



**MOUNT BARKER  
DISTRICT COUNCIL**

**NOTICE OF MEETING**

Pursuant to Section 83 of the Local Government Act 1999 notice is hereby given that the following meeting will be held in the Council Chambers, Mount Barker Homemaker Centre, 6 Dutton Road, Mount Barker on Monday 2 September 2019.

7.00 pm

Council Meeting

A. Stuart  
**CHIEF EXECUTIVE OFFICER**

28 August 2019



**ORDER OF BUSINESS**

<b>1.</b>	<b>COUNCIL OPENING</b>	
	- Expression of Faith	
	- Acknowledgement of Land	
	- Apologies or Leave of Absence	
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	<b>12.1. Carry Forward 2018/19 Capital Work In Progress Budgets .....</b>	<b>39</b>
	To provide the Council with the capital work in progress for the financial year ending 30 June 2019 to be carried forward to the 2019/20 budget.	
	<b>12.2. Circular Procurement Pilot Project – Increased Purchase of Recycled Content .....</b>	<b>44</b>
	The purpose of this report is to inform Council of the participation in a Circular Procurement Pilot Project (Pilot Project) coordinated by the Local Government Association of South Australia (LGA) and to seek resolution to commit to a Memorandum of Understanding (MOU) between the LGA and participating Councils to prioritise the purchase of products with recycled-content through the procurement process.	

<b>12.3. Strategic Plan Review Process .....</b>	<b>81</b>
To seek Council endorsement of the proposed process for the review and update of Mount Barker 2035 – District Strategic Plan.	
<b>12.4. Western Sector Recreation Land Community Land Management Plan and Licences.....</b>	<b>88</b>
To seek endorsement of the Western Sector Recreation Land Community Land Management Plan (CLMP) and associated licence summaries.	
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To approve the Cat By-law.	
<b>12.6. Recycled Water Storage Grant Funding Application.....</b>	<b>140</b>
To seek endorsement for the council action to lodge with the State Government an application seeking a grant of \$1.25 million from the Regional Growth Fund to contribute to the cost of a proposed recycled water storage facility near Callington.	
<b>12.7. Regional Sports Hub Board and Sub-Committee Terms of Reference and Independent Board Members Nomination Panel .....</b>	<b>154</b>
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To appoint members to the Independent Board Members Nomination Panel.	
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To provide a list of four (4) revised Policies and to adopt the revised policies related to Funding Policy, Trade Waste Discharge Policy, Disposal of Council land and other Assets Policy and Tourism Sign Policy.	
<b>12.9. Concrete Footpath Capital Works – Contract Award .....</b>	<b>197</b>
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<b>12.10. Speed Management Strategy for South Australia .....</b>	<b>201</b>
To advise that the Department of Planning, Transport and Infrastructure (DPTI) recently commenced the development of a state-wide Speed Management Strategy and has invited Council to put forward three (3) representatives to attend a consultation workshop.	
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**1. COUNCIL OPENING**

**EXPRESSION OF FAITH**

**ACKNOWLEDGEMENT OF LAND**

**APOLOGIES OR LEAVE OF ABSENCE**

**1.1 Leave of Absence**

**1.2 Apologies**

**2. QUESTIONS FROM THE GALLERY (15 MINUTES)**

**3. CONFIRMATION OF MINUTES**

**3.1 Recommendation**

That the minutes of the meeting held on 5 August 2019 as circulated to members be confirmed as a true and accurate record of proceedings.

**4. CONFLICT OF INTEREST DECLARATION**

Council Members are reminded of the requirements for disclosure by Members of material, actual or perceived conflicts of interest in relation to items listed for consideration on the agenda.

**5. DEPUTATIONS**

NIL

**6. QUESTIONS WITH NOTICE - COUNCILLORS**

NIL

**7. QUESTIONS WITHOUT NOTICE - COUNCILLORS**

**8. MOTIONS ON NOTICE**

NIL

**9. MOTIONS WITHOUT NOTICE**

*For*

- *requesting a report*
- *a simple matter with minor impact*
- *an urgent matter that without consideration by Council would result in a detriment to Council*

**10. PETITIONS**

NIL

**11. RECOMMENDATIONS FROM ADVISORY COMMITTEES**

**11.1 AUDIT AND RISK COMMITTEE – 15 August 2019**

The recommendations of the Audit and Risk Committee are provided below for consideration by Council:

<b>11.1.1 REPORT TITLE:</b>	<b>IMPLICATIONS FROM THE REVIEW OF THE AUDIT AND RISK COMMITTEE’S TERMS OF REFERENCE</b>
<b>FILE NUMBER:</b>	<b>DOC/19/94589</b>

**Recommendation**

That a briefing paper be provided to the Committee on each of the additional topics comprising climate change, wastewater and recycled Water, major infrastructure projects, regional subsidiaries, with emerging issues identified, how governed and any risks and how they are managed.

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**11.1.2 REPORT TITLE: PUBLIC INTEREST DISCLOSURE PROCEDURE**  
**FILE NUMBER: DOC/19/85706**  
**ATTACHMENT: DOC/19/78485 – PUBLIC INTEREST DISCLOSURE PROCEDURE**

**Recommendation**

That Council:

- revoke the Whistleblowers Protection Policy and Procedure; and
  - adopt the Public Interest Disclosure Procedure (attachment 1) and delete reference to a Public Interest Disclosure Policy.
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Attachment 1 to Item 11.1.2



**MOUNT BARKER**  
DISTRICT COUNCIL

**TITLE: Public Interest Disclosure  
Procedure**

REFERENCE NUMBER:	Doc/19/78485
RESPONSIBLE OFFICER/ DEPARTMENT	Risk & Governance Officer
APPLICABLE LEGISLATION:	Public Interest Disclosure Act 2018 (PID Act)
MOUNT BARKER 2035 - DISTRICT STRATEGIC PLAN:	Governance and Leadership GL:2 Corporate Capacity and Leadership GL2.10 Ensure compliance with legislative requirements
RELATED POLICIES / CORPORATE POLICY / PROCEDURE	ICAC Public Interest Disclosure Guidelines Fraud and Corruption Prevention Policy and Procedure Complaints Policy and Procedure Code of Conduct for Council Members Employee Code of Conduct
PREVIOUS PROCEDURE DATE:	Nil
APPROVED:	<<Insert Date>>
NEXT REVIEW DATE:	August 2022

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### **Principal Officer - Statement of Intent**

This Procedure has been prepared in accordance with the requirements of sections 12(4) and (5) of the *Public Interest Disclosure Act 2018* (PID Act).

As Chief Executive Officer of Mount Barker District Council, and designated Principal Officer for the purposes of the PID Act, I expect that the implementation and operation of the PID Act will encourage and facilitate:

- further transparency and accountability in the Council's administrative and management practices; and
- the Disclosure, in the public interest, of information about substantial risks to public health or safety, or to the environment, and about corruption, misconduct and maladministration in public administration.

This Procedure, and the Council's Public Interest Disclosure Policy, are designed to enable that to occur, by ensuring that proper procedures are in place for the making of such Disclosures and for dealing with such Disclosures, and by providing appropriate protections for those who make such Disclosures.

I, and the other staff, officers and Council Members at Mount Barker District Council remain deeply committed to the protection of informants who make public interest Disclosures in accordance with the objectives of the PID Act, and to the genuine and efficient consideration and action in relation to information provided to the Council via a public interest Disclosure, as contemplated and demonstrated by this Procedure.

Any questions about this Procedure or the Council's Public Interest Disclosure Policy should be directed in the first instance to the Responsible Officer, whose details are at Part 4 of this Procedure.

Andrew Stuart  
**Chief Executive Officer**

## 1. INTRODUCTION

1.1. Mount Barker District Council (“Council”) is committed to:

- upholding the principles of transparency and accountability in its administrative and management practices;
- the protection of informants who make public interest Disclosures; and
- the genuine and efficient consideration and action in relation to information provided in a public interest Disclosure

and, therefore, encourages the making of appropriate Disclosures that reveal public interest information in accordance with this Procedure.

1.2. The Council is also committed to:

- referring, as necessary, appropriate Disclosures to another Relevant Authority;
- where the Disclosure relates to corruption, or serious or systemic misconduct or maladministration in public administration, reporting the Disclosure directly to the OPI in accordance with the Guidelines and the requirements of the ICAC Act;
- otherwise facilitating the investigation of appropriate Disclosures in a manner which promotes fair and objective treatment of those involved; and
- rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

1.3. This document explains the applicable procedures and processes that Council has in place for making and dealing with appropriate Disclosures of public interest information, to ensure that Council:

- properly fulfils its responsibilities under the PID Act and the ICAC Act;
- appropriately encourages and facilitates Disclosures of Public Interest Information, including environmental and health information regarding a location within the area of Council;
- provides a process by which Disclosures may be made so that they are properly investigated;
- provides appropriate protection for those who make Disclosures in accordance with the Act; and
- recognises the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure.

## 2. SCOPE

2.1. This Procedure applies to appropriate Disclosures of Public Interest Information that are made in accordance with the PID Act, by public officers including Council Members, Officers and Employees of the Council, and by members of the public.

2.2. This Procedure is intended to complement the reporting framework under the ICAC Act, and designed to complement the existing communication channels within Council and to operate in conjunction with other existing policies, including the:

- Fraud & Corruption Prevention Policy;
- Code of Conduct for Council Employees;

- Code of Conduct for Council Members; and
- Internal Review of Council Decisions Policy under section 270 of the *Local Government Act 1999*.

### 3. DEFINITIONS

For the purposes of this Procedure the following definitions apply.

- 3.1. **Commissioner** means the person holding or acting in the office of the Independent Commissioner Against Corruption.
- 3.2. **Corruption in public administration** is defined in section 5(1) of the ICAC Act and means:
- 3.2.1. an offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
- (i) bribery or corruption of public officers;
  - (ii) threats or reprisals against public officers;
  - (iii) abuse of public office;
  - (iv) demanding or requiring benefit on basis of public office;
  - (v) offences relating to appointment to public office; or
- 3.3.2 an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or
- 3.3.3 an offence against the *Lobbyists Act 2015*, or an attempt to commit such an offence; or
- 3.3.4 any other offence (including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
- 3.3.5 any of the following in relation to an offence referred to in a preceding paragraph:
- (i) aiding, abetting, counselling or procuring the commission of the offence;
  - (ii) inducing, whether by threats or promises or otherwise, the commission of the offence;
  - (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
  - (iv) conspiring with others to effect the commission of the offence

3.3. **Council** means Mount Barker District Council

3.4. **Detriment** includes:

- injury, harm (including psychological harm), damage (including damage to reputation) or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or
- threats of reprisal (which may be express or implied, and/or conditional or unconditional).

3.5. **Directions and Guidelines** is a reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act, which are available on the Commissioner's website ([www.icac.sa.gov.au](http://www.icac.sa.gov.au)).

3.6. **Disclosure** means an appropriate Disclosure of public interest information made by an Informant to a Relevant Authority.

A person makes an **appropriate Disclosure of environmental and health information** if:

- (a) the person:
  - i. believes on reasonable grounds that the information is true; or
  - ii. is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its Disclosure so that its truth may be investigated; and
- (b) the Disclosure is made to a Relevant Authority.

A person makes an **appropriate Disclosure of public administration information** if:

- (a) the person:
  - i. is a public officer; and
  - ii. reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
- (b) the Disclosure is made to a Relevant Authority.

3.7. **Employee** refers to all the Council's employees, whether they are working in a full-time, part-time or casual capacity.

3.8. **Environmental and health information** means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public.

3.9. **Fraud** includes an intentional dishonest act or omission done with the purpose of deceiving.

- 3.10. **ICAC Act** is the *Independent Commissioner Against Corruption Act 2012*.
- 3.11. **Independent Assessor** means the person designated by the Responsible Officer as being responsible for investigating a Disclosure made to Mount Barker District Council in accordance with clause 10 of this Procedure.
- 3.12. **Informant** means a person who makes an appropriate Disclosure of public interest information to a Relevant Authority.
- 3.13. **Maladministration in public administration** is defined in section 5(4) of the ICAC Act and
- 3.13.1. means:
    - (i) conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
    - (ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
  - 3.13.2. includes conduct resulting from impropriety, incompetence or negligence; and
  - 3.13.3. is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
- 3.14. **Misconduct in public administration** is defined in section 5(3) of the ICAC Act and means:
- 3.14.1. contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
  - 3.14.2. other misconduct of a public officer while acting in his or her capacity as a public officer.
- 3.15. **Office for Public Integrity (OPI)** is the office established under the *ICAC Act* that has the function to:
- 3.15.1. receive and assess complaints about public administration from members of the public;
  - 3.15.2. receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers;
  - 3.15.3. refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated;

- 3.15.4. give directions or guidance to public authorities in circumstances approved by the Commissioner;
- 3.15.5. perform other functions assigned to the Office by the Commissioner.
- 3.16. **Public administration** is defined in section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the *Ombudsman Act 1972* will be taken to be carried out in the course of public administration.
- 3.17. **Public administration information** means information that raises a potential issue of corruption, misconduct or maladministration in public administration.
- 3.18. **Public interest information** means environmental and health information, or public administration information.
- 3.19. **PID Act** means the *Public Interest Disclosure Act 2018*.
- 3.20. **Principal Officer** for the purposes of the PID Act means the Chief Executive Officer of the Council.
- 3.21. **Public Officer** has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes
- a Council member; and
  - an employee or officer of the Council
- 3.22. **Relevant Authority** means the person or entity that receives an appropriate Disclosure of public interest information in accordance with the PID Act, as set out in Appendix A to this Procedure.
- 3.23. **Responsible Officer** is a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as responsible officer under section 12 of the PID Act.
- 3.24. **Victimisation** occurs when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate Disclosure of public interest information.

#### 4. RESPONSIBILITIES

- 4.1. The Principal Officer is responsible for:
- 4.1.1. ensuring that one or more appropriately qualified officers or employees of the Council are designated as responsible officers of the Council for the purposes of the PID Act and undertake any training required by the Public Interest Disclosure Regulations; and
  - 4.1.2. ensuring that the name and contact details of each responsible officer of the Council are made available to officers and employees of the council; and

- 4.1.3. the preparation and maintenance of this Procedure in accordance with the requirements of the PID Act and the Directions and Guidelines, in particular the Public Interest Disclosure Guidelines.
- 4.2. A person designated as a Responsible Officer for the Council:
  - 4.2.1. must:
    - 4.2.1.1. receive appropriate Disclosures relating to the Council and ensure compliance with the PID Act, and this Procedure, in relation to any such Disclosures;
    - 4.2.1.2. make appropriate recommendations to the principal officer of the Council in relation to dealing with Disclosures, including any suggested changes to this Procedure or the Public Interest Disclosure Policy; and
    - 4.2.1.3. provide advice to officers and employees of the Council in relation to the administration of the PID Act; and
    - 4.2.1.4. complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations; and
  - 4.2.2. may carry out any other functions relating to the PID Act.
- 4.3. A Council member, employee or officer of the Council is responsible for:
  - 4.3.1. ensuring they comply with this Procedure and the Public Interest Disclosure Policy when dealing with any Disclosure; and
  - 4.3.2. immediately referring any Disclosure of environmental and health information made to them by a member of the public, or any Disclosure of public interest information made to them by a public officer, to the Responsible Officer.
- 4.4. Upon receipt of a Disclosure, the Responsible Officer will deal with the Disclosure in accordance with the processes described in this Procedure, and within the authority granted by the Public Interest Disclosure Policy and the PID Act.
- 4.5. If an Informant believes that his/her Disclosure is not being dealt with appropriately or in accordance with this Procedure or the Public Interest Disclosure Policy, they should contact the Responsible Officer in the first instance.
- 4.6. The Responsible Officer may be contacted in person, by telephone or in writing. The relevant contact details are:
  - Responsible Officer
  - Telephone
  - Email
  - Address

Roslyn McDougall  
8391 7231  
pid@mountbarker.sa.gov.au  
Confidential  
Responsible Officer, Public Interest Disclosure  
PO Box 581  
Mount Barker SA 5251

and if not available:

- Responsible Officer Anne Pett
- Telephone 8393 6436
- Address Confidential  
Responsible Officer, Public Interest Disclosure  
PO Box 581  
Mount Barker SA 5251

## 5. Confidentiality

- 5.1. The identity of an Informant will be maintained as confidential in accordance with the PID Act.
- 5.2. A recipient of an appropriate Disclosure may only divulge the identity of an Informant where:
  - 5.2.1. the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, **and** the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person;
  - 5.2.2. the recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI;
  - 5.2.3. doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or
  - 5.2.4. the Informant consents to his/her identity being disclosed
- 5.3. The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure the Council should be mindful of the prohibition against Victimisation in the PID Act.
- 5.4. An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

