2022 will have the maximum number of members before the 2022 periodic elections. All other councils will make this change prior to the 2026 elections.

The Bill also proposes that all councils have a directly elected principal member, who will be called a mayor (clause 18). As with the change to elected member numbers, this change will occur through the representation review cycle.

### Supplementary elections

The Bill proposes a range of changes to supplementary elections to reduce the impact these can have on councils, particularly shortly before and after periodic elections.

Clause 139 of the Bill amends section 6 of the *Local Government (Elections) Act 1999* (the Elections Act) so that a supplementary election will no longer need be held to fill a casual vacancy if the vacancy occurs within twelve months of the next periodic election or general election. Currently, a supplementary election does not need to be held to fill a casual vacancy if the vacancy occurs on or after 1 January of a year in which a periodic election is due to be held.

Clause 139 also provides that a supplementary election will not be held to fill a maximum of two casual vacancies if it arises in a council without wards which has a total of nine or more elected members.

Clause 140 inserts a new section 6A into the Elections Act, allowing the last excluded candidate at the most recent periodic election to be elected, if a vacancy arises within twelve months of this periodic election, and the candidate still meets the relevant eligibility criteria and they formally 'accept' the election within one month. This provision will not apply to the vacancy of a directly-elected principal member.

### Simplified nominations

Clause 146 of the Bill amends section 19A of the Elections Act so that ECSA will be responsible for the nominations process. ECSA will manage an online nomination process, and provide councils (and publish online) with a list of accepted nominations relevant to their council area within 24 hours after close of nominations (which will also be published online).

### Increased disclosure by candidates

One reform that has been discussed at length is a requirement for candidates to provide more information that is of interest to voters. It is intended that these requirements will be set in regulations,

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and will include an indication of whether the candidate is a resident of the council area (or ward) in which they have nominated (although this will not apply to candidates standing in City of Adelaide elections).

Candidates will also need to include the names of any political party, any body or association formed for political purposes of which the candidate is a member or has been a member within the past 12 months.

The Bill also proposes some changes to the declaration of campaign donations, to provide voters with a better opportunity to be aware of significant donations that have been received by candidates before the close of voting. The Bill inserts a new section 81A into the Elections Act to require candidates that have received 'large gifts' to provide a return with information about it within the 'prescribed period' (proposed to be 5 days). The Bill does not set the value of a large gift, but it is anticipated to be \$2,500.

## REFORM AREA 4 | SIMPLER REGULATION

### Community engagement charter

Currently, section 50 of the Act requires all councils to have a community engagement policy that, at a minimum, must include publication of a notice and a period of 21 days for submissions to be made for all matters where public consultation is prescribed. The Bill proposes to replace this approach with a new 'Community Engagement Charter', which will support a more modern, flexible approach to engagement (clause 17).

The Charter will relate to community consultation and participation with respect to any decision, activity or process where compliance with the charter is required by the Act. It will be published by the Minister (noting that the Minister is required to consult with the LGA before any publication proceeds).

It is anticipated that the Charter will set some minimum standards for more significant council tasks, such as the annual business plan, but will be largely focused on a 'principles based approach' to allow councils to determine the exact activities they will undertake to best engage with their communities on their business. This will also allow for a more flexible approach to the publication of notices.

### Information and briefing sessions

The Bill proposes to remove 'informal gatherings and discussions' from section 90 of the Act, and insert a new section 90A — 'information sessions and briefings' (clause 52). This responds to commonly heard concerns from councils that the current approach to 'informal gatherings' is overly prescriptive, and can be understood to prevent council members from discussing matters between themselves.

'Information sessions and briefings' are defined as any meetings held or arranged by the council or the CEO, inviting one or more council members, for the purposes of providing information or a briefing to attendees. This recognises that meetings arranged for council members to be better informed on matters of council business is a standard, and effective, tool to assist them to perform their role.

The Bill also removes the lengthy regulations that currently apply to 'designated informal gatherings', and the requirement for councils to have a policy that complies with these regulations. Councils will have more discretion as to whether to hold sessions in public or not.