## **6. Disclosure Process**

- 6.1. Relevantly for the purposes of this Procedure, the PID Act provides for protection for Informants where public interest Disclosures are made:
  - 6.1.1. by a member of the public or a public officer about environmental and health information which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant Disclosure, regarding a location within the Council area of a particular council; and/or
  - 6.1.2. by a public officer with a reasonable suspicion about public administration information regarding either a location within a Council area or a public officer who is a member, officer or employee of the Council.
- 6.2. Disclosures should generally, and wherever possible, be directed in the first instance to the Responsible Officer, who has the responsibility for receiving appropriate Disclosures relating to the Council.
- 6.3. However, nothing in this Procedure prevents a person from making a Disclosure to another Relevant Authority, including a Relevant Authority external to the Council. This is a choice to be made by the Informant at his/her discretion.
- 6.4. The following are relevant considerations for an Informant in determining where to direct a Disclosure:
  - 6.4.1. when choosing to make a Disclosure internally, Disclosures relating to an elected member or a member of council staff, including the Chief Executive Officer (or person acting in that position), should usually be made to a Responsible Officer;
  - 6.4.2. any Disclosure relating to a person appointed as a Responsible Officer should be made to the other person appointed as a Responsible Officer or failing this, to a Relevant Authority external to the Council (such as the OPI);
  - 6.4.3. any Disclosure relating to public administration information about a public officer who is a member, officer or employee of the Council may be made to a Responsible Officer, or to the person responsible (either in fact, or as may be designated by the PID Act) for the management or supervision of the public officer the subject of the Disclosure;
  - 6.4.4. any Disclosure relating to Maladministration or Misconduct in public administration may be reported to OPI in accordance with the ICAC Act;
  - 6.4.5. if there is a reasonable suspicion of Corruption, or of Maladministration or Misconduct that is serious or systemic, it must be reported to the OPI in accordance with the Directions and Guidelines;

- 6.4.6. if a Disclosure contains allegations of Fraud or Corruption, the Informant should report the matter in accordance with the Council's Fraud and Corruption Policy, which provides that:
  - 6.4.6.1. if the Disclosure relates to Corruption in public administration it will be reported to the OPI; and
  - 6.4.6.2. if the Disclosure relates to Fraud, it may be reported to the Responsible Officer or direct to SAPOL.
- 6.5. A Disclosure may be made in person, by telephone or in writing (either by post, email – refer Section 4). Where a Disclosure is made by telephone, the recipient must take notes of the conversation and, where possible, should ask the Informant to verify and sign the notes.
- 6.6. The following steps will be taken to ensure that a Disclosure is received securely:
  - 6.6.1.1. A separate email address [pid@mountbarker.sa.gov.au](mailto:pid@mountbarker.sa.gov.au);
  - 6.6.1.2. Records stored separately as detailed in 13 below.

## **7. Receipt of a Disclosure**

- 7.1. A flowchart outlining the Disclosure Process is at **Appendix B** to this Procedure.
- 7.2. If a Council member, employee or officer receives a Disclosure of public interest information regarding a location within the Council area, the recipient of that Disclosure will:
  - 7.2.1. ask the Informant whether they consent to the details of their identity being provided to the Responsible Officer, and in doing so advise the Informant that a failure to provide that consent may mean that the Disclosure cannot be properly investigated; and
  - 7.2.2. refer the Disclosure to the Responsible Officer and, in doing so, comply with the wishes of the Informant with respect to whether details of their identity may be divulged.
- 7.3. Upon the receipt of a Disclosure (whether directly, or by referral from a Council Member, employee or officer), the Responsible Officer will:
  - 7.3.1. immediately undertake a Preliminary Assessment in accordance with Part 8 of this Procedure; and
  - 7.3.2. as soon as practicable thereafter, in accordance with Part 9 of this Procedure:
    - 7.3.2.1. notify the OPI of the Disclosure; and
    - 7.3.2.2. confirm receipt of the Disclosure with the Informant; and
  - 7.3.3. subject to the outcome of the Preliminary Assessment, then take appropriate action, including, where required:

- 7.3.3.1. appointing an Independent Assessor to further investigate the Disclosure in accordance with Part 10 of this Procedure; and
- 7.3.3.2. notifying the Informant of the outcome of any action, including any investigation in accordance with Part 11 of this Procedure; and
- 7.3.3.3. notifying the OPI of the outcome of any action taken in accordance with Part 11 of this Procedure; and/or
- 7.3.3.4. reporting the outcome of any action taken to the Minister in accordance with Part 11 of this Procedure; and
- 7.3.3.5. preparing and issuing a final report to the Principal Officer in accordance with Part 12 of this Procedure.

## **8. Preliminary Assessment of Disclosure**

- 8.1. Where the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will acknowledge receipt of the Disclosure within **2 working days** and in doing so, will provide a copy of this Procedure to the Informant.
- 8.2. Upon receipt of a Disclosure, the Responsible Officer will undertake a preliminary assessment to determine:
  - 8.2.1. if the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or the public generally;
  - 8.2.2. if the matter/s the subject of the Disclosure involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration; or
  - 8.2.3. if the information disclosed justifies further action, including a decision as to whether the Disclosure:
    - 8.2.3.1. is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the Disclosure);
    - 8.2.3.2. involves a matter which has already been investigated or acted upon by a Relevant Authority (Appendix A) and there is no reason to re-examine the matter or there is other good reason why no action should be taken in respect of the matter (in which case, no further action will be taken in relation to the Disclosure);
    - 8.2.3.3. requires referral to another Relevant Authority (Appendix A) external to the Council; or
    - 8.2.3.4. warrants a formal investigation or referral to an Independent Assessor for a formal investigation and report to Council.
- 8.3. Where the Disclosure relates to public administration information about a public officer who is a member, officer or employee of the Council and it is made to the person responsible for the management or supervision of the public officer the subject of the Disclosure (**the Supervisor**), the Supervisor will conduct the Preliminary Assessment instead of the Responsible Officer, and will then report the outcome of his/her

determination following the Preliminary Assessment to the Responsible Officer to action.

- 8.4. The Responsible Officer must report the outcome of his/her determination following the Preliminary Assessment to the Chief Executive Officer (unless the Disclosure relates to the Chief Executive Officer). Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 5.2 of this Procedure apply.
- 8.5. Where the Responsible Officer (or Supervisor) determines that the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or to the public generally, the Responsible Officer (or Supervisor) must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (for example, South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority). In doing so, the Responsible Officer or Supervisor must also have regard to clause 5.2.1 of this Procedure.
- 8.6. Where the Responsible Officer (or Supervisor) forms a reasonable suspicion that the matter/s the subject of the Disclosure involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration, the Responsible Officer (or Supervisor) must comply with his/her reporting obligations under the ICAC Act in accordance with the Directions and Guidelines.
- 8.7. Where the Responsible Officer determines the Disclosure warrants referral to an external body or another Relevant Authority (Appendix A), the Responsible Officer will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority (Appendix A) to take that action. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in his/her report to the Responsible Officer for the Responsible Officer to action.
- 8.8. Where the Responsible Officer determines the Disclosure warrants further investigation, the Responsible Officer will, having regard to available resources, may appoint an Independent Assessor and refer the Disclosure to the Independent Assessor for investigation. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in his/her report to the Responsible Officer for the Responsible Officer to action.
- 8.9. Where the Responsible Officer determines the Disclosure requires any other action to ensure the matter the subject of the Disclosure is properly addressed, the Responsible Officer will include in his/her determination details of that other recommended action. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in his/her report to the Responsible Officer for the Responsible Officer to action.

## 9. Notification of Preliminary Assessment

- 9.1. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of his/her determination in writing as soon as is reasonably practicable after the Preliminary Assessment has been made, and in any event **within 30 days of receipt** of the Disclosure. In doing so, the Responsible Officer must advise the Informant of:
  - 9.1.1. any action that has been, or will be, taken in relation to the Disclosure; or
  - 9.1.2. if no action is being taken in relation to the Disclosure, the reason/s why.
- 9.2. If the Responsible Officer fails to notify the Informant in accordance with clause 9.1 above, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or Member of Parliament in accordance with the PID Act.
- 9.3. If the Informant is dissatisfied with the Responsible Officer's determination, it is open to him/her to report the Disclosure to another Relevant Authority (Appendix A) external to the Council.
- 9.4. As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at [icac.sa.gov.au](http://icac.sa.gov.au) to notify OPI of the Disclosure (**Initial Notification**), and in doing so must ensure that the details required by Guideline 1.4 of the Public Interest Disclosure Guidelines are included in the Initial Notification.
- 9.5. The Responsible Officer will retain the unique reference number issued by the OPI upon making the Initial Notification, and will ensure that reference number is provided to any other person or authority to whom the Disclosure is referred.

## 10. Investigation Procedure

- 10.1. Where the Responsible Officer determines, following a Preliminary Assessment, that a Disclosure warrants referral to an Independent Assessor for a formal investigation and report to Council, the Responsible Officer may appoint an Independent Assessor in accordance with this Part to investigate the Disclosure.
- 10.2. If an Independent Assessor is determined to be required they will be appointed on a case-by-case basis depending on the nature of the Disclosure.
- 10.3. The objectives of the investigation process are:
  - 10.3.1. in appropriate circumstances, to investigate the substance of the Disclosure and to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made;
  - 10.3.2. to collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
  - 10.3.3. to consider the information collected and to draw conclusions objectively and impartially;

- 10.3.4. to observe procedural fairness in the treatment of any person who is subject of the Disclosure; and
  - 10.3.5. to make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.
- 10.4. The investigation will observe the principles of natural justice throughout the investigation process. The investigation will be conducted in an efficient manner and will involve a thorough and balanced assessment of the available evidence and any other factors deemed relevant to making a fair and reasonable judgement about the matter.
- 10.5. Upon receipt of a Disclosure referral under this Part, the person undertaking the investigation will bring the fact of the Disclosure to the attention of the person who is the subject of it in writing within **5 days**, and provide them with an opportunity to respond to the Disclosure within a reasonable timeframe (either in writing or in person). The full details of any allegations contained in the Disclosure need not be brought to the person's attention if the Independent Assessor considers that doing so will compromise the investigation.
- 10.6. During any interview with the person undertaking the investigation, the person who is the subject of a Disclosure may be accompanied by any person providing support to him/her (including a lawyer) as he/she considers fit. Any costs incurred in relation to obtaining the assistance of a support person are the personal expenses of the person subject of the Disclosure. The support person is bound by a duty of confidentiality in relation to any matter discussed during such interview.
- 10.7. The investigation will be undertaken in confidence. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the identity of the Informant will remain confidential unless the circumstances in clause 5.2 of this Procedure apply.
- 10.8. The person undertaking the investigation will keep the Responsible Officer informed of the expected timeframes for completion of the investigation and the provision of his/her investigation report to the Responsible Officer.
- 10.9. Upon finalising an investigation an investigation report will be provided to the Responsible Officer that will contain the following details:
- 10.9.1. the allegation(s);
  - 10.9.2. an account of all relevant information received including any rejected evidence, and the reasons why the rejection occurred;
  - 10.9.3. the conclusions reached and the basis for them; and
  - 10.9.4. any recommendations arising from the conclusions, including any remedial action which should be taken by the Council.

The report is to be accompanied by:

- 10.9.5. the transcript or other record of any verbal evidence taken, including tape recordings; and

- 10.9.6. all documents, statements or other exhibits received by the Independent Assessor and accepted as evidence during the course of the investigation.
- 10.10. Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 5.2 of this Procedure apply.
- 10.11. The Responsible Officer must take whatever action is, in his/her discretion, considered appropriate in the circumstances having regard to the matters identified in the Independent Assessor's report.

## **11. Notification of Further Action**

- 11.1. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of his/her determination in writing as soon as is reasonably practicable after the Further Action has been taken and, in any event, **within either:**
  - 11.1.1. **90 days of receipt** of the Disclosure; or
  - 11.1.2. such longer period as may be specified by written notice given by the Responsible Officer within that 90 day period.
- 11.2. In doing so the Responsible Officer must advise the Informant of:
  - 11.2.1. any action that has been, or will be, taken in relation to the Disclosure; or
  - 11.2.2. if no action is being taken in relation to the Disclosure, the reason/s why.
- 11.3. If the Responsible Officer fails to notify the Informant in accordance with clauses 11.1 and 11.2 above, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or member of Parliament in accordance with the PID Act.
- 11.4. If the Informant is dissatisfied with the Responsible Officer's determination or the action taken it is open to him/her to report the Disclosure to another Relevant Authority (Appendix A) external to the Council.
- 11.5. As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at [icac.sa.gov.au](http://icac.sa.gov.au) to notify OPI of the action taken in relation to the Disclosure (**Further Notification**) and, in doing so, must ensure that the details required by Guideline 2 of the Public Interest Disclosure Guidelines are included in the Further Notification.
- 11.6. If the Disclosure came to the Council by way of a referral from a Minister, the Responsible Officer must ensure that the Minister is also notified of the action taken in relation to the Disclosure, and the outcome of any such action. The Minister should be notified in accordance with this clause following the Preliminary Assessment if the Responsible Officer determines that no action is to be taken.

**12. Final Report and Recommendation**

- 12.1. Upon finalising any action required in relation to a Disclosure, the Responsible Officer must prepare a report that will contain the following details:
  - 12.1.1. the subject of the Disclosure;
  - 12.1.2. an account of the steps taken by the Responsible Officer in accordance with this Procedure, including, where appropriate, enclosing a copy of any Independent Assessor's report;
  - 12.1.3. conclusions reached as a result of the steps taken in response to the Disclosure and the basis for them; and
  - 12.1.4. any recommendations arising from the conclusions, including any remedial action which should be taken by the Council.
- 12.2. Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 5.2 of this Procedure apply.
- 12.3. The Responsible Officer's Report must be provided to the Chief Executive Officer to action as he/she considers appropriate.
- 12.4. The Chief Executive Officer may, in his/her discretion, inform the elected body, on a confidential basis, about a Disclosure in accordance with Part 7 of the Public Interest Disclosure Policy.

**13. Secure Handling and Storage of Information**

- 13.1. The Responsible Officer must ensure accurate records of an appropriate Disclosure are securely and confidentially maintained including notes of all discussions, phone calls, and interviews.
- 13.2. The Responsible Officer will ensure all information relating to an appropriate Disclosure is maintained as confidential and as such, will be solely responsible for the secure storage of this information, which will be stored in restricted containers and accessibly only to limited individuals.
- 13.3. In performing his/her duties, the Responsible Officer will maintain a confidential file of information (including written documents, disks, tapes, film or other objects that contain information) that relates to a Disclosure and/or is a product of the associated investigation/reporting process. All such information will be recorded in a register which is to remain confidential and be securely stored with access restricted to the relevant Responsible Officer or relevant public officer.
- 13.4. In the event that a person's appointment as a Responsible Officer is terminated, the person must provide this information to the newly-appointed Responsible Officer and having done so will continue to be bound by a duty of confidentiality in respect of an Informant's identity and the information received as a result of the Disclosure.

- 13.5. Although the Responsible Officer is ultimately responsible to ensure public interest information will be securely received and stored, the security and confidentiality obligations outlined in this Part also apply to any Independent Assessor appointed pursuant to this Procedure in relation to any Investigation.

#### **14. Protection for the Informant**

- 14.1. Although the PID Act does not provide any protection to people who knowingly make Disclosures that are false or misleading in a material particular, an Informant who makes an appropriate Disclosure will ordinarily be protected by:

- 14.1.1. immunity from criminal or civil liability;
- 14.1.2. a prohibition on Disclosure of his/her identity, other than in limited specific circumstances;
- 14.1.3. a prohibition against Victimisation; and
- 14.1.4. a prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure.

- 14.2. A person who personally commits an act of victimisation against an Informant is guilty of an offence and may be prosecuted.

- 14.3. The Council will take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from victimisation, and/or from being hindered or obstructed in making a Disclosure. Such action may include acting in accordance with the following risk minimisation steps:

- 14.3.1. ensuring discussions related to the details of the Disclosure are held privately;
- 14.3.2. ensuring electronic diary appointments are marked as private for discussions related to the Disclosure with the informant;
- 14.3.3. as set out in the Public Interest Disclosure Procedure and/or referring the matter to the SA Police
- 14.3.4. disciplinary action by the Council or the Chief Executive Officer (as appropriate) for any failure to act otherwise than in accordance with this Procedure or the Public Interest Disclosure Policy (including with respect to divulging the identity of an Informant) in relation to a Disclosure.

**15. Availability of the Procedure**

The Procedure is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au). Copies will also be provided to the public upon request and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

**16. REVIEW**

This Procedure will be reviewed every three years or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Risk and Governance Officer.