However, the Bill retains the critical direction that these meetings should not replace decisions made at formal meetings of council, where debate and decisions take place in the open charter. To ensure this, new section 90A(3) requires information sessions and briefings that are being held to discuss matters that are, or are intended to be on a council meeting agenda, must be open to the public (unless there is a reason under section 90(3) for the matter to be discussed in confidence).

### Internal review of council decisions

Internal review of council decisions (or 'section 270 reviews' as they are known) are an important tool for members of the public to utilise if they wish to a council to review a decision. They provide confidence in council decisions and actions, and can assist councils to determine better and more effective administrative and decision making practices. However, while councils value them, there was feedback that some members of the public can misuse this tool, creating a costly administrative burden for councils.



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The Bill (clause 135) therefore provides some changes to assist councils to better manage these requests. These will allow councils to decline to undertake a review if the decision was made more than six months prior; to decline if the matter has, or has substantially been dealt with in another process (such as a conduct investigation); and to charge a small fee for a request (anticipated to be in the order of \$20).

### Community land revocation

Currently, councils must apply for the approval of the Minister before they make a decision to revoke the community land status of any community land. While this degree of oversight may be appropriate for significant changes, it can be excessive for small pieces of land that often have limited future uses.

The Bill therefore proposes to establish two ‘categories’ of community land for the purposes of the revocation process. The Minister’s approval will only be necessary where the land is—

- the land is owned by the Crown or an agency or instrumentality of the Crown (or adjoins such land)
- the council knows, or should reasonably know, that State Government financial assistance was given to the council to acquire or improve the land
- the land is used as a community space, and the council proposes to sell or dispose of the land.

All other community land may have its status removed simply by a council resolution, after following the steps laid out in the legislation.

Clause 102 of the Bill contains these changes.

### Simplification of registers

The intention of this reform is to compile all council members’ registers of interest into one, simple plain English form, which is then published on the council website. This removes the current requirement for councils to maintain one return with all details (for provision on request) and another, shorter return, for publication online. However, council members’ principal residential address will not be published online, for safety reasons.

### Simplification of council publications

There are many provisions scattered through the Act that require councils to publish material online, to have material available at the council office for inspection, or for provision of copies on request. These provisions will be replaced with a single list of all council documents that must be published online in Schedule 5 of the Act. Councils will not be required to have any documents available for inspection, but must make copies available on request (and may charge a fee for these copies).

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### FURTHER INFORMATION

For more information please contact—

Office of Local Government

Level 3, 77 Grenfell Street Adelaide SA 5000

GPO Box 1533 Adelaide SA 5001

Telephone (08) 7109 7145

Web site: [www.dpti.sa.gov.au/local\\_govt](http://www.dpti.sa.gov.au/local_govt)

## **16.8 Limestone Coast Local Government Association - Key Outcomes - 19 June 2020**

Report Type	Correspondence
Correspondent	Limestone Coast Local Government Association
File Reference	GF/10.14.2 EI2020/172578
Attachments	1. Key Outcomes [ <b>16.8.1</b> - 1 page]

### **RECOMMENDATION**

That the Key Outcomes from the Limestone Coast Local Government Association General Meeting dated 19 June 2020 be received and noted.



The Limestone Coast Local Government Association (LCLGA) is a regional subsidiary established by the seven Constituent Councils in the Limestone Coast region of South Australia; City of Mount Gambier, District Council of Grant, Kingston District Council, Naracoorte Lucindale Council, District Council of Robe, Tatiara District Council & Wattle Range Council.

## **MEETING SUMMARY**

### **LCLGA General Meeting, 19<sup>th</sup> June 2020, Via Video Conference**

#### **1. Guest Speaker**

Tony Pasin – Member for Barker

Mr Pasin provided an update on the federal government response to the COVID -19 Pandemic health and economic crisis. New Homebuilder program has been well received, and the take up is strong across the region with increased land sales. Councils can expect to see an increase in development applications.