**17. FURTHER INFORMATION**

For further information on this Procedure, please contact:

Title: Ros McDougall, Risk and Governance Officer

Telephone: 8391 7231

Email: [rmcdougall@mountbarker.sa.gov.au](mailto:rmcdougall@mountbarker.sa.gov.au)

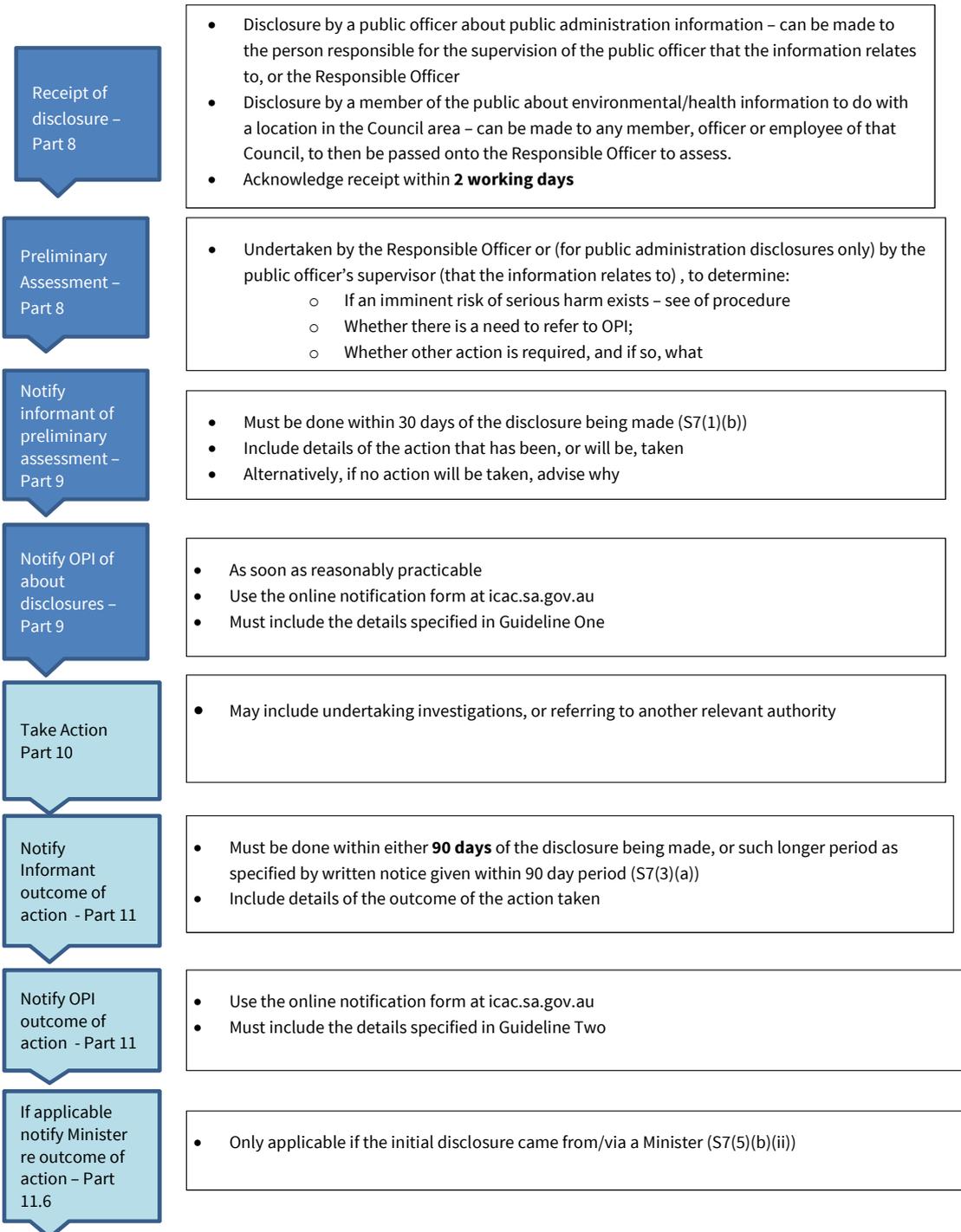
**Appendix A  
Relevant Authorities**

Where the information relates to...	the relevant authority is...
a public officer*  *as defined and set out in Schedule 1 of the <i>Independent Commissioner Against Corruption Act 2012</i> - relevantly, this includes members, officers and employees of local government bodies	either: <ul style="list-style-type: none"> <li>• the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or</li> <li>• the person who is in fact responsible for the management or supervision of the public officer; or</li> <li>• the relevant responsible officer (as designated by the Council in accordance with section 12 of the PID Act)</li> </ul>
a public sector agency or public sector employee	either: <ul style="list-style-type: none"> <li>• the Commissioner for Public Sector Employment; or</li> <li>• the responsible officer for the relevant public sector agency</li> </ul>
an agency to which the <i>Ombudsman Act 1972</i> applies	the Ombudsman
a location within the area of a particular council established under the <i>Local Government Act 1999</i>	a member, officer or employee of that Council
a risk to the environment	the Environment Protection Authority
an irregular and unauthorised use of public money or substantial	the Auditor-General
the commission, or suspected commission, of any offence	a member of the police force
a judicial officer	the Judicial Conduct Commissioner
a member of Parliament	the Presiding Officer of the House of Parliament to which the member belongs
a person or a matter of a prescribed class <sup>1</sup>	an authority declared by the regulations to be a relevant authority in relation to such information

<sup>1</sup> presently, no prescribed persons or classes have been identified

Where the information relates to...	the relevant authority is...
<p>public interest information - being:</p> <ul style="list-style-type: none"> <li>• environmental and health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or</li> <li>• public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)</li> </ul>	<ul style="list-style-type: none"> <li>• the OPI;</li> <li>• a Minister of the Crown; or</li> <li>• any other prescribed person or person of a prescribed class</li> </ul>

**Appendix B**  
**Notification Process Flowchart**





**11.1.3 REPORT TITLE: HIGH OPERATIONAL AND STRATEGIC RISKS**  
**FILE NUMBER: DOC/19/93544**  
**ATTACHMENT: DOC/19/93544 – HIGH OPERATIONAL AND STRATEGIC RISKS REPORT**

**Recommendation**

That the report be noted and that Council actively engage with the community through Long Term Financial Plan process and other processes, to determine risk tolerance.

## Attachment 1 to Item 11.1.3

**11.            INFORMATION REPORTS**

<b>11.1</b>	<b>REPORT TITLE:</b>	<b>HIGH OPERATIONAL AND STRATEGIC RISKS</b>
	<b>DATE OF MEETING:</b>	<b>15 AUGUST 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/93544</b>
	<b>ATTACHMENTS:</b>	<b>NIL</b>
	<b><u>Key Contact</u></b>	<b>Ros McDougall, Risk &amp; Governance Officer</b>
	<b><u>Manager/Sponsor</u></b>	<b>Brian Clancey, Deputy CEO/General Manager Governance, Strategic Projects, Wastewater / Recycled Water</b>

**Purpose:**

To provide information related to high operational and strategic risks.

**Summary – Key Issues:**

- The Corporate Governance Group (CGG) held a workshop to review the high and very high operational and strategic risks risk and to identify any additional strategic risks

**Recommendation**

That the report be noted.

---

**Background:**

1. Council adopted the revised Risk Management Policy and Framework on 6 November 2017.
2. The Audit and Risk Committee will be provided with a revised Policy and Framework for consideration at its 17 October 2019 meeting.
3. The Committee were last provided with a quarterly report in on 18 April 2019. At that time there was 1 very high operational risk and 2 high operational risks and 1 high strategic risk.
4. Separately on this agenda is progress on the Regional Risk Action Plan.

**Discussion:**

5. Relevant staff were requested to review and update the Risk Register.
6. CGG held a workshop to discuss the very high operational risk and to review all the strategic risks.
7. The reporting format below focuses on residual risk and introduces forecast risk level if every control was successfully implemented in the following 6 months. It is

provided in a muted colour version of the risk colour scheme in the framework and a fainter font.

Potential Risk (what, how)?	Risk Category	Current Risk Level	Forecast comments	Forecast risk in next 6 months (if risk management effectively implemented)
<b>OPERATING RISKS</b>				
<b>Regional Sports Hub – Stage 1 Project</b>				
(existing risk with higher risk rating)  <b>Cost – capital</b>	Financial - Cost	High	Current forecasts and stakeholder needs and wants indicate a stage 1 project cost possibly >10% over the preliminary budget (High Risk); however, once contract decisions including final value management, scope management and appropriate contingency budget are set by Council this risk is forecast to reduce to possible / minor variation to approved budget.	Low
<b>Wastewater</b>				
(existing risk and same risk rating as April 2019 )  Developer charges for wastewater infrastructure are not adequate to meet needs	Financial - Cost	Very High	Independent review of forecast funding needs completed; completion of collection, treatment and re-use strategies in progress; review of assumptions and 40 year financial model in progress; continue to signal cost to the market; increase the wastewater infrastructure fee.  Charges increased in 2019/20 financial year as part of longer term plan; delay major capital investment where possible; improve	Very High

			<p>procurement strategy to maximise value for money.</p> <p>An internal audit program specific to wastewater/recycled water is being prepared and is planned to commence during 2019/20.</p>	
<b>STRATEGIC RISKS</b>				
<p>(Revised risk and higher risk rating)</p> <p>Community may not tolerate Council's maximum borrowing target.</p>	<p>Reputational/ Political</p>	<p>High</p>	<p>Strategic procurement to ensure maximum value for money; Investigate strategic partnering opportunities; Sale of surplus land to secure funds; maximise windows of opportunity such as Federal and State elections; regular review and updating of the long term financial plan; Staging capital expenditure ; reducing scope of project; communication to community re proceeding with project</p>	<p>High</p>
<p>(Revised risk and higher risk rating)</p> <p>The Council may not embrace commercial aspect to fund additional operating costs.</p>	<p>Financial – cost</p>	<p>High</p>	<p>Council undertakes a regular review of the Long Term Financial Plan so as to ensure sustainability over the long term. Strategic New Capital Projects provisioned in the plan also include ongoing operating and maintenance costs. If revenue were to be reduced by an event such as Rate Capping/or a decision of Council, a review of funding sources (grants/partnerships), service delivery and capital works would need to be conducted and modelled in the Long Term Financial Plan.</p>	<p>High</p>

8. The forecast very high risk associated with the adequacy of developer charges for wastewater is considered realistic not optimistic and will need to continue to be addressed as a high priority with regular monitoring and reporting. The forecast is largely as a consequence of the following:
- The extent of an increase to the wastewater infrastructure fee payable by major developers is somewhat constrained process wise by threshold provisions within the Wastewater Commitment Deeds entered into between Council and a number of developers; and
  - The extent to which major capital investment is able to be delayed and/or potentially reduced is work in progress and will likely see information become progressively available over a period of time that may extend beyond six months, an example being clarity as to the disposal path and the required quality of recycled water.
9. As a consequence of recent public reports of three separate situations (involving three different service providers) where a cross connection occurred to a dwelling of recycled water v potable water, council will review the adequacy of the current certification and audit processes in place for the supply of recycled water to parts of the Meadows township. As a first step, Council has communicated with SA Health to see if processes adopted by other service providers may identify any desired additional risk management measures for implementation by council.
10. A short training refresher has been provided to the Council and Leadership Group and an on-line risk awareness training is required to be completed by all staff.

**Conclusion:**

Operational and strategic risks have been identified and assessed.

Previous Decisions By/Information Reports to Council

Meeting Date	18 April 2019	HPRM Reference	DOC/19/38239
Title	High and Very High strategic and operational risks		
Purpose	To inform the Audit and Risk Committee of identified high and very high operational and strategic risks.		

Meeting Date	6 December 2018	HPRM Reference	DOC/18/130466
Title	Strategic and Operational Risks		
Purpose	To inform the Audit Committee of identified high operational risks and strategic risks		

**12.            REPORTS**

<b>12.1</b>	<b>REPORT TITLE:</b>	<b>CARRY FORWARD 2018/19 CAPITAL WORK IN PROGRESS BUDGETS</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/99776</b>
	<b>ATTACHMENTS:</b>	<b>DOC/19/105807</b> Draft Budgeted Capital Expenditure Summary for the year ending 30 June 2020
	<b><u>Key Contact</u></b>	Julie Scoggins, Manager Financial Services, Corporate Services
	<b><u>Manager/Sponsor</u></b>	Alexander Oulianoff, Chief Financial Officer

**Mount Barker 2035 – District Strategic Plan:**

Governance and Leadership

GL4:    Effective management and financial sustainability

GL4.1    Manage assets and liabilities through a planned, long term approach

**Annual Business Plan:**

Not applicable.

**Purpose:**

To provide the Council with the capital work in progress for the financial year ending 30 June 2019 to be carried forward to the 2019/20 budget.

**Summary – Key Issues:**

1. Those capital projects which were incomplete at 30 June 2019 with budget balances remaining will be carried forward for completion in 2019/20.

**Recommendation:**

That Council approves the proposed total carry forwards of \$4.5m as at 30 June 2019 and resulting impact on the net budget deficit (Net Borrowing) of (\$2.5m).

That Council adopts the attached revised capital expenditure budgets for the year ending 30 June 2020.

---

**Background:**

1. The 2019/20 budget adopted by Council on 1 July 2019 had capital expenditure of \$40.0m and a net budget deficit (Net Borrowing) of (\$13.3m).
2. The capital expenditure budget for the year ending 30 June 2019 as at 31 March 2019 was \$23.9m.
3. A further review was undertaken at the year-end which confirmed that 80 projects were completed with a remaining 40 capital works in progress.

**Discussion:**

4. The budget adopted on 1 July 2019 for the year ending 30 June 2020 included \$40.0m for capital projects. The proposed forecast capital expenditure for 2019/20 as at 2 September 2019 will include an additional \$4.5m in carried forward budgets. It should also be noted that due to the earlier partial delivery of the Environmental Services Centre and further deferral of the Regional Sports Hub, funds have been reallocated resulting in a revised capital projects balance of \$42.5m.
5. The impact of the proposed amendments above on Council's 2019/20 net budget deficit (Net Borrowing) will be an increase of \$2.5m to \$15.8m.

**Uniform Presentation of Finances**

\$ '000	Budget 2020	Budget inc C/F 2020
Income	50 077	50 077
less Expenses	(47 888)	(47 888)
<b>Operating Surplus / (Deficit)</b>	<b>2 190</b>	<b>2 190</b>
<b>less Net Outlays on Existing Assets</b>		
Capital Expenditure on Renewal and Replacement of Existing Assets	(10 370)	(10 741)
less Depreciation, Amortisation and Impairment	9 178	9 178
less Proceeds from Sale of Replaced Assets	270	270
<b>Subtotal</b>	<b>(9 21)</b>	<b>(1 292)</b>
<b>less Net Outlays on New and Upgraded Assets</b>		
Capital Expenditure on New and Upgraded Assets	(29 673)	(31 741)
less Amounts Received Specifically for New and Upgraded Assets	15 057	15 057
<b>Subtotal</b>	<b>(14 616)</b>	<b>(16 683)</b>
<b>Net Lending / (Borrowing) for Financial Year</b>	<b>(13 348)</b>	<b>(15 786)</b>

6. A review of the capacity to deliver the 2019/20 capital expenditure program has been undertaken taking the carry forwards into consideration. At this stage it is envisaged that the program of works can be delivered using current budgeted staffing levels. The net borrowings for Council as a result of carry forwards will not increase but will reflect a deferral of the take up of borrowings from 2018/19 to 2019/20 as illustrated in the Uniform Presentation of Finances above.
7. A full budget review will be completed as at 30 September 2019 to be presented at the November Council meeting.
8. Council reports on the 2018/19 End of Year Budget Comparison and audited financial statements will be presented to Council upon completion of the annual external audit by Dean Newbery and Partners in September 2019 and review by Council's Audit and Risk Committee in October 2019.

**Community Engagement:**

Informing only	Council's Annual Business Plan, Budget and Treasury Management Policy are available on Council's website.
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**Policy:**

The Treasury Management Policy establishes a decision framework to ensure that funds are available as required to support approved outlays, and the net interest costs associated with borrowing are reasonably likely to be minimised on average over the long term.

**Long Term Financial Plan:**

The Long Term Financial Plan (LTFP) provides for borrowings to meet cash flow requirements.

**Budget:**

The net budget deficit (Net Borrowing) will be increased by \$2.5m to \$15.8m.

**Statutory/Legal:**

The *Local Government Financial Regulations 2011* Part 2 Section 9 requires Council to reconsider its budget at least three times between 30 September and the 31 May.

**Staff Resource Requirements:**

As per budget/strategic plan – no comment applicable to this report.

**Environmental:**

As per budget/strategic plan – no comment applicable to this report.

**Social:**

As per budget/strategic plan – no comment applicable to this report.

**Risk Assessment:**

The Local Government Act 1999 requires that Council assesses the financial requirements of Council for the financial year and sets out a summary of its proposed operating expenditure, capital expenditure and sources of revenue, and takes into account Council's long-term financial plan and relevant issues relating to the management and development of infrastructure and major assets by Council.

**Asset Management:**

\$0.4m budgeted for asset renewal is included in the carried forward works in progress.

**Conclusion:**

The 2019/20 draft capital expenditure budget is \$42.5 million, an increase of \$2.5 million. The net budget deficit (Net Borrowing) as a result will be increased to \$15.8 million.