The job keeper program continues to be a focus for the Morrison Government, as does the emphasis on jobs creation through stimulus funding programs. The next round of BBRF may open early in 2021 after Round 4 resulted in Tatiara District Council receiving \$700,000 to assist with the upgrade of facilities at Bordertown Caravan Park. President Mayor Erika Vickery thanked Mr Pasin for the recent funding announced to support local councils, local jobs and businesses. Further information and updates can be found at <https://www.tonypasin.com/>

Mr James Cameron & Ms Sharie Detmar – Department for Environment and Water (DEW)

In 2018 LiDAR mapping projects were undertaken across the Limestone Coast and Eyre Peninsular. The LiDAR project, due to improved technology, resulted in more accurate mapping outcomes.

Datasets were developed into an Inundation Web Mapping Application which will be available in the future. The Coastal Protection Board provided grants to Local Councils of up to 80% of project costs. Further assistance is available from DEW for Local Government planning, research, complex assessments and strategy development.

#### **2. Recommendation Reports & Items for Noting**

##### **2.1 LCLGA Strategic Plan - 2020-2025**

LCLGA Strategic Plan - 2020-2025 was adopted LCLGA General Meeting in June 2020.

##### **2.2 LCLGA Draft Annual Business Plan 2020-2021**

The draft plan was presented and endorsed for distribution to member councils. Comments and/or amendments to the Draft Business Plan are requested by Friday 31<sup>st</sup> July 2020.

##### **2.3 LC Recovery and Rebuild Plan**

The board endorsed the LC Recovery and Rebuild Plan and commenced implementation.

##### **2.4 SEGRA Conference Cancellation**

The SEGRA conference planned for 2020 was cancelled due to the risks from the COVID-19 virus. The LCLGA board agreed we will not be seeking to take up the opportunity to host the 2022 conference.

##### **2.5 Proactive Advocacy**

Executive Officer to develop a proactive advocacy agenda with feedback sought on the key areas to be considered.

Further information available by contacting Mr Tony Wight, Executive Officer P:0417 442 296 or via the Office P: 08 8723 7310 E: [admin@lclga.sa.gov.au](mailto:admin@lclga.sa.gov.au). Copy of reports can be found on the LCLGA Website [www.lclga.sa.gov.au](http://www.lclga.sa.gov.au)

## 16.9 Penola District Cultural Fund

Report Type	Correspondence
Correspondent	Bill Murray, Chairman, Penola District Cultural Fund
File Reference	GF/2.14.1/4 EI2020/172831
Attachments	1. Nomination of Trustees For Penola Cultural Trust [ <b>16.9.1</b> - 1 page]

### RECOMMENDATION

That the correspondence from Bill Murray dated Friday, 3 July 2020 regarding new Trustees of the Penola District Cultural Fund be received and noted.

**From:** [Bill Murray](#)  
**To:** [Ben Gower](#); [Catherine Allen](#)  
**Subject:** EI2020/172831 - 2.14.1/4 - Nomination of Trustees For Penola Cultural Trust  
**Date:** Friday, 3 July 2020 10:45:23 AM

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Hi Ben and Catherine, could you please add to the agenda for the next Council meeting, That Peter Balnaves, Loanne Skene, Neil McLean and Rick Paltridge be appointed as Trustees of the Penola Cultural Trust Fund and that Peter Rymill be deleted from list. Current appointees are Ben Gower, Marg Muller and Bill Murray.

Thank you Catherine and Ben,  
Regards Bill Murray, chairman of the Penola Cultural Trust Fund committee.



## 16.10 Local Roads and Community Infrastructure Program

Report Type	Correspondence
Correspondent	The Hon Michael McCormack MP – Deputy Prime Minister The Hon Mark Colton MP – Minister for Regional Health, Regional Communications and Local Government
File Reference	GF/7.41.1/22 EI2020/172874
Attachments	1. Letter of Offer [ <b>16.10.1</b> - 1 page]

### RECOMMENDATION

That the correspondence from the Hon Michael McCormack MP and the Hon Mark Coulton MP regarding Letter of Offer – Local Roads and Community Infrastructure Program be received and noted.