---

Previous Decisions By/Information Reports to Council

Meeting Date	6 May 2019	HPRM Reference	DOC/19/43660
Title	Budget Review as at 31 March 2019		
Purpose	To provide the Council with information on the actual results compared to the budget figures for the financial year ending 30 June 2019 as at 31 March 2018.		

Meeting Date	4 February 2019	HPRM Reference	DOC/19/4600
Title	Budget Review as at 31 December 2018		
Purpose	To provide the Council with information on the actual results compared to the budget figures for the financial year ending 30 June 2019 as at 31 December 2018.		

Meeting Date	2 July 2018	HPRM Reference	DOC/18/65241
Title	Draft Annual Business Plan, Budget and Rating Policy		
Purpose	To seek endorsement from the Council for the 2018/19 Annual Business Plan, Budget & Rating Policy.		

## Capital Expenditure

for the Period ending 30 June 2020

Attachment 1 to Item 12.1

\$ '000	Carry Forwards		Budget inc C/F 2020
	Budget 2020	& Reallocation 2020	
<b>Grand Total</b>	<b>40 043</b>	<b>2 438</b>	<b>42 481</b>
<b>Capital Renewal</b>			
Bridges & Culverts	340		340
Buildings Asset	916		916
Drainage Asset	284	38	322
Footpaths	383		383
Plant & Equipment	1 333	55	1 388
Recreational Assets	142	15	157
Recycled Water	20		20
Roads	3 313	255	3 568
Unsealed Roads	1 509		1 509
Wastewater	2 128	8	2 136
<b>Total Capital Renewal</b>	<b>10 370</b>	<b>371</b>	<b>10 741</b>
<b>New Capital</b>			
Bridges & Culverts		28	28
Buildings Asset	5 275	(1 403)	3 872
Drainage Asset	71	175	246
Footpaths	421	538	959
Land Assets	1 406	249	1 655
Plant & Equipment	418	103	521
Recreational Assets	17 380	1 683	19 063
Recycled Water	800		800
Roads	366	159	525
Unsealed Roads	489		489
Wastewater	3 047	536	3 583
<b>Total New Capital</b>	<b>29 673</b>	<b>2 067</b>	<b>31 741</b>

<b>12.2</b>	<b>REPORT TITLE:</b>	<b>Circular Procurement Pilot Project – Increased Purchase of Recycled Content</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/87413</b>
	<b>ATTACHMENTS:</b>	<b>ATTACHMENT 1, DOC/19/87412</b> – <i>Memorandum of Understanding (Circular Procurement – Increased purchase of Recycled Content)</i> <b>ATTACHMENT 2, DOC/19/87410</b> – <i>Circular Procurement Pilot Project – Pilot Project Steering Committee recommendation (LGA) Meeting 25 June 2019</i>
	<b><u>Key Contact</u></b>	Glen Carter, Manager Infrastructure Maintenance and Operations
	<b><u>Manager/Sponsor</u></b>	Phil Burton, General Manager Infrastructure

**Mount Barker 2035 – District Strategic Plan:**

Governance and Leadership

GL2.1 Demonstrate accountability through clear, relevant and easily accessible policies and corporate reporting

2. The Natural Environment and Sustainable Living

NE2: Ecological footprint and waste management

NE2.2 Limit and reduce greenhouse gas emissions in capital investment projects and operational practices

NE2.5 Promote, practice and enable best practice waste minimisation, waste reduction and recycling systems

NE2.6 Increase recycling rates

**Purpose:**

The purpose of this report is to inform Council of the participation in a Circular Procurement Pilot Project (Pilot Project) coordinated by the Local Government Association of South Australia (LGA) and to seek resolution to commit to a Memorandum of Understanding (MOU) between the LGA and participating Councils to prioritise the purchase of products with recycled-content through the procurement process.

**Summary – Key Issues:**

1. Council is one of nine councils participating in the Pilot Project to address the impacts of the China National Sword Policy which requires the adoption of a MOU to prioritise the purchase of recycled-content products and materials.
2. Council's Chief Executive Officer is required to execute the MOU, which has a term of five (5) years, however Council is not obligated or legally bound to continue participating in the Pilot Project and may terminate being a party in the MOU without penalty.

3. An internal project team will be established to assist the implementation of the MOU which will involve changes to existing procurement processes, modifying evaluation templates, data collection, reporting and training for staff.

**Recommendation:**

That Council:

1. Authorise delegation to the CEO to execute the Memorandum of Understanding (MOU) with the Local Government Association of South Australia (LGA) (refer Attachment 1) which will commit council to:
  - a. Prioritising recycled-content through the procurement process for all relevant product types;
  - b. In year 2 of the pilot project, purchasing recycled plastic products or materials (recycled content component) equivalent to 10% (circa 17 tonnes) of the annual weight of plastics collected within the Council area,;
  - c. After year 2 of the pilot project, increasing its purchasing of recycled plastic products or materials (recycled content component) thereafter until it is equivalent to 50% (circa 87 tonnes) of the annual weight of plastics collected within the Council area;
  - d. Tracking recycled-content purchasing by weight by capturing and reporting to the LGA information and data that becomes available through each procurement process;
2. Publicly report (through the LGA) on the amount (number of tonnes) of recycled-content products and materials purchased each year for the duration of the MOU.
3. Nominates the Mayor to attend a “signing ceremony” media event conducted by the LGA where each participating Council can publicly commit to executing the MOU and to achieving the objectives of the pilot project.
4. Notes that a further report on the procurement of recycled-content, including plastic products will be presented to Council after year 1 of the pilot project will be prepared, to enable the Council to review its performance in achieving procurement targets and its ongoing participation in the pilot program.

---

**Background:**

1. The China “National Sword” Policy came into effect in March 2018 which placed restrictions on the importation of recycled materials which severely impacted the global market for recyclable material, including recyclables from South Australia. Prior to the implementation of the policy, up to 50% of the world’s recyclable materials (paper/cardboard and plastics) were being sent to China for reprocessing. The policy wiped out this end market overnight and created massive oversupply in other markets (leading to a dramatic drop in the commodity price of these materials). This resulted in a recycling crisis whereby recyclable materials collected through the yellow bin have limited end markets.
2. Recycling processors responded to the dramatic drop in commodity prices for recyclable materials by seeking to increase the fees charged to councils to sort and process .

3. In response, Green Industries SA (GISA) released funding focused on increasing resource recovery and use of recycled content in products. The LGA sought Expressions of Interest (EOI) from councils and subsequently obtained funding under the Recycling Market Development Grant to develop what is now known as the Circular Procurement Pilot Project (originally known as the Pilot Project to Trial the Adoption of Sustainable Procurement Targets by Councils).
4. Council submitted a response to the EOI on 23 November 2018 (authorised by Council's CEO) and were selected to participate along with eight other councils (Attachment 1, Schedule 4), which was communicated through Hot Topics in January 2019. A formal Pilot Project Steering Committee has been established and Council is represented by Council's Waste Strategy Coordinator, Sarah Barrett from AHRWMA. The LGA is leading these meetings which have been held on 26/2, 26/3, 30/4, 28/5, 25/6 & 30/7.
5. The overarching objective of the pilot project is to help develop local markets for recyclable materials by increasing market demand for recycled-content products and materials. The project will achieve this by assisting councils to increase their purchasing of these products and materials.
6. The specific goals of the project are:
  - To provide councils with an external "incentive" to purchase recycled-content products (ie meeting a target); and
  - By working through the process of seeking to meet the target, to identify and record the barriers to purchasing recycled-content products and to develop and test a range of supporting tools and guiding documents to help councils overcome these barriers.
7. The scope of the project has evolved since commencement. The Pilot Project Steering Committee is recommending that Participating Councils execute a MOU in relation to all relevant product types in order to effect real change in procurement processes, send a strong signal to the market around support for recycling and stimulate real demand for recycled-content products. Participating Councils are:
  - a. Mount Barker District Council
  - b. City of Onkaparinga
  - c. City of Charles Sturt
  - d. City of Port Adelaide Enfield
  - e. City of Burnside
  - f. City of Norwood Paynham & St Peters
  - g. Adelaide Hills Council
  - h. Rural City of Murray Bridge
  - i. City of Prospect
8. The MOU has been drafted by legal consultants HWL Ebsworth and the terms of the MOU incorporate HWL Ebsworth's recommendations on the most effective and low risk method of achieving the objectives and goals of the pilot project as set out above.

**Discussion:**

1. Implementation of the MOU will require changes to current procurement processes. These changes are summarised below, with further detail provided in Attachment 1, and Attachment 2. The MOU commits Council to:

Year 1: Participating Councils

- Prioritising recycled-content through the procurement process for all purchases of goods or services; or purchases of Selected Goods (Appendix 1, Schedule 1);
- Establish a reporting framework that will accurately capture relevant information and provide a baseline;
- Adopt the recommended policy changes to enable a recycled-content procurement focus;
- Develop strategies internally and foster cultural change within the organisation to encourage a shift in procurement focus; and
- Publicly report on the number of tonnes of recycled-content products and materials purchased through the year.

Year 2

- Continue to collect procurement information and report on optional target recycled-plastic or variation) utilising the baseline information.

Ongoing (optional)

- Council will commit to purchasing recycled plastic products or materials equivalent to 10% of the weight of plastics collected in their Council area in year 2 (173.91 tonnes of recycled was collected in the Mount Barker District Council area in 2017-18, therefore 10% equates to 17.9 tonnes of recycled plastic products/content, to meet milestone 1); and
  - Councils will increase their purchasing each year until they are buying back recycled materials equivalent to 50% of the weight of plastics collected in their reflective Local Government Areas.
2. Council will initially prioritise the purchase of recycled-content products and materials for the following products or product types:
    - Office stationary/ office paper;
    - Fixtures (eg. street furniture, drinking fountains, bollards, fencing, decking, garden edging, planter boxes, fitness equipment, wheel stops, speed humps, bins, pipes, signage);
    - Materials used for construction and maintenance eg. road construction materials (recycled-content includes recycled asphalt, glass fines, plastic, rubber, toner); and
    - Compost or other organic materials used in parks and gardens.
  3. During the consultation undertaken with internal Council Officers in preparing this report, the following issues were raised and their resolution are addressed under the key areas below.

4. **Resourcing** – It is recognised that a portion of the workload associated with implementing the requirements of the MOU will lay within the Finance Department. To assist and provide support to this functional area, an internal project team has been established consisting of the following specialist team members:
  - Glen Carter – Manager Infrastructure Maintenance and Operations
  - Bill Graham – Procurement Coordinator
  - Greg Sarre – Manager Economic Development and Sustainable Futures
  - Emma Montgomery – Environmental Project Officer
  - Sarah Barrett – AHRWMA, Waste Strategy Coordinator
  
5. **Administration** – The MOU will initially result in additional administration for Council. The internal project team will assist the Procurement Officers in the development of relevant forms and templates to enable the collection of data. It is anticipated that the LGA will also provide ongoing support with the development and distribution of communications and generic templates for use by the working groups.
  
6. Reporting is required under the MOU. It is anticipated that the format in which this is supplied to the LGA be electronic to minimise the time taken to complete and provide relevant and accurate information and is practical in application. It is acknowledged that year 1 of the project involves the development of processes and systems to capture the required data which will then initially be reported on a yearly basis until the Council are buying back recycled material equivalent to 50% of the weight of plastics collected across the Council area.
  
7. **New procurement processes** – The MOU requires new procurement processes to be developed and be incorporated into existing policy. It is envisaged that the communication of the new procurement processes will be communicated to all staff and specific training will be provided to tender evaluation teams.
  
8. **Practical application** – The MOU requires prioritising recycled-content through the procurement process for all purchases of goods or services: Therefore, the MOU is to be considered for both formal and informal tenders and Council will need to consider its own internal guidelines for non-formal tenders (ie. how to promote this project across the organisation). The internal project team will assess the practicality of the application of the MOU and may determine that the MOU may apply to purchases over a certain value and only for Selected Products. This would avoid situations where staff regularly purchase items of little value and of minimal impact from a recycled content perspective and/or ease the administration of implementing the MOU without losing the intent.
  
9. **Tender Evaluation** – The MOU recommends that Council’s procurement evaluation process a suggested non-financial evaluation criteria weighting, eg 20%. Prioritisation of this criteria in relation to other competing priorities such as social inclusion, indigenous participation, local economic benefit etc is required at Procurement Policy level. Council officers setting up Evaluation plans require clear policy as to what criteria are important to Council.

10. Council appreciates that the nominal 20% weighting for recycled content is not mandatory and is project specific i.e. it can be changed to suit the circumstance and needs to accommodate other factors that do not have mandatory weightings. By implementing the MOU council needs to be aware of awarding a tender with good environmental outcomes but a poor technical solution.
11. **Eligible products** – Where Council is already purchasing products with recycled content, this data can be included in their reporting.
12. **Pilot Project Timeframe** - It is noted that the LGA have funding for 1 year only however the term of the MOU is 5 years. It is unclear at the time of writing who will administer the findings and maintain this project going forward in the event that the LGA does not secure more funding from GISA.
13. **Strategic Alliance contract – Local Government Association Procurement (LGAP)**  
– It is anticipated that the LGA will work closely with LGAP in regard to the MOU and the incorporation of the intent into existing contracts where possible.

**Community Engagement:**

Not applicable.

**Policy:**

The Procurement Policy (DOC/16/048288) incorporates environmental and sustainability criteria as per its' objectives and principles. Principle 5.7 Environmental Protection most closely aligns with the intent of the MOU and supports participation in the Pilot Project.

**Long Term Financial Plan:**

Procurement activities are included in the LTFP. An update to the LTFP is currently being prepared which will include operating and strategic programs. It will be recommended to the LGA to carry out further long term financial impact modelling to understand the expected future returns on this program.

**Budget:**

No funds have been allocated for this item, as Council does not require expenditure. This project will be resourced using existing staff, an internal project team and assistance from participation in a formal Pilot Project Steering Committee lead by the LGA. It is anticipated that certain items may initially attract a higher purchase cost than traditional items however, the purpose of this policy change is to create markets for recycled products allowing our kerbside recycling material to be more valuable in the future.

**Statutory/Legal:**

Applicable laws relating to procurement include the *Local Government Act 1999* (SA), common law and Council's Procurement Policy (GOV-08).

The South Australian *State Waste Strategy 2015-2020* targets material and resource efficiency in addition to diverting waste from landfill for recycling. It recognises the significant opportunity to continue investing in local markets, remanufacturing materials locally into desirable products. Stronger domestic recycling markets, along with local secondary re-manufacturing, support a robust, sustainable and cost-effective recycling sector, foster economic development and job creation and reduce the risks associated with selling into overseas commodity markets.

*Environment Protection (Waste to Resources) Policy 2010*. The Policy promotes the waste management hierarchy.

The Guiding Principles of the *Green Industries SA Act 2004* includes “*the principles of the circular economy*” along with “*the waste management hierarchy*”.

The China “*National Sword*” Policy came into effect in March 2018 which placed restrictions on the importation of recycled materials and impacted the global market for recyclable material, including recyclables from South Australia.

**Staff Resource Requirements:**

There will be a some impact on the Council Officers administrating the requirements of the MOU, for example implementing changes to existing procurement processes, modifying evaluation templates, data collection and reporting and training evaluation teams.

**Environmental:**

The Mount Barker Environment Strategy (Environment Strategy) objective is to promote resource efficiency. Participating in the MOU represents a significant step towards developing local markets for recyclable materials in South Australia and establishing a truly circular economy. These actions will help to ensure the ongoing commercial viability of the recycling system and wider benefits to the environment.

**Social:**

Councils participation in this program will demonstrate a strong commitment to our residents both financially and sustainably, and empower others to make similar changes.

**Risk Assessment:**

It is deemed that the risk to Council in executing the MOU is minimal as Council is able to discontinue without liability and is not legally bound by the MOU (Attachment 1, Cl 2.9 and Cl 4.4).

Legal advice received to date concludes that there are no issues within Council’s policy that would prevent Council from fully implementing the MOU.

There is a risk that if council does not adequately adopt the requirement of the MOU, this has the potential to have impact on reputation.

The current China Sword issues affecting the recycling industry within Australia are considered a risk towards the public attitude regarding recycling efforts and associated kerbside waste diversion from landfill. Council is proactively keeping abreast of with this issue with the guidance and leadership of the Adelaide Hills Region Waste Management Authority.

**Asset Management:**

Not applicable.

**Conclusion:**

Council's involvement in this Pilot Project and adoption of the MOU is recommended as it aligns with its' strategic, environmental and waste management commitments in addition to supporting the recycling industry's recovery and ongoing viability via a circular economy approach. It recognises the need to assist businesses to invest in activities which will overcome market barriers to accepting products with recycled content. It shows that Council is willing to take a leadership role in a project that has never been done before in an Australian jurisdiction for which there is significant interest nationwide in its progress and outcomes.