**THE HON MICHAEL MCCORMACK MP**

Deputy Prime Minister  
Minister for Infrastructure, Transport and  
Regional Development

**THE HON MARK COULTON MP**

Minister for Regional Health, Regional  
Communications and Local Government

Ref: MS20-000934

Mayor Des Noll  
Wattle Range Council  
PO Box 27  
MILLICENT SA 5280

Dear Mayor

**Letter of Offer – Local Roads and Community Infrastructure Program**

We are writing to offer you, Wattle Range Council ABN 48 797 441 024, an Australian Government Grant under the Local Roads and Community Infrastructure (LRCI) Program.

The offer is for a grant of \$629,298 total, excluding GST, (the 'Grant') to undertake the Grant Activity as set out in the attached Grant Agreement.

The LRCI Program aims to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It is expected councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities. Program guidelines are included with this letter and can also be accessed through the Department's website at [www.investment.infrastructure.gov.au/lrci](http://www.investment.infrastructure.gov.au/lrci).

To accept this offer in relation to the Grant, please sign the attached Grant Agreement and send or email a scanned copy to [IIP@infrastructure.gov.au](mailto:IIP@infrastructure.gov.au) by 31 July 2020, otherwise this offer will lapse. A legally binding agreement will be created once the Grant Agreement has also been signed by the Commonwealth, represented by the Department of Infrastructure, Transport, Regional Development and Communications ABN 86 267 354 017.

In agreeing to and signing the Grant Agreement, you confirm that you have read and understood the Program Guidelines and Grant Agreement.

Yours sincerely

**MICHAEL MCCORMACK**

**MARK COULTON**

Enc

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The Hon Michael McCormack MP  
Parliament House Canberra | (02) 6277 7520 | [minister.mccormack@infrastructure.gov.au](mailto:minister.mccormack@infrastructure.gov.au)  
Suite 2, 11-15 Fitzmaurice Street, Wagga Wagga NSW 2650 | [michael.mccormack.mp@aph.gov.au](mailto:michael.mccormack.mp@aph.gov.au)

## 16.11 Southend Caravan Park

Report Type	Correspondence
Correspondent	Sallie Chambers President, Southend Progress Association
File Reference	GF/16.20.1 EO2020/91649
Attachments	1. SPA - Amenities Proposal [ <b>16.11.1</b> - 2 pages]

### RECOMMENDATION

That the correspondence from Southend Progress Association regarding the Southend Caravan Park shower and toilet amenity block dated 1 July 2020 be received and noted.

Mr Steve Chapple,  
 Director Development Services  
 Wattle Range Council  
 George Street  
 Millicent 5280

1/7/20



Dear Steve,

The Southend Progress Association strongly recommend that the shower & toilet amenity block within the Southend Caravan Park be retained and fully functional.

We plead that the Wattle Range Council reconsider and ultimately rescind the decision to demolish the existing amenities and instead apply the allocated funds to upgrading aspects of the facility so as it meets regulatory standards.

We reference the Southend 5 year strategic plan compiled in 2018. In this document the overwhelming majority and No1. priority requested by the community was the importance of a well maintained caravan park within the township. The recent history of the park cannot be used as a measure to the importance of its future, it is an unfortunate legacy inherited by the generations of people in our coastal community. The progress association feel the appeal of our caravan park has eroded as a result of the long term poor arrangement and management within the park, we consider our town an attraction for many reasons including its locality, coastline and offered experiences. Our proposal is simplistic, affordable and creates a vast upside for Southend and its surrounds.

In definition a recreational vehicle park "RV Park" or caravan park is a place where people can stay in allowed spaces known as "sites" or "campsites". Many "RV Parks" accommodate those who choose to camp with limited gear in i.e. in tents. \*Our review of the Wattle Range Council minutes from the meeting on the 9<sup>th</sup> of June doesn't identify any reference to the proposed Southend RV Park permitting only self contained vehicles.