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Previous Decisions By/Information Reports to Council - Nil

Meeting Date		HPRM Reference	DOC/
Title			
Purpose			

Attachment 1 to Item 12.2

**HWL**  
**EBSWORTH**  
LAWYERS

Memorandum of Understanding (Circular  
Procurement – Increased purchase of  
Recycled Content)

**Implementation of Circular Procurement  
Scheme into Council Procurement Processes**

Private and Confidential

**Local Government Association of South Australia**

and

**Participating Councils**

[dd mmm yyyy]

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## Memorandum of Understanding

Date

[Insert]

Parties

**Local Government Association of South Australia**

ABN 83 058 386 353 of 148 Frome Street, Adelaide SA 5000

**(LGA)****Participating Councils****(Participating Councils)**

Recitals

- A. The Local Government Association of South Australia (**LGA**) is seeking to implement a scheme to increase Council purchasing of recycled materials (**Scheme**). The establishment of the Scheme has been made possible by the support of Green Industries SA (**GISA**) through the provision of a Circular Economy Market Development Grant. The LGA and Participating Councils are grateful to GISA for its support. The LGA notes that the funding that has been made available for the Scheme is for one year only (2019-2020).
- B. The purpose of this Memorandum of Understanding (**MoU**) is to create a mechanism for Councils who wish to participate as members of the Scheme to do so.
- C. The LGA and the Participating Councils are taking action through the Scheme to increase demand for recyclables, ensure the ongoing commercial viability of recycling services in South Australia and ultimately reduce waste management costs for Councils.
- D. The MoU identifies inputs into procurement activities to implement the Scheme and place a greater emphasis on the purchase of goods made from recycled materials. The MoU also identifies targets that the Participating Councils will seek to meet in year 2 of the Scheme (2020-2021) and thereafter.
- E. The parties do not intend to be legally bound by the terms of this MoU.

The parties agree:

## 1. Definitions and interpretation clauses

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### 1.1 Definitions

In this MoU:

<b>Biannual Procurement Report</b>	means a report as described in Clause 5.2.
<b>Business Day</b>	means any day other than a Saturday, Sunday or public holiday in Adelaide, South Australia.
<b>Commencement Date</b>	means [xxx].
<b>Contact Person</b>	means the details of a party to this MoU as in Clause 6.2(a).
<b>Financial Year</b>	means the period from 1 July to 30 June, occurring annually.
<b>LGA</b>	means the Local Government Association of South Australia.
<b>MoU</b>	means this document and all of its attachments.
<b>Notice</b>	means any notice, demand, approval, consent or other communication under this MoU.
<b>Notice Period</b>	means the twenty-eight (28) day period after Notice has been provided.
<b>Participating Councils</b>	means the councils who have signed this MoU expressing their intention to participate in the Scheme.
<b>Preliminary Targets</b>	means the targets provided in Schedule 3.
<b>Procurement Laws</b>	means procurement laws as applicable to a procurement from a Participating Council, including: <ol style="list-style-type: none"> <li>(a) the <i>Local Government Act 1999</i> (SA);</li> <li>(b) the common law; and</li> <li>(c) relevant Participating Council procurement policies.</li> </ol>
<b>Procurement Process</b>	means any process by which a Participating Council purchases any goods or services including, but not limited to, direct source, by quotations or by tender.

<b>Procurement Report</b>	means a report complying with Clause 5.1.
<b>Recycled Content</b>	means goods or Selected Goods that are produced using a quantifiable portion of recycled material.
<b>Review Date</b>	means the agreed dates as set out in Clause 2.7.
<b>Scheme</b>	means the encouragement of Councils to increase the purchase of Recycled Content as provided by this MoU.
<b>Selected Goods</b>	means the goods identified in Schedule 1 of this MoU.
<b>Steering Committee</b>	means the LGA steering committee for the Scheme comprised of one member from each Participating Council and a representative from the LGA with the Participating Council members set out in Schedule 4 as amended from time to time.
<b>Term</b>	means the period of time ending five (5) years from the Commencement Date.

## 1.2 Business Day

If anything under this MoU is required to be done by or on a day that is not a Business Day that thing must be done by or on the next Business Day.

## 1.3 Interpretation

In this MoU unless a contrary intention is expressed:

- (a) headings and italicised, highlighted or bold type do not affect the interpretation of this MoU;
- (b) the singular includes the plural and the plural includes the singular;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this MoU have a corresponding meaning;
- (d) a reference to anything (including any right) includes a part of that thing, but nothing in this Clause 1.3(d) implies that performance of part of an obligation constitutes performance of the obligation;
- (e) a reference to a clause, party, annexure, exhibit or schedule is a reference to a clause of, and a party, annexure, exhibit and schedule to, this MoU and a reference to this MoU includes any clause, annexure, exhibit and schedule;
- (f) a reference to a document (including this MoU) includes all amendments or supplements to, or replacements or novations of, that document;

- (g) a reference to any legislation includes all delegated legislation made under it and includes all amendments, consolidations, replacements or re-enactments of any of them, from time to time;
- (h) a reference to a document includes any agreement or contract in writing, or any certificate, notice, deed, instrument or other document of any kind;
- (i) a provision of this MoU may not be construed adversely to a party solely on the ground that the party (or that party's representative) was responsible for the preparation of this MoU or the preparation or proposal of that provision;
- (j) a reference to a body, other than a party to this MoU (including an institute, association or authority), whether statutory or not, which ceases to exist or whose powers or functions are transferred to another body, is a reference to the body which replaces it or which substantially succeeds to its powers or functions;
- (k) the words 'include', 'including', 'for example', 'such as' or any form of those words or similar expressions in this MoU do not limit what else is included and must be construed as if they are followed by the words 'without limitation', unless there is express wording to the contrary;
- (l) a reference to a day is to the period of time commencing at midnight and ending twenty-four (24) hours later;
- (m) if a period of time is specified and dates from a day or the day of an act, event or circumstance, that period is to be determined exclusive of that day; and
- (n) if an act or event must occur or be performed on or by a specified day and occurs or is performed after 5.00 pm on that day, it is taken to have occurred or been done on the next day.

## 2. Purpose of this MoU

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### 2.1 Objectives

- (a) The objectives of this MoU are to:
  - (i) establish a framework for Participating Councils to participate in the Scheme;
  - (ii) identify how Participating Councils can implement the Scheme in their procurement;
  - (iii) identify how Participating Councils can apply a weighted criteria in the non-financial evaluation of tenders for Recycled Content to place a greater emphasis on purchase of goods with Recycled Content and Materials; and

- (iv) establish reporting and amendment processes to monitor the effective implementation of the Scheme.

## 2.2 Execution by Participating Councils

- (a) A Participating Council executes this MoU by its chief executive officer signing the execution page.
- (b) A list of all Participating Councils is provided in Schedule 4.
- (c) Schedule 4 will be publically available on the LGA Website.

## 2.3 Term

This MoU will commence on the Commencement Date and, unless sooner terminated, will continue for the Term.

## 2.4 Procurement Processes in the Scheme

- (a) Participating Councils will be actively participating in the Scheme if Participating Councils, in their Procurement Processes:
  - (i) adopt the requirements of this MoU in their Procurement Processes; and
  - (ii) comply with the reporting requirements in Clause 5.
- (b) For the purposes of Clause 2.4(a), a Participating Council will be deemed to participate in the Scheme by inserting Schedule 2 (or amended versions of Schedule 2 but to the same effect) into the relevant documents in their Procurement Processes and carrying out the requirements of this MoU in procurement evaluation.
- (c) Participating Councils should take the objectives of this MoU into account when purchasing any goods or services.

## 2.5 Application of the Scheme

- (a) Participating Councils may, in the Procurement Process, implement the Scheme in relation to:
  - (i) all purchases of goods or services; or
  - (ii) purchases of Selected Goods.
- (b) A list of Selected Goods is provided in Schedule 1.

## 2.6 Implementation of the Scheme

- (a) Participating Councils will be deemed to implement the Scheme to the terms of this MoU only if they have complied with the Procurement Process requirements in Clause 2.4.
- (b) Participating Councils will use reasonable endeavours to assess the claims of participants in a Procurement Process as to the percentage of Recycled Content.
- (c) Provided Participating Councils use reasonable endeavours in assessing Recycled Content, any errors or inconsistencies or misrepresentation by a supplier in a calculation of Recycled Content will not be utilised by a Participating Council to amend or change the result of a Procurement Process and will not affect the validity of a Procurement Process.

## 2.7 Review of the Scheme

- (a) The parties will review the operation and outcomes of this MoU on the Review Date.
- (b) Proceedings on the Review Date may include:
  - (i) granting parties equal opportunity to suggest and agree on amendments to the Scheme and this MoU;
  - (ii) tracking progress on any targets of the purchase of Recycled Content; and
  - (iii) any other business relating to the Scheme and this MoU.
- (c) The parties will agree on a Review Date (or Review Dates) however if no Review Date is agreed the Review Date is the anniversary of the date of execution by the LGA.

## 2.8 Inconsistency with Procurement Laws

Procurement Laws prevail over the terms of this MoU to the extent of any inconsistency.

## 2.9 Not legally binding

- (a) The parties do not intend this MoU to be legally binding upon them.
- (b) This MoU and the Scheme do not create any binding legal contract or any liability on either the LGA or a Participating Council.
- (c) A breach of any terms or obligations under this MoU will not give rise to any legal rights or remedies to either the Participating Council or the LGA.
- (d) The LGA and each of the Participating Councils hold each other harmless from any effects whatsoever of the Scheme.

### 3. Amendment to the MoU

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#### 3.1 Review Date variations

- (a) A party to this MoU may propose a variation on the Review Date.
- (b) A variation under Clause 3.1(a) will have effect if:
  - (i) two-thirds of Participating Councils agree to the variation on the Review Date; and
  - (ii) the proposed variation is expressed in writing.
- (c) A variation on the Review Date will take effect twenty-eight (28) days after the Review Date, unless the variation states a date to the contrary.

#### 3.2 Variations to Schedule 1

- (a) A variation to the list of Selected Goods in Schedule 1 of this MoU may occur if requested in writing and agreed by the Steering Committee.
- (b) Subject to Clause 3.2(a) the LGA must provide Notice of all variations to Schedule 1 to all Participating Councils within twenty-eight (28) days of an agreed variation.
- (c) A Notice of amendments to Schedule 1 under Clause 3.2(b) will take effect twenty-eight (28) days after the LGA notifies of a change under Clause 3.2(b), unless:
  - (i) a dispute to the Notice of variation to Schedule 1 is provided in writing; and
  - (ii) two-thirds of Participating Councils have signed the dispute of the Notice of variation to Schedule 1 on or before the effective date in Clause 3.2(b).

#### 3.3 Variations to Schedule 3

- (a) A variation to the Preliminary Targets in Schedule 3 of this MoU may occur if requested in writing and agreed by the Steering Committee.
- (b) Subject to Clause 3.3(a) the LGA will provide Notice of all variations to Schedule 3 to all Participating Councils within twenty-eight (28) days of an agreed variation.
- (c) A Notice of amendments to Schedule 3 under Clause 3.3(b) will take effect twenty-eight (28) days after the LGA notifies of a change under Clause 3.3(b), unless:

- (i) a dispute to the Notice of variation to Schedule 3 is provided in writing; and
- (ii) two-thirds of Participating Councils have signed the dispute of the Notice of variation to Schedule 3 on or before the effective date in Clause 3.3(b).

#### 3.4 Variations to Schedule 4

- (a) Schedule 4 cannot be varied except for the methods permitted under this Clause 3.4, Clause 4 and Clause 6.
- (b) Schedule 4 of this MoU will be updated with the Contact Person and Term of each Participating Council.
- (c) Subsequent agreements from new Participating Councils will automatically vary Schedule 4 of the MoU for all previous Participating Councils that did not include the Contact Person or Term of later signing Participating Councils.

## 4. Expiry, extension and opt-out

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### 4.1 Expiry

This MoU will expire at the end of the Term, subject to any extension agreed prior by the LGA and any Participating Councils.

### 4.2 Extension

- (a) A Participating Council may offer to extend the Term of the MoU by a period of time measured in twelve (12) month increments by providing Notice to the LGA at least twenty-eight (28) days before the expiry of the Term.
- (b) The LGA will affirm or deny the extension of the Term by a Participating Council before the end of the Notice Period.
- (c) Any extension of the Term by a Participating Council must be:
  - (i) included in Schedule 4; and
  - (ii) communicated in writing to all other Participating Councils.

### 4.3 Termination by LGA

- (a) The LGA in its sole and unlimited discretion may terminate its participation in this MoU by providing twenty-eight (28) days' Notice to the Participating Councils.
- (b) Termination by the LGA will cease the operation of this MoU after the Notice Period.

- (c) If the LGA terminates this MoU the LGA has no liability whatsoever to any Participating Council.

#### 4.4 Termination by Participating Council

- (a) A Participating Council may in its sole and unlimited discretion terminate its participation in this MoU by providing twenty-eight (28) days' Notice to the LGA.
- (b) The LGA must, during the Notice Period, if a Participating Council has decided to terminate its participation in this MoU:
  - (i) provide Notice to all Participating Councils; and
  - (ii) remove the terminating Participating Council from Schedule 4 before the end of the Notice Period.
- (c) Termination by a Participating Council of this MoU does not affect the implementation of the Scheme by other Participating Councils.
- (d) If a Participating Council terminates its participation in this MoU the Participating Council has no liability whatsoever to the LGA.

## 5. Reporting

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### 5.1 Procurement Report

- (a) Each Participating Council is required to submit a one page Procurement Report to the LGA on each Procurement Process which applies the Scheme.
- (b) A sample one page Procurement Report is annexed at Annexure A.

### 5.2 Biannual Procurement Report

- (a) In order to measure the benefits of the Scheme Participating Councils are required to provide a Biannual Procurement Report to the LGA on an aggregated basis for all Procurement Processes during the reporting period:
  - (i) the goods tendered for;
  - (ii) the number of tenders submitted;
  - (iii) the amount of Recyclable Content in each of the tenders;
  - (iv) in general the effect of the Scheme on the Procurement Process outcomes;
  - (v) Recycled Content purchased outside of the Procurement Process;

- (vi) whether any Recycled Content target was satisfied;
  - (vii) overall if the Participating Council is of the view that the Scheme has increased the purchase levels of goods with Recycled Content and any evidence to support such view.
- (b) The Biannual Procurement Report must be submitted to the LGA each six (6) months during the Term of the Scheme.
- (c) Participating Councils may format the Biannual Procurement Report using any guidelines, provided the Biannual Procurement Report addresses all of the measures in Clause 5.2(a).

### 5.3 Scheme targets

- (a) The Preliminary Target currently agreed by Participating Councils is provided at Schedule 3.
- (b) Participating Councils may publically outline other targets to achieve during a Financial Year, including:
- (i) an increase in Recyclable Content based on the previous Financial Years' result; or
  - (ii) meeting a target of purchasing Recycled Content equivalent to a certain percentage of the weight of recyclables (or particular recyclables) collected annually in their Participating Council area.
- (c) Participating Councils should include an evaluation of whether a target (including the Preliminary Target) has been successfully achieved in their Biannual Procurement Report.

## 6. Notices

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### 6.1 Notice requirements

Any Notice under this MoU must be:

- (a) sent by email; or
- (b) sent by regular post (or airmail if posted to or from a place outside Australia)

to the Contact Person.

### 6.2 Contact Person

- (a) For the purposes of this MoU, the Contact Person of the LGA and all Participating Councils is set out in Schedule 4.

- (b) The LGA may update their Contact Person by delivering Notice to all Participating Councils.
- (c) The Participating Councils may update their Contact Person by delivering Notice to the LGA.
- (d) Schedule 4 of this MoU will be updated with any variations to Contact Persons.

## 7. Liaison

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Each Participating Council to this MoU authorises the LGA or another Participating Council to contact them through the Contact Persons identified in Schedule 4.

## Schedule 1 List of Selected Goods

The Participating Councils would like to prioritise the purchase of recycled-content products and materials when undertaking Procurement Processes for the following products or product types:

- Office stationary/office paper;
- Fixtures (meaning any product that is currently made of plastic, or is capable of being made of plastic, that is generally used in council operations including (but not limited to): street furniture, drinking fountains, bollards, fencing, decking, garden edging, planter boxes, fitness equipment, wheel stops, speed humps, bins, pipes and signage);
- Materials used for construction and maintenance; and
- Compost or other organic materials used in parks and gardens.

For a more comprehensive list of some products for which Participating Councils are seeking to increase purchasing of recyclable material, see **Annexure B**.

Note: these lists are not intended to be exhaustive and Participating Councils acknowledge that there will be additional products and materials with recycled-content available in the marketplace of which the participating councils are not yet aware.

The LGA will use its best endeavors to keep the lists of recycled-content products and materials available in South Australia up to date throughout the life of the MoU.