The Southend Progress Association are extremely concerned that the removal of the amenities from the park will limit and ultimately reduce the number of visitors that can consider Southend a place to stay. Allowing only self contained vehicles abolishes any ability for people requiring basic facilities to enjoy our town and coastline. We discussed and wish to highlight that our considered traditional clientele are families and friends who return each year to camp and enjoy the treats our town and coastline offers. These families, friends and individuals require basic facilities such as power, water, toilets and showers as a prerequisite to frequenting our caravan park. Included in the demographics are recreational fisherman and 4wd clubs and enthusiast who use Southend as a base for their activities. In fact, as added reference to those with self contained vehicles that frequent the park the

existing amenities are used as strong preference to the undesirable task of emptying the cassette etc.

Appealing to a broad demographic of clientele is critical to occupancy rates which in turn supports the local business both directly and indirectly. Our park is in the centre of town, our vision is to have this area established as a clean, tidy and vibrant area that oozes appeal to all who pass by. Southend and its award winning beaches (4<sup>th</sup> best beach in Limestone Coast as named by SA Tourism) makes the perfect holiday destination .... a true gem !

Our recommendation does not require a huge impost to the budgeted financial position for the Wattle Range Council as we are not proposing a "state of the art" upgrade. We simply request that any financial position being proposed within the budget for demolishing the amenities be instead used to improve the existing facility. These improvements extend to the removal of asbestos, the inclusion of an all access ability to showers and toilets plus general repairs in keeping with functionality and cleanliness. Our association discussed the potential for user paid showers which not only generate income but limit water wastage. Additionally, the roof catchment area can collect rainwater for both general use and in the amenities block as an economical solution to the lack of potable water in the park.

The Southend Progress Association acknowledges the future preparedness by the council to establish amenities on council owned land however we feel it critically important that the park facilities are retained and improved as the immediate priority action.

Should the Southend Progress Association opt not to participate further into the tender process then we offer and would appreciate the opportunity to join council in the discussions with applicants as insight to their vision for our parks and our community.

In summary the Southend Progress Association ask the Wattle Range Council to reconsider its decision to demolish the Southend Caravan Park amenities block. We support the allocated funding being used instead to improve / upgrade the facility in line with visitor appeal and regulated standards.

The Southend Progress Association is committed to making our township a lasting experience and value story for those who live and visit.

We sincerely appreciate your consideration of our simple and effective solution.

Sallie Chambers

President

Southend Progress Association

## **16.12      Local Government Finance Authority - AGM - 29 October 2020**

Report Type	Correspondence
Correspondent	Local Government Financial Authority
File Reference	GF/17.14.3/1 EI2020/173006
Attachments	1.      LGFA Advance notice AGM 2020 [ <b>16.12.1</b> - 6 pages]

### **RECOMMENDATION**

1.      That the correspondence be received and noted.
2.      That the following person be nominated by Council as voting delegate, Mr Paul Duka, Director Corporate Services and this information be submitted prior to Friday, 21 August 2020.





**TO: Chief Executive Officers**

**RE: Annual General Meeting – Thursday 29<sup>th</sup> October 2020**

Advance notice is hereby given that the Annual General Meeting of the Local Government Finance Authority of South Australia will be held on Thursday 29 October 2020. Due to the COVID-19 restrictions, the format of this years meeting will be advised closer to the date.

## **1. Appointment of Council Representative**

Section 15(1) of the Local Government Finance Authority of South Australia Act 1983, provides that:-

" Every council is entitled to appoint a person to represent it at a general meeting of the Authority."

As the meetings of the Local Government Association of South Australia will also be held on the above day, it is suggested that the same person be appointed to represent your council on the Association and the Authority.

A form is attached for your convenience to notify us of your representative. (Appendix 1)  
Please return same to this Authority **no later than Friday 21 August 2020**.

## **2. Nominations for Members of the Board**

We draw your attention to Section 7(1)(a) of the Local Government Finance Authority of South Australia Act 1983 regarding membership of the board which provides:-

" (a) two are persons elected in accordance with the rules of the Authority;"

and to Section 8(1) which provides:-

" 8. (1) Subject to this section, a representative member of the board holds office for a term of two years commencing on the first day of January in the year next succeeding the year in which he or she was elected or appointed."

Kindly note that in accordance with the Rules of the Authority if more than two persons are nominated an election for two representative members will again be determined by postal ballot. The successful candidates will be declared elected at the Annual General Meeting.

Nominations are hereby called to fill the two positions provided by Section 7(1)(a) currently held by Ms Annette Martin (City of Charles Sturt) and by Mr Michael Sedgman (The Rural City of Murray Bridge).

Nominations must be lodged at the Local Government Finance Authority of South Australia office not later than 21 August 2020.

For information we advise that Section 7 (2) of the LGFA Act states:-

“At least one member of the board must be a woman and at least one member must be a man”

Our current gender status is 4 men and 2 women, 1 vacancy.

Councils may wish to consider nominating a candidate of each gender.

A nomination form is attached for your convenience. (Appendix 2)

Those councils nominating a Member or Officer may wish to forward separately a brief résumé of their nominee which will later be circulated to all councils with the agenda and ballot paper (if a ballot is required).

A résumé form in the REQUIRED FORMAT is attached for this purpose. (Appendix 3)

### 3. Notice of Motion

The Rules of the Authority in relation to Annual General Meeting procedures require that a Notice of Motion specifying the resolution which is to be proposed has been given in writing to the Chief Executive Officer not less than forty two days prior to the meeting and to comply with this Rule, it is necessary for Notices of Motion to be submitted to the Local Government Finance Authority of South Australia office on or prior to Friday 21 August 2020.

Member councils are requested to lodge the Notice of Motion in the following manner:-

- (a) Notice of Motion
- (b) Reason
- (c) Suggested Action

A copy of the appropriate form is attached for your convenience. (Appendix 4)



DAVIN LAMBERT  
Chief Executive Officer  
Local Government Finance Authority of SA

7 July 2020

## Appendix 1



# **APPOINTMENT OF COUNCIL REPRESENTATIVE**

## **LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA**

### **2020 ANNUAL GENERAL MEETING**

I advise that Mayor / Chairperson / Councillor / Officer / or any other person  
is appointed council representative to the Local Government Finance Authority of South Australia.

<b>Council Name</b>	
<b>Council Delegate</b> (Full Name)	Mayor / Chairperson / Councillor / Officer
<b>Delegate Home Address</b>	
<b>Delegate Email Address</b>	
<b>Name of</b> <b>Chief Executive Officer</b>	
<b>Signature of</b> <b>Chief Executive Officer</b>	

Please return completed Appointment of Council Representative Form to [admin@lgfa.com.au](mailto:admin@lgfa.com.au)  
by CLOSING DATE: **Friday 21 August 2020**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

## Appendix 2

**NOMINATION FORM**

PURSUANT to a Resolution duly passed

The .....  
 (Name of Council)

hereby nominate .....  
 (Full Name)

of .....

being a Member or Officer of a Council for election to the board of the Local Government Finance Authority of South Australia as provided by Section 7(1)(a) of the Local Government Finance Authority Act 1983.

Date this ..... day of ..... 2020

.....  
 (Signature of Chief Executive Officer)

and I the person nominated hereby agree to accept such nomination

.....  
 (Signature of Candidate)

Please return completed Nomination Form to [admin@lgfa.com.au](mailto:admin@lgfa.com.au)  
 by CLOSING DATE: **Friday 21 August 2020**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

## Appendix 3

**RÉSUMÉ FORM**

<b>Name</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Email</b>	
<b>Age (Optional)</b>	
<b>Occupation</b>	
<b>Current Employer</b>	
<b>Qualifications</b>	
<b>Current Position in Local Government: Mayor / Chairman / Councillor / Other</b>	
<b>Name of Council</b>	
<b>Period in Local Government</b>	
<b>Other Committees / Bodies of Local Government Involvement:</b>  <b>Past</b>          <b>Present</b>	

Please return completed Resume Form to [admin@lgfa.com.au](mailto:admin@lgfa.com.au) by CLOSING DATE: **Friday 21 August 2020**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

Appendix 4

**NOTICE OF MOTION**  
**LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA**  
**2020 ANNUAL GENERAL MEETING**

NAME OF COUNCIL: .....