## Schedule 2 Draft wording for inclusion in market approach documentation and evaluation plans

### 1. RFT Amendments

- 1.1 Council is a participant in a Memorandum of Understanding (**MoU**) between a number of South Australian Councils for Increased Use of Recycled Materials (**the Scheme**).
- 1.2 The Scheme aims to increase the use of recycled materials in Local Government purchasing.
- 1.3 The Scheme requires that the non-financial evaluation criteria for purchased goods covered by the Scheme include to what extent purchased goods include recycled material. This will form a part of the evaluation of the tender responses to this EO/RFT and a factor of [20%] of the non-financial score will be applied to all tenderers responses to this tender request.
- 1.4 The Council will use all reasonable endeavours to assess the claims of tenderers regarding recycled material of goods, including assessing the goods through a technical expert during any evaluation process of a Procurement Process.
- 1.5 Tenderers agree by participating in the tender process that they will not challenge the validity of a tender process on the basis of Council's reasonable endeavours to assess the amount of recycled material.
- 1.6 Tenderers are required to include in their tender responses a response to Schedule ## Recycled Content.
- 1.7 The Council reports under the Scheme on a regular basis and tenderers hereby agree that Council may use data from the tender to provide to the South Australian Local Government Association to measure the benefits of the Scheme. This may include:
  - (a) pricing of purchased goods which will be provided to the LGA and will be used by the LGA only for the purposes of measuring the effectiveness of the Scheme; and
  - (b) aggregated pricing (i.e. any effect of pricing of the use of recycled content) and other aspects of the submitted tender. This information will only be used for the purposes of evaluating the effectiveness of the Scheme.

Any reports, or other written material, produced by the LGA in relation to the Scheme will only refer to pricing information in aggregated and de-identified form.

### 2. Evaluation of Non-Price Component of a Tender

An example of non financial evaluation criteria that may apply to the purchase of goods is as follows:

"Previous Experience of Organisation - 20%



Experience of Proposed Personnel - 20%

Compliance with Required Specification - 30%

Delivery and Compliance with Programme - 10%

The extent to which the goods delivered by the tenderer include recycled material - [20%]".

**3. Schedule ## - Recycled Content**

Tenderers are to complete the following information and provide evidence to the extent possible to verify the statements:

The extent to which recycled material has been taken into account in the manufacture of the goods and demonstrated by the tenderer.

The elements of the goods being provided are as follows and the percentage of recycled material in each element is as follows:

<b>Elements of Goods To Be Provided</b>	<b>Element or part of the Goods that are made from Recycled Content</b>	<b>Recycled Percentage of Material in this Element</b>	<b>Evidence for Recycled Content Claim</b>
e.g. park bench	Seating portion	40	Certificate from [...]
e.g. swing set		25	N/A



### Schedule 3 Preliminary Targets

The Participating Councils have agreed that, in addition to executing the MoU, Participating Councils will undertake the following actions in order to inform and support the goals of the pilot project:

- Councils will establish the systems and processes to support the MoU in year 1 (2019-20);
- Councils will commit to purchasing recycled plastic products or materials equivalent to 10% of the weight of plastics collected in their council area in year 2 (2020-21);
- Councils will increase their purchasing each year until they are buying-back recycled materials equivalent to 50% of the weight of plastics collected through the kerbside recycling services in their council area (see below).

**The Target**

**Councils’ plastics collected in tonnes (2017/18 year) – from EPA/NEPM recycling returns<sup>1</sup>**

Council	Plastics collected (tonnes)	10% Year 2 Milestone 1 (2020-2021)	20% Milestone 2	30% Milestone 3	40% Milestone 4	50% Milestone 5
Onkaparinga	1,085	108.5	217	325.5	434	542.5
Charles Sturt	201.89	20.19	40.38	60.57	80.76	100.95
PAE	647	64.7	129.4	194.1	258.8	323.5
Burnside						
Adelaide Hills	249.1	24.91	49.82	74.73	99.64	124.55
NPSP	238	23.8	47.6	71.4	95.2	119
Mount Barker	173.91	17.39	34.78	52.17	69.56	86.96
Murray Bridge	95.57	9.56	19.11	28.67	38.22	47.79
Prospect	122.4	12.24	24.48	36.72	48.96	61.2
<b>TOTAL</b>	<b>2812.87</b>	<b>281.29</b>	<b>562.57</b>	<b>843.86</b>	<b>1125.15</b>	<b>1406.94</b>

<sup>1</sup> National Environment Protection (Used Packaging Materials) Measure, Annual Recycling Report by Local Government Authorities, Item 9 Table 1: Amounts of Materials Collected at the Kerbside, Sent for Secondary Use/Energy Recovery and Contamination (waste) disposed of to landfill: *Total Plastics: Kerbside Recycling Sold or Sent for Secondary Use including energy recovery by material type (in tonnes)*, 1 July 2017 – 30 June 2018.

## Schedule 4 Participating Councils to this MoU

Council	Contact Person	MoU Term Duration
Adelaide Hills Council	Aliza Fuller Waste Management Coordinator <a href="mailto:afuller@ahc.sa.gov.au">afuller@ahc.sa.gov.au</a>	July 2024
Adelaide Hills Council Mount Barker District Council	Sarah Barrett AHRWMA, Waste Strategy Coordinator 0419957310 <a href="mailto:s.barrett@ahrwma.com">s.barrett@ahrwma.com</a>	July 2024
City of Burnside	Phillip Roetman Environment and Sustainability Officer (08) 8366 4141 <a href="mailto:PROetman@burnside.sa.gov.au">PROetman@burnside.sa.gov.au</a>	July 2024
City of Charles Sturt	Loren Mercier Environmental Management Officer (Waste + Recycling) (08) 8408 1576 <a href="mailto:lmercier@charlessturt.sa.gov.au">lmercier@charlessturt.sa.gov.au</a>	July 2024
City of Norwood, Payneham, St Peters	Naomi Prunckun Sustainability Officer 8366 4532 <a href="mailto:NPrunckun@npsp.sa.gov.au">NPrunckun@npsp.sa.gov.au</a>	July 2024
City of Onkaparinga	Ben Calder Senior Strategic Planner (08) 8384 0686	July 2024

Council	Contact Person	MoU Term Duration
	<a href="mailto:Ben.calder@onkaparinga.sa.gov.au">Ben.calder@onkaparinga.sa.gov.au</a>	
City of Port Adelaide Enfield	Mark Stewart  Procurement and contract management advisor  (08) 8405 6902  <a href="mailto:Mark.stewart@cityofpae.sa.gov.au">Mark.stewart@cityofpae.sa.gov.au</a>	July 2024
City of Prospect	Mark Elton  Senior Financial Officer  (08) 8269 5355  <a href="mailto:Mark.elton@prospoect.sa.gov.au">Mark.elton@prospoect.sa.gov.au</a>	July 2024
Rural City of Murray Bridge	Tim Vonderwall  General Manager Corporate Services  (08) 8539 1168  <a href="mailto:t.vonderwall@murraybridge.sa.gov.au">t.vonderwall@murraybridge.sa.gov.au</a>	July 2024



## Annexure A Procurement Report

Participating Council:		
Goods purchased:		
Date:		
Category of goods purchased (please circle): 1. Office stationary/office paper; 2. Fixtures (plastic products including street furniture, bollards, fencing, decking, garden edging, wheel stops, speed humps, pipes and signage); 3. Materials used for roads construction and maintenance; 4. Compost and other organic materials used in parks and gardens; 5. Other.		
Procurement process undertaken (please circle): 1. Direct purchasing; 2. Request for quotes; 3. Request for Tender; 4. Other.		
Date commenced:	Date completed:	
List of suppliers contacted/responded (attach if need): 1. ... 2. ... 3. ...	Recycled content (product and %): 1. ... 2. ... 3. ...	
Successful supplier:		
Relevant considerations in the success of the supplier (tick all relevant):		
	Yes	No
1. Price; 2. Recycled-content; 3. Quality – aesthetics; 4. Quality – longevity; 5. Supplier – demonstrated experience etc; 6. Other. (please specify):		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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## Annexure B List of Goods and Services

See attachment 2.



## Signing page

**Executed by #[Insert name of signatory]#**  
in the presence of:

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of #**[Insert name of signatory]**#

\_\_\_\_\_  
Full name of witness (print)

\_\_\_\_\_  
Address of witness (print)

**Executed by #[Insert name of signatory]#**  
in the presence of:

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of #**[Insert name of signatory]**#

\_\_\_\_\_  
Full name of witness (print)

\_\_\_\_\_  
Address of witness (print)

Attachment 2 to Item 12.2

## 1.1 Circular procurement pilot project

### Reports for Discussion

From:	Emily Heywood-Smith, Senior Policy Officer	
Key Initiative:	K.I 1 Leadership and advocacy	
Strategy:	1B Contribute to state-wide and local policy	
Meeting	Pilot Project Steering Committee	25 June 2019
ECM:	680766	Attachment/s: 680789, 680808

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### Recommendation

At its meeting on 25 June 2019, the Pilot Project Steering Committee endorsed the following recommendations.

The Pilot Project Steering Committee recommends that:

1. **Participating Councils execute the Memorandum of Understanding (Attachment 1) which will commit them to:**
  - a. **Prioritising recycled-content through the procurement process for all relevant product types (see Attachment 1, Schedule 1);**
  - b. **Tracking recycled-content purchasing by weight by capturing and reporting to the LGA information and data that becomes available through each procurement process;**
2. **At the end of the 2019/20 year, through the LGA, Participating Councils publicly report on the amount (number of tonnes) of recycled-content products and materials they have purchased through the year under the MOU; and**
3. **(Optional extra) Participating Councils adopt a rolling target as follows:**
  - a. **Councils will establish systems and processes to support the MOU in year 1;**
  - b. **Councils will commit to purchasing recycled plastic products or materials equivalent to 10% of the weight of plastics collected in their council area in year 2; and**
  - c. **Councils will increase their purchasing each year until they are buying-back recycled materials equivalent to 50% of the weight of plastics collected in their council area. (see Attachment 1, Schedule 3)**

(together, the substantive recommendations).

4. **Members of the Steering Committee arrange for the substantive recommendations to be put to Participating Councils (elected-member body), for approval or for noting, at Participating Councils July (or if necessary August) council meetings; and**
5. **Members of the Steering Committee work with the LGA to organise a “signing ceremony” media event in August or September whereby a representative from each Participating Council can publicly commit to executing the MOU and to achieving the objectives of the pilot project**

(together, the procedural recommendations).

## Discussion

### STATEMENT OF INTENT

Participating Councils are taking strong and decisive action to address the impacts of the China National Sword Policy. Participating Councils are seeking to use their combined buying-power to significantly increase demand for recyclable materials in South Australia.

Through the pilot project, Councils will agree to prioritise the purchase of recycled-content materials through the procurement process. Councils will agree to track and record data on the project and report publicly on their progress. Councils will agree to an ambitious rolling target in relation to their purchase of recycled plastic products, thereby ensuring an immediate impact on the market for these problematic materials.

The purpose of the agreement is to:

- effect positive change in council procurement processes;
- send a clear message to the market around support for recycling; and
- stimulate real demand for recyclable materials in South Australia.

These actions will help to ensure the ongoing commercial viability of our recycling system and, over time, reduce waste management costs.

At this time of volatility in international commodity markets, the agreement represents a significant step towards developing local markets for recyclable materials in South Australia and establishing a truly circular economy.

### Background – China National Sword Policy and the Pilot Project

The China “National Sword” Policy was announced in mid 2017 and came into effect in March 2018. Under the policy, China adopted very strict standards in terms of the contamination it would allow in recyclables accepted for import. The effect of the policy was that China would no longer accept kerbside collected recyclable materials from Australia (and many other countries) for import.

Prior to the implementation of the policy, up to 50% of the world’s recyclable materials (paper/cardboard and plastics) were being sent to China for reprocessing. The policy wiped out this end market overnight and created massive oversupply in other markets (leading to a dramatic drop in the commodity price of these materials). This resulted in a “recycling crisis” whereby recyclable materials collected through the yellow bin have no viable end markets.

Recycling processors responded to the dramatic drop in commodity prices for recyclable materials by increasing the fees charged to councils.

The impacts of the China National Sword Policy present a significant opportunity to re-shape Australia’s recycling industry by developing local markets for recyclable materials and establishing a truly circular economy.

The overarching objective of the pilot project is to help develop local markets for recyclable materials by increasing market demand for recycled-content products and materials. The project will achieve this by assisting councils to increase their purchasing of these products and materials.

The specific goals of the project are:

- To provide councils with an external “incentive” to purchase recycled-content products (ie meeting a target); and
- By working through the process of seeking to meet the target, to identify and record the barriers to purchasing recycled-content products and to develop and test a range of supporting tools and guiding documents to help councils overcome these barriers.

At the end of the pilot project there will be a number of tools and guiding documents that have been developed and refined through the learnings from the project and that can be rolled out across the local government sector more broadly.

#### Recommendations – action to be taken by Participating Councils

The Pilot Project Steering Committee is recommending that:

#### **Recommendations 1 and 2**

1. Participating Councils execute the Memorandum of Understanding (MOU) (**Attachment 1**) which will commit them to:
  - a. Prioritising recycled-content through the procurement process for all relevant product types (see below and **Attachment 1, Schedule 1**);
  - b. Tracking recycled-content purchasing by weight by capturing and reporting to LGA information and data that becomes available through each procurement process;
2. At the end of the 2019/20 year, through the LGA Participating Councils publicly report on the amount (number of tonnes) of recycled-content products and materials they have purchased through the year under the MOU;

In relation to recommendations 1 and 2, note:

“Relevant product types” are product types that are (1) available with recycled-content and (2) regularly purchased by local government bodies, including:

- Office stationary/paper;
- Fixtures (eg. street furniture, drinking fountains, bollards, fencing, decking, garden edging, planter boxes, fitness equipment, wheel stops, speed humps, bins, pipes, signage);
- Road construction materials (recycled-content includes recycled asphalt, glass fines, plastic, rubber, toner); and
- Compost.

**Rationale** - Participating Councils are seeking to execute the MOU in relation to all relevant product types in order to effect real change in procurement processes, send a strong signal to the market around support for recycling and stimulate real demand for recycled-content products.

A comprehensive list of products available with recycled-content that are regularly purchased by local government bodies has been developed by waste consultants Rawtec to assist Participating Councils and is available at **Attachment 2**.

**Mechanism** - The MOU has been drafted by legal consultants HWL Ebsworth and the terms of the MOU incorporate HWL Ebsworth’s recommendations on the most effective and low risk method of achieving the objectives and goals of the pilot project as set out above.

Further, the MOU commits Participating Councils to reporting to the LGA (via a one page form) on each procurement process and also by providing to the LGA a Biannual Procurement Report detailing the effect of the MOU on the Council's procurement process. It is intended that the LGA will use this information to produce regular reports on the pilot project as a whole.

### Recommendation 3

Whilst recommendation 3 is still expressed as an optional extra, it should be noted that CEO's strongly supported adopting a rolling target as set out below.

3. (Optional extra) Participating Councils adopt a rolling target as follows:
  - a. Councils will establish systems and processes to support the MOU in year 1;
  - b. Councils will commit to purchasing recycled plastic products or materials equivalent to 10% of the weight of plastics collected in their council area in year 2; and
  - c. Councils will gradually increase their purchasing each year until they are buying-back recycled materials equivalent to 50% of the weight of plastics collected through the kerbside recycling services in their council area (see below and **Attachment 1, Schedule 3**).

In relation to recommendation 3, note the rolling target will be as follows:

### The Target

#### Councils' plastics collected in tonnes (2017-18 year) – from EPA/NEPM recycling returns

Council	Plastics collected (tonnes)	10% Milestone 1 (2020-2021)	20% Milestone 2	30% Milestone 3	40% Milestone 4	50% Milestone 5
Onkaparinga	1,085	108.5	217	325.5	434	542.5
Charles Sturt	201.89	20.19	40.38	60.57	80.76	100.95
PAE	647	64.7	129.4	194.1	258.8	323.5
Burnside						
Adelaide Hills	249.1	24.91	49.82	74.73	99.64	124.55
NPSP	238	23.8	47.6	71.4	95.2	119
Mount Barker	173.91	17.39	34.78	52.17	69.56	86.96
Murray Bridge	95.57	9.56	19.11	28.67	38.23	47.79
Prospect	122.4	12.24	24.48	36.72	48.96	61.2
<b>TOTAL</b>	<b>2812.87</b>	<b>281.29</b>	<b>562.57</b>	<b>843.86</b>	<b>1125.15</b>	<b>1406.94</b>

**Rationale** – councils are concerned at the lack of information and data (and lack of maturity of the market) in relation to some product types. Therefore, in relation to adopting a target, councils are more comfortable focusing the target on recycled-plastic products.

Councils are also concerned that the relevant systems and processes may not be in place to enable councils to capture and report on the relevant information in year 1. For this reason, councils are more comfortable committing to setting up systems and processes in year 1 and then committing to a target in year 2. Councils also want to set an ambitious target as a long-term goal.

Focusing on recycled-plastic products ensures efforts are focused on stimulating demand for recycled-content products that come out of council-collected yellow bins (although some of these products use soft plastics collected through the Coles/Woolworths program). This ensures there is a strong link between the increased recyclables processing costs currently being experienced by councils and the potential of circular procurement practices to reduce these costs over time.

This also creates an opportunity to reinforce the message that getting food waste out of the red/blue landfill bin is one of the biggest opportunities councils and communities have to reduce waste management costs.

**Mechanism** – an example of how the plastics target could be met by Participating Councils is provided at **Attachment 3**. Note the example does not include the use of plastics in road construction materials given the lack of maturity in the market in relation to these products.

#### **Recommendations 4 and 5**

It is intended members of the Steering Committee arrange for the substantive recommendations to be put to Participating Councils at their July or August council meetings. It is further intended that (assuming Participating Councils approve the substantive recommendations) a “signing ceremony” for the MOU media event be organised for August or September 2019. Following the media event, the LGA will continue to work with Participating Councils on tools and guiding documents (including communications materials) to assist them with the pilot project.

#### Measuring success

The success of the project will be measured, not by whether councils have met their target or not, but by whether the project produces:

- Valuable information and data sources on which to base future action in this area; and
- Recommendations for tools and guiding documents that can be rolled out sector-wide to continue the change process and increase circular procurement across the sector.

These measures of success will be central to all reports developed by the LGA on the progress or outcomes of the pilot project.

It is important to remember that this type of project has never been done before in an Australian jurisdiction and that there is significant interest nationwide in its progress and outcomes.

#### **Financial and Resource Implications**

The LGA has secured funding for the pilot project from Green Industries SA through its Recycling Market Development Grants program. It should be noted that this funding is for the 2019-20 year only at this stage and it may be necessary to seek additional external funding at the conclusion of the 2019-20 year depending on resourcing requirements.

<b>12.3</b>	<b>REPORT TITLE:</b>	<b>STRATEGIC PLAN REVIEW PROCESS</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/102855</b>
	<b>ATTACHMENTS:</b>	<b>1. DOC/19/107957, STRATEGIC PLAN REVIEW AND ENGAGEMENT PROCESS (PROPOSED)</b>
	<b><u>Key Contact</u></b>	<b>Greg Sarre, Manager Economic Development and Sustainable Futures, Planning and Development</b>
	<b><u>Manager/Sponsor</u></b>	<b>Marc Voortman, Acting General Manager Planning and Development</b>

**Mount Barker 2035 – District Strategic Plan:**

Governance and Leadership

GL2: Corporate capacity and leadership

GL2.1 Demonstrate accountability through clear, relevant and easily accessible policies and corporate reporting

GL 1.3 Provide opportunities for the community to access and participate in decision-making processes.

GL 1.4 Use digital technology and social media as engagement tools

**Annual Business Plan:**

The Annual Business Plan must be developed consistent with the current and future Strategic Plan.

**Purpose:**

To seek Council endorsement of the proposed process for the review and update of Mount Barker 2035 – District Strategic Plan

**Summary – Key Issues:**

1. Mount Barker 2035 District Strategic Plan was adopted in December 2015 after an extensive community engagement process.
2. The plan guides Council priorities in providing projects, programs and services to meet the needs and concerns of its community, now and in the future.
3. Council is required to review its strategic plan within 2 years of a Council election.
4. To facilitate this a process has been designed to elicit input from Council members, staff, community and external stakeholders into the review and updating of Council's Strategic Plan.

**Recommendation:**

That Council:

1. Adopt the proposed process to review Mount Barker 2035 District Strategic Plan and develop a draft new Strategic Plan as set out in attachment 1 to this report.
-

**Background:**

1. Mount Barker 2035 District Strategic Plan was developed in 2015 to provide direction for Council over the next 20 years.
2. It was developed with input from Council members, staff and over 400 submissions from the community.
3. Mount Barker 2035 District Strategic Plan was written taking into account the then state of the Mount Barker district, current and anticipated growth over 20 years, existing knowledge and planning documents, input from elected members, staff and the community and global and regional influences.
4. The Strategic Plan must comply with Section 122 of the Local Government Act and also:
  - Provide a vision for our District that reflects community issues and needs;
  - Guide Council and its community in ensuring a healthy society, economy and environment; and
  - Ensure that Council's vision and strategies can be aligned with operational activities and work programs.
5. With the election of a new Council in November 2018, the Strategic Plan must be reviewed to comply with the Local Government Act and a new plan developed. More importantly, the process should allow the new Council to articulate its vision for the future and objectives and strategies to achieve that vision.

**Discussion:**

6. Current District Strategic Plan- Mount Barker 2035 – The Strategic Plan contains 5 goal areas. Under each Goal area there are a number of Objectives (23 in total) and Strategies (119 in total). The number of strategies reflects the diversity of community issues Council must consider when planning and budgeting for projects, programs and services.
7. The objectives and strategies were set deliberately at a high level as Council looked 20 years into the future. Subsequently, projects, programs and services have been aligned to these strategies over a 4 year planning cycle via the Corporate Implementation Plan which informs the annual business plan and budget. The Annual Report, in turn, includes detail on how the annual program of Council is achieving the objectives of the Strategic Plan .
8. To help provide clarity and focus to the objectives and strategies, some high priority initiatives were also included (2 per Goal Area). The high priorities were given a 4 year time horizon and are listed below:
  - Community Wellbeing
    - Significantly advance the establishment of new sport and recreation facilities and aquatic centre
    - Pursue and promote the 'Connect/Learn-Lead' community development model

#### Economic Prosperity

- Use recycled water as a catalyst for economic development opportunities
- Pursue World Heritage listing with regional partners as a key economic development initiative

#### The Urban Environment

- Commit to, and commence development of at least one major Council project and town square/open space improvement in the Mount Barker town centre
- Further develop open space corridors and linear trail networks

#### The Natural Environment and Sustainable Living

- Ensure all new Council buildings are built to high environmental and sustainability standards using recognised rating criteria
- Implement the Biodiversity Strategy

#### Governance and Leadership

- Achieve financial sustainability whilst going through a prolonged period of urban growth
- Explore and implement contemporary and innovative community engagement practices

9. A review of Mount Barker 2035 is underway to assess how we have gone in implementing the plan and also to inform the engagement around, and development of, a new strategic plan.
10. Proposed process for developing a new Strategic Plan. The development of Mount Barker 2035 in 2015 was informed by extensive community engagement with over 400 people having input through a variety of means including at community workshops, in shopping centres and on public transport, in schools and with the business community.
11. Much of the input gathered through that process remains relevant today and it is not proposed to replicate this community consultation process this time. It will however be important to test what might have changed in that time including data related to the rate of population growth, input of new residents arriving in the district, changing economic conditions and opportunities evolving in the new economy, and issues and challenges presented by global events such as potential economic shocks and climate change.
12. A 'future shapers' process is proposed whereby key people both within and external to the district will be invited to be involved in shaping the future plan and narrative for the district. It is considered important to include people external to the district to broaden perspectives on issues such as branding and marketing, investment attraction, economic development and employment opportunities and relationships to the broader region and Adelaide.

13. Among other things the 'future shapers' group would help inform a community forum open to any community member who wanted to have input into the process. The 'future shapers' group will consist of approximately 20 people; the process to recruit these people is to be further refined over the coming weeks.
14. Consultation that has occurred over the past 4 years through other activities such as for Township and Main Street plans, the Adelaide Hills Reconciliation Working Group, Youth Advisory Group, the Top Hat Forum and through key projects such as Regional Sports Hub and Aquatic Centre will also be used to help understand and incorporate community issues. Council member perspectives and representation of community issues is especially important and a dedicated session will be held. Input from the Audit and Risk Committee will be sought with respect to monitoring and measuring outputs and outcomes from the strategic plan.
15. The process proposed will be implemented between September 2019 and February 2020 when a draft new Strategic Plan would be ready for the mandatory 6 week community consultation, as prescribed under Section 122 of the Local Government Act.
16. Objectives of the proposed process to develop a new Strategic Plan include:
  - a. Provide for Council input into and ownership of the engagement process and the drafting of the Strategic Plan (elected members, executive team and Council staff)
  - b. Explore and define narratives and messaging appropriate to the District's future and assess against current strategy and implementation
  - c. Leverage recent and ongoing public input on town planning stakeholder engagement and other community consultation, including via social media
  - d. Obtain local input on the vision and objectives for the District (with a focus on community and business leaders) with the view to establishing an advisory group of local leaders ('future shapers')
  - e. Augment engagement with existing networks, including business networks, principals' forum and developers' forum
  - f. Integrate the Strategic Plan review alongside the review of Council's lead strategies and regional and state level strategies
  - g. Build themes and narratives around proposed strategic projects, including the town centre development, regional sports hub and aquatic centre, wastewater partnerships, high-speed broadband network (smart city aspirations) and a tertiary presence in Mount Barker
  - h. Stimulate long term-thinking, planning and the development of strategic narratives for the District
  - i. Promote ongoing discussion about the District's future, particularly with a view to opportunities for more sustainable growth
  - j. Raise awareness of the council's strategy, brand, role and narratives with a futures focus
  - k. Prepare a draft Strategic Plan, media and framework for supporting strategies

17. Key phases in the review and proposed engagement process are set out in attachment 1.

**Community Engagement:**

Consultation comments:

Decision to be made	Appropriate engagement and consultation on the Strategic Plan is essential in order that Council appropriately reflects the needs and concerns of its community. The Strategic Plan is the highest level guiding document to inform Council's direction and actions.
Key factors to be considered in decision	All factors affecting the social, environmental and economic health of the district are considered in reviewing and drafting a new Strategic Plan.
Area of community influence	Aspects that are fixed: There are no fixed aspects in a Strategic Plan review process however the parameters set guide an orderly and constructive process. Elements that are outside the control or influence of Council are considered and factored in to the elements that are within Council's control or influence.  Key areas for community input include: <ul style="list-style-type: none"> <li>• local knowledge, experience, ideas</li> <li>• information on needs, problems, priorities, aspirations</li> </ul>
Method of consultation, informing community & cost	Engagement activities to develop a new Strategic Plan will be via a targeted 'future shapers' group and community forum and through previous or concurrent community engagement. Once a draft Strategic Plan is endorsed by Council for consultation, written feedback will be sought through local media over a 6 week period.
Feedback to stakeholders/Council	Feedback to Community will be via Council reports, on the Council website and social media.
Timeframe for consultation	To be advised. It is expected that the process will begin in September 2019 and conclude in February/March 2020

**Policy:**

The Strategic Plan is the highest level Council document that influences all other policy of Council.

**Long Term Financial Plan:**

The Long Term Financial Plan is currently also under review. Council's Strategic Plan should inform the development of the LTFP.

**Budget:**

The Annual Business Plan must be developed consistent with the current and future Strategic Plans. A small budget allocation is provided in the 2019/20 budget to help with the review of the Strategic Plan. Mostly this will be used for engagement.

**Statutory/Legal:**

Section 122 of the Local Government Act requires Councils to develop strategic plans and review them within 2 years of the election of a new Council. Council's previous Strategic Plan was adopted in December 2015.

**Staff Resource Requirements:**

The Strategic Plan is the principal document that guides the work of Council and therefore is of relevance to all parts of the organisation in its development and implementation. A small project team will be established and other Council staff will contribute to the engagement process.

**Environmental:**

Current and future environmental issues will be incorporated within the draft Strategic Plan informed by existing strategies and community input.

**Social:**

Current and future social and community issues will be incorporated within the draft Strategic Plan informed by existing strategies and community input.

**Risk Assessment:**

Strategies relating to risk management will be included in the Draft Strategic Plan informed by existing strategies and community input.

**Asset Management:**

Strategies relating to asset management will be included in the Draft Strategic Plan informed by existing strategies and community input. Council's Strategic Plan should also align with and be informed by its Asset Management Plan as required under section 122 of the Local Government Act.

**Conclusion:**

With the election of a new Council, Mount Barker 2035 District Strategic Plan needs to be reviewed. A process has been designed that incorporates a review of the current plan, engagement with elected members, council staff and the community and consideration of current and future issues impacting the district. Following engagement, a draft new Strategic Plan will be developed for the consideration of Council and community consultation.

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Previous Decisions By/Information Reports to Council

Meeting Date	<b>21 DECEMBER 2015</b>	HPRM Reference	<b>DOC/15/124781</b>
Title	<b>MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN FOR ENDORSEMENT</b>		
Purpose	To present the Draft Strategic Plan – Mount Barker 2035 District Strategic Plan for endorsement.		

Attachment 1 Strategic Plan Review and Engagement Process (Proposed)

Attachment 1 to Item 12.3

<b>Phases and activities</b>	<b>Timing</b>	<b>Milestones</b>
<b>Phase 1 – Review and explore</b>	Aug – Sep 2019	
<ul style="list-style-type: none"> <li>Review existing strategic plan (underway)</li> <li>Review key strategies and projects influencing the Strategic Plan review (underway)</li> <li>Form a staff project team to guide engagement and how the plan evolves and integrates with other council priorities and those at a local, regional, national and international level</li> <li>Scope the concept of ‘future shapers’ and assemble a diverse list of influential and successful leaders in the District</li> </ul>		<p>Strategic Plan review summary</p> <p>Updated process outlined</p> <p>Draft ‘future shapers’ leadership list</p> <p>Project team formed</p>
<b>Phase 2 – Leadership insight</b>	Aug – Oct 2019	
<ul style="list-style-type: none"> <li>CEO and Senior management briefings on curated engagement approach</li> <li>Workshop with the leadership group to refine themes, narratives and messaging</li> <li>Workshop with Elected Members to gain insight on strategic themes and narratives</li> <li>Audit &amp; Risk committee engagement</li> <li>Update list of ‘future shapers’ based on leadership and elected member input</li> </ul>		<p>Agreed priority challenges and opportunities</p> <p>Agreed curated engagement approach</p> <p>Refined themes, narratives and messaging</p>
<b>Phase 3 – Design engagement and craft narrative</b>	Sep–Oct 2019	
<ul style="list-style-type: none"> <li>Engage directly with ‘future shapers’ to answer ‘<i>What kind of future do we want for our District?</i>’</li> <li>A narrative for the district can be drafted that considers this process; where we have come from, where we are now and where we could be.</li> <li>Design a ‘futures forum’ with 100 participants (elected members, leadership, future shapers and community members).</li> </ul>		<p>Engagement session with ‘future shapers’</p> <p>Summary of futures themes and narrative to inform strategic plan principles, themes and actions</p> <p>Draft forum design and venue decision</p>
<b>Phase 4 – Broaden engagement</b>	Nov 2019	
<ul style="list-style-type: none"> <li>Engage with key networks (including existing business, development and community groups) at facilitated futures forum</li> <li>Revisit ‘future shapers’ for additional input</li> </ul>		<p>Futures forum</p>
<b>Phase 5 – Prepare draft strategic Plan</b>	Nov–Dec 2019	
<ul style="list-style-type: none"> <li>Consider outcomes of engagement process</li> <li>Workshop outcomes of engagement with Elected Members, CGG and Leadership Group</li> <li>Develop draft for Council endorsement for community consultation</li> <li>Audit committee engagement</li> <li>Community engagement materials and media designed and drafted (digital and print)</li> </ul>		<p>Engagement report</p> <p>Engagement media</p> <p>Draft Strategic Plan</p>
<b>Phase 6 – Community consultation</b>	Feb– Mar 2020	
<ul style="list-style-type: none"> <li>6–week statutory consultation</li> <li>Changes made and endorsed by Council</li> </ul>		<p>Summary document and supporting media</p> <p>Final Strategic Plan</p>

<b>12.4</b>	<b>REPORT TITLE:</b>	<b>WESTERN SECTOR RECREATION LAND COMMUNITY LAND MANAGEMENT PLAN AND LICENCES</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/101571</b>
	<b>ATTACHMENTS:</b>	<b>1 – COMMUNITY LAND MANAGEMENT PLAN - DOC/18/141683 2 – SUMMARY OF LICENCES AND LICENCE AREA PLANS DOC/19/57732 3 – SITE PLAN DOC/19/62044</b>
	<b><u>Key Contact</u></b>	Madeleine Dobbin, Acting Manager Planning Policy and Strategy
	<b><u>Manager/Sponsor</u></b>	Marc Voortman, Acting General Manager, Planning and Development

**Mount Barker 2035 – District Strategic Plan:*****Community Wellbeing***

CW 3.1 Support a long-term approach to the development, upgrade and improvements to community facilities and infrastructure such as the library, sports grounds, community halls and venues and play spaces.

CW 3.3 Facilitate increased use of existing facilities including encouraging a joint community/school use model where appropriate.

***The Urban Environment***

UE 1.2 Apply a strategic, planned and consistent approach to the provision, development and maintenance of public open space.

**Annual Business Plan:**

N/A

**Purpose:**

To seek endorsement of the Western Sector Recreation Land Community Land Management Plan (CLMP) and associated licence summaries.

**Summary – Key Issues:**

1. King's Baptist Grammar School, Mount Barker Baptist Church, Burke Urban (developer of Newnham) and Council have collaborated in relation to the development of a school and community centre on Bollen Road, Mount Barker and the development of the adjacent Council land that was purchased in 2015 for development as open space.
2. At the 3 June 2019 Council meeting, Council authorised community consultation on the draft Community Land Management Plan. Two Licences were also drafted for Community Consultation, one for the proposed shared car park to be constructed by the School and the second for steps and paving to be associated with the adjoining school facilities overlooking the oval.

3. No submissions were received during the consultation period and as such the CLMP and licence summaries are now presented to Council for endorsement.

**Recommendation:**

That Council:

1. Adopts the Western Sector Recreation Land Community Land Management Plan (attachment 1).
2. Approves the associated Licence Summaries (attachment 2), which provide for a term of up to 42 years, and gives delegation to the Chief Executive to finalise and execute the Agreements for Licences and the Licences in accordance with the Licence Summaries.

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**Background:**

1. At the 3 June 2019 Council meeting, Council authorised community consultation on the Western Sector Recreation Land Community Land Management Plan (CLMP) and the associated licence summaries.
2. Community consultation was undertaken in accordance with Sections 196 and 197 of the *Local Government Act 1999*.
3. Consultation occurred from 17 June 2019 to 15 July 2019.
4. No submissions were received during the consultation period.

**Discussion:**

***Community Land Management Plan (CLMP)***

5. The objective of the CLMP is to ensure Council's assets are used to their maximum potential. In this respect, the CLMP anticipates Council will retain the land to provide passive and future active recreation facilities for the community. It is also anticipated the land will be retained to provide regional stormwater detention storage.
6. Currently the subject land is an undeveloped reserve containing a regional detention basin / wetland. It is intended to be developed for recreation purposes with flexible playing spaces, car parking, walking trails and landscaping.
7. Development of the land for recreation purposes is expected only after Council has determined there is sufficient demand and all other recreation facilities within Mount Barker are fully utilised, e.g. former Polo Grounds, Showgrounds, Regional Sports Hub, etc.
8. Council has identified this land will not be required to be developed for at least 10+ years from the time of writing the CLMP in 2019.

**Licences**

9. Two Licences were drafted for community consultation, one for the proposed shared car park to be constructed by the School and the second for steps and paving to be associated with the adjoining school facilities overlooking the oval. Two licences have been used because of the different terms required for a car park and steps and paving.
10. A summary of each licence and a plan showing each licence area are shown in Attachment 2.
11. Each licence will initially be documented with an agreement for a licence which allows for the approval of construction design by Council as the Licensor and construction by the School of the approved designs. On completion of the approved work the licence will then be granted.
12. To meet the requirements of the *Local Government Act 1999* the expiry date has been set at 42 years from September 2019 e.g. 30 September 2061. As the facilities may not be built for some years the actual licence term will be the time left from the granting of a licence on completion of construction until expiry.
13. The licences are subject to Council adoption of the finalised CLMP.

**Community Engagement:**

Informing only	The CLMP will be available on Council's website.
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**Policy:**

Community Consultation Policy.

**Long Term Financial Plan:**

The design and construction of the Western Sector Recreation Land has been provisioned for in the Long Term Financial Plan. Noting, the upgrade will be co-funded with King's Baptist Mount Barker via the Shared Use Agreement.

**Budget:**

N/A

**Statutory/Legal:**

Preparation of the Draft Community Land Management Plan and proposed community engagement is in accordance with Section 196 and 197 of the *Local Government Act 1999*.

**Staff Resource Requirements:**

The recommendation can be implemented within existing staff resources.

**Environmental:**

The CLMP proposes revegetation of the creek line along with the continued upgrade of the detention storage area to include a wetland.

**Social:**

The future development of the land as recreation / open space increases recreational and social opportunities in the community.

**Risk Assessment:**

Ensuring the reserve is managed and is consistent with the prescribed requirements of a category 4 (undeveloped) reserve and that as public open space it is maintained in a fit for purpose state until such time it is redeveloped.

**Asset Management:**

The CLMP will look to ensure that assets reflect the current categorisation and maintenance levels attributed to the reserve. This is currently set at MSL 4 (undeveloped reserve).

**Conclusion:**

No submissions were received on the Community Land Management Plan and licence summaries for the Western Sector Recreation Land. The documents are therefore presented to Council for endorsement.

Previous Decisions By/Information Reports to Council

Meeting Date	3 June 2019	HPRM Reference	DOC/19/48068
Title	Western Sector Recreation Land Community Land Management Plan and Licence		
Purpose	To seek endorsement of the draft Community Land Management Plan for the Western Sector Recreation Land for community consultation.		

Meeting Date	3 September 2018	HPRM Reference	DOC/18/92270
Title	King's Baptist School Terms Sheet		
Purpose	To seek authority to enable the progression of collaborative arrangements between Council and King's Baptist Grammar School Mount Barker for land on Bollen Road, Mount Barker, and Burke Urban to be advised of Council acceptance of satisfaction of a requirement in a 2015 Deed between Council and Burke Urban.		

Meeting Date	18 May 2015	HPRM Reference	90/010/158
Title	Purchase of Lot 501, Bollen Road, Mount Barker – Proposed Variations		
Purpose	To seek approval to vary some elements of the previous authorisation.		

Meeting Date	2 March 2015	HPRM Reference	90/010/158
Title	Opportunity to Purchase Land on Bollen Road, Mount Barker for Community Open Space		
Purpose	To seek approval to purchase lot 501, Bollen Road, Mount Barker.		

Attachment 1 to Item 12.4



MOUNT BARKER  
DISTRICT COUNCIL

## **Western Sector Recreation Land Community Land Management Plan**



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## INTRODUCTION

A Community Land Management Plan (CLMP) guides management of particular categories, or specific areas, of Community Land as defined by the *Local Government Act 1999*. A CLMP develops a range of strategies and actions to assist with improved management of the land.

This CLMP has been prepared specifically for the Western Sector Recreation Land located on Bollen Road, Mount Barker.

## SUBJECT LAND

The subject land is legally described as Allotment 503 in Deposited Plan 115191 (Certificate of Title Volume 6189/331). The land is shown in **Appendix A**.

The land comprises a reserve comprising an area of over 89,000m<sup>2</sup>. The land contains Western Flat Creek which runs in an east-west direction with a regional detention basin located at the bottom south-east corner. There is some low lying vegetation and trees, most of which is located close to the creekline. High voltage overhead powerlines run through the middle of the allotment. Access to the allotment is available via Bollen Road.

## PURPOSE AND USE

Council retains the land to provide passive and future active recreation facilities for the community. The land is also retained to provide regional detention storage.

### ***Proposed shared use agreement***

Council intends to enter into an agreement with King's Baptist Grammar School, which owns the adjoining land to the north. The agreement is in draft and will be finalised upon final endorsement of this CLMP. The agreement will allow the School to use the Western Oval, nearest to Bollen Road (once developed) during school hours from Monday to Friday 8:00am – 4:00pm and Saturday mornings from 9:00am – 12:00pm (excluding school holiday periods and public holidays). The school's right to use the land will be nonexclusive allowing access to the public at all times.

The agreement will also include the following key points:

- Financial contribution by the King's Baptist Grammar School to the development of the ovals when built.
- Construction of parking at the School's cost and under a licence from Council (see licence area A on plan in **Appendix B**). It is expected that this parking will be staged by the school based on demand commencing with the northern part.
- Construction of paving, steps or similar at the School's cost and under a licence from Council (see licence area B on plan in **Appendix B**).
- Contribution of a proportion of the maintenance cost for the ovals by the school when constructed.

- Construction of a Gym and Community Auditorium on the School's land adjoining licence area B at its own cost. These buildings will be managed by the school but will be made available for rent to the community at times determined by the school.
- Formation of a shared Use Infrastructure Advisory Committee made up of school and Council representatives to monitor and coordinate the provisions of the agreement.

Construction of the ovals is subject to funding.

#### ***Proposed licences to the school***

A licence enables Council to formalise agreements with organisations and individuals who occupy or manage Community Land. These agreements allow clear definition of the rights and obligations that an organisation or individual has in regard to the land ensuring public access is maintained.

It is intended to undertake public consultation on the proposed licences at the same time as consultation on this Plan. The licences are nonexclusive allowing public access to both the proposed licence areas once the work has been completed.

#### ***Western Flat Creek and Detention Storage/Wetland***

Western Flat Creek runs through the site with a Regional Detention Basin / Wetland located towards the south eastern corner of the allotment. Both the detention basin and the creekline will remain on the site. Some rehabilitation of the creekline will occur alongside landscaping in and around the wetland.

## **OBJECTIVES AND POLICIES**

### ***Objective***

Council seeks to ensure all of its assets are utilised to their maximum potential. It is Council's objective that this land is used for both passive and active recreation by the community as well as for regional detention / wetland.

### ***Council policies/by-laws/plans***

The following Council policies, by-laws and plans affect how Council will manage this land:

- Aboriginal Cultural Heritage Policy
- Biodiversity Strategy
- Community Consultation Policy
- Community Facilities Study and Delivery Strategy
- Dogs By-law
- Environment Strategy
- Funding Policy
- Local Government Land By-law
- Mount Barker Council Development Plan
- Mount Barker Strategic Plan 2035
- Open Space and Public Realm Strategy
- Permits and Penalties By-law

- Risk Management Policy
- Urban Forest Policy

The above policies and by-laws can be viewed on Council's website and/or at Council's head office.

## **PROPOSALS AND MAINTENANCE**

### ***Proposals***

Currently the subject land is an undeveloped reserve containing a regional detention basin / wetland. It is intended to be developed for recreation purposes with flexible playing spaces, car parking, walking trails and landscaping.

Development of the land for recreation purposes is expected only after Council has determined there is sufficient demand and all other recreation facilities within Mount Barker are fully utilised, e.g. Polo Grounds, Showgrounds, Regional Sports Hub, etc. Council has identified this land will not be required to be developed for at least 10+ years from the time of writing this CLMP in 2019. See **Appendix C** for the concept plan of the land. Until the reserve is developed it will remain as a Category 4 (undeveloped) reserve. It too should be noted, the ovals will be subject to inundation in a 1-in-10 year flood event.

In accordance with Council's agreement with King's Baptist Grammar School, it is proposed the school will construct car parking on the land prior to the recreation area being established. It is intended this car parking area will be shared by the school and, in the future, for use of the recreation land.

## **EFFECT OF MANAGEMENT PLAN**

### ***Responsible department***

Infrastructure Maintenance and Operations Department is responsible for the maintenance of the reserve.

The future development and review of the CLMP is the responsibility of the Planning and Development Department.

### ***Review period***

The CLMP will be reviewed as required or at a minimum of every 5 years.

### ***Amendment or revocation of CLMP***

Pursuant to Section 198 of the *Local Government Act 1999*:

- 1) A management plan may be amended or revoked by the adoption of a proposal for its amendment or revocation.

- 2) A council may only adopt a proposal for amendment to, or revocation of, a management plan after the council has carried out the public consultation that would be required if the proposal were for a new management plan.
- 3) However, public consultation is not required if the amendment has no impact or no significant impact on the interests of the community.
- 4) A council must give public notice of its adoption of a proposal for the amendment or revocation of a management plan.

## PERFORMANCE TARGETS

Objective	Target	Action	Indicator	Responsibility and timeframe
<b>Provide a suitable level of maintenance within Council's budgetary constraints and community expectations to ensure the land is safe for the general public</b>	Level of development and maintenance to be consistent with Council's Open Space and Public Realm Strategy and asset management plans.	Undertake initial audit of the site and then undertake works to ensure site is suitable as a category 4 reserve.	Area is maintained to agreed standard within budget Currently set as MSL 4.	Responsibility with Open Space and delivery through Infrastructure Maintenance and Operations Department, ongoing.
<b>Eradicate schedules pest plants and environmental weeds</b>	Absence of undesirable plant species on site.	Annual program.	Reduced occurrence.	Infrastructure Maintenance and Operations Department, ongoing.
<b>Undertake rehabilitation of Western Flat Creek</b>	Rehabilitated creek in line with the rehabilitation plan.	Prepare a watercourse rehabilitation plan then implement.	The health of the creek is reflects the standard set by the rehabilitation plan.	Responsibility with Open Space and delivery through Infrastructure Maintenance and Operations Department, 5 - 10 years.

**APPENDIX A: SUBJECT LAND**







APPENDIX C: CONCEPT PLAN



Attachment 2 to Item 12.4

**Car Parking Licence Summary for Community Consultation.**

<b>Item</b>	<b>Details</b>
Licensor	Mount Barker District Council
Licensee	Kings Baptist Mount Barker Incorporated
Land	The whole of land comprised in Certificate of Title Volume 6189 Folio 331
Licensed Area	The part of the Land shown on the attached plan titled Car Park Licence Area.
Commencement Date	On completion of the approved car park as per the Agreement between the Licensor and Licensee.
Term	A maximum of 42 years
Expiry Date	30 September 2061
Licence Fee	\$1 per annum (if demanded)
Permitted Use	Car Park and associated public access areas.
Precondition	The Licence will be subject to the finalisation and approval by Council of the Proposed Community Land Management Plan for the Land.



**Steps and Paving Area Licence Summary for Community Consultation.**

<b>Item</b>	<b>Details</b>
Licensor	Mount Barker District Council
Licensee	Kings Baptist Mount Barker Incorporated
Land	The whole of land comprised in Certificate of Title Volume 6189 Folio 331
Licensed Area	The part of the Land shown on the attached plan titled Steps and Paving Licence Area.
Commencement Date	On completion of the approved work as per the Agreement between the Licensor and Licensee..
Term	A maximum of 42 years
Expiry Date	30 September 2061
Licence Fee	\$1 per annum (if demanded)
Permitted Use	Public Area in association with adjoining facilities on the Kings Baptist Mount Barker Incorporated Land.
Precondition	The Licence will be subject to the finalisation and approval by Council of the Proposed Community Land Management Plan for the Land.



**SUBJECT LAND**

Attachment 3 to Item 12.4



<b>12.5</b>	<b>REPORT TITLE:</b>	<b>CAT BY-LAW</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/92660</b>
	<b>ATTACHMENTS:</b>	<b>1. DOC/19/92898 – BY-LAW 6 CERTIFICATE OF VALIDITY 2. DOC/19/92890 – NATIONAL COMPETITION POLICY REPORT 3. DOC/19/107955 – COMMUNITY CONSULTATION RESPONSES</b>
	<b><u>Key Contact</u></b>	Jamie Tann, Manager Health and Public Safety
	<b><u>Manager/Sponsor</u></b>	Greg Parker, General Manager Community Services

**Mount Barker 2035 – District Strategic Plan:****Community Wellbeing****CW:2** Community safety, public health & wellbeing.**CW 2.1** Build a community that works in partnership with government and non-government organisations to achieve real and long lasting improvements in safety and wellbeing.**CW 2.4** To work with the community to help it understand and comply with relevant public safety regulations and by-laws.**Governance and Leadership****GL2:** Corporate capacity and leadership**GL 2.3** Continuously strive to improve performance and service delivery across all council functions.**GL 2.5** Participate in State and Federal policy development processes affecting local government.**GL 2.10** Ensure compliance with legislative requirements.**The Natural Environment and Sustainable Living****NE3:** The promotion and protection of natural areas**NE 3.5** Increase community awareness regarding its impact on the natural environment.**Annual Business Plan:**

Nil

**Purpose:**

To approve the Cat By-law.

**Summary – Key Issues:**

1. Recent research indicates that cats have a devastating impact on native wildlife. Cats in Australia kill more than 3 million mammals, 2 million reptiles and 1 million birds every day.

2. Australia has the world's worst record for mammal extinctions; 28 species and subspecies, mostly marsupials, have become extinct since Europeans arrived, and many of these extinctions are linked to cats.
3. By-laws are used by Councils as one avenue for enforcing a regulatory function generally covering local government land on roads but also including dogs and cats in the Council area. A Cat By-law would address a number of cat management issues that impact the community and environment.

**Recommendation:**

That Council:

1. Note the public consultation
  2. Endorse the Cat By-law (see attachment 1)
- 

**Background:**

1. Cat populations have been classified into three distinct categories, namely: domestic, feral or stray. The domestic cat lives with, and is dependent on, humans. The feral cat is one that lives with little or no reliance on humans, whereas the stray cat relies only partly on humans for survival.
2. When reviewing Council's Animal Management Plan (AMP) in 2017 there was a high response rate towards community expectations in Council's potential involvement in cat management issues, for example:
  - 84% Microchipping of cats (% of respondents rating the issue as important to be addressed)
  - 77% Educating the community in responsible cat ownership
  - 74% Lost, unwanted and unowned cats
  - 73% Introduction of a cat registration by-law
  - 71% Impacts of cats on the environment