NOTICE OF MOTION:

.....

REASON:

.....

.....

.....

.....

SUGGESTED ACTION:

.....

.....

.....

.....

Please return completed Notice of Motion Form to [admin@lgfa.com.au](mailto:admin@lgfa.com.au)  
by CLOSING DATE: **Friday 21 August 2020**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

## 17 Motions On Notice

### 17.1 Kalangadoo Police Station

Report Type	Motions on Notice
Author	Mayor Des Noll
File Reference	GF/9.24.1/6
Attachments	1. I 135974 [17.1.1 - 2 pages]

Mayor Des Noll submitted the following Motion on Notice in regard to Kalangadoo Police Station.

I Mayor Des Noll, give notice of my intention to move the following motion at the Council Meeting of Tuesday 14 July 2020.

#### RECOMMENDATION

That Council write a letter to the Hon Corey Wingard, Minister for Police requesting a formal response on the position of the Kalangadoo Police Station whether or not it will be staffed on a permanent basis.

#### *Rationale*

*As we are aware the Kalangadoo Police Station has been closed for approximately four years, on the brief that a Policing Country Review is being undertaken.*

*At this time nothing has been heard in relation to the Country review and the status of the Kalangadoo Police Station remains closed. No full time Police member is stationed at Kalangadoo.*

*Wattle Range Council and the Kalangadoo community have not been advised of the result of the SAPOL Country Policing review.*

*I have spoken to numerous Kalangadoo residents and they remain concerned that the Police Station is closed and there is no direct community policing available to the Kalangadoo residents.*



**Hon Corey Wingard MP**



18EXT0082  
Your ref: GF/17.85.1/18; EI2018/131881

Mayor Peter Gandolfi  
Wattle Range Council  
PO Box 27  
MILLICENT SA 5280

LETTER NO: 1/135979 (EI2018/131881)					
FILE GF/17.85.1/18 PF/					
DATE RCVD		03 MAY 2018		REFER TO Mayor	
CEO	DCS	DDS	DES	FILE	

Dear Mayor

Thank you for your letter, dated 14 March 2018 to the former Minister for Police, in relation to permanent police postings within the Wattle Range Council area, in particular Kalangadoo and Beachport Police Stations.

You also raise concerns regarding the future of the full-time administration/manager position at Noorla-Yo-Long, and the Detective position at Millicent.

South Australia Police (SAPOL) has advised me of the following information:

#### **Kalangadoo Police Station**

A review of policing service delivery is currently being undertaken across all regional local service areas and, at this time, the Kalangadoo Police Station will remain closed to the public. The outcome of the review is not yet known.

I am advised that the area will continue to be policed from staff stationed at Millicent and Penola.

#### **Beachport Police Station**

Beachport Police Station will be included in the above review. Therefore, further advice is not yet known or available.

#### **Noorla-Yo-Long Blue Light Facility**

I am advised there are no current plans to change the staffing arrangements at the Noorla-Yo-Long Blue Light Facility.

Minister for Police, Emergency Services and Correctional Services | Minister for Recreation, Sport and Racing  
Level 2, 45 Pirie Street, ADELAIDE SA 5000 | GPO Box 668 ADELAIDE SA 5001 | DX 450  
Tel 08 8463 6641 | Fax 08 8463 6642 | Email [MinisterWingard@sa.gov.au](mailto:MinisterWingard@sa.gov.au)

**Millicent Criminal Investigation Branch (CIB) Position**

The Millicent CIB position is currently under review. The consultation process with local stakeholders will commence in the near future.

I trust you find this information of assistance and I thank you for taking the time to write about this important issue.

Yours sincerely



**Hon Corey Wingard MP**

Minister for Police, Emergency Services and Correctional Services

26 / 4 / 2018

Cc: Mr Nick McBride MP, Member for MacKillop.

## **18 Urgent Motions Without Notice**

Urgent Motions without Notice may be raised at this point of the Meeting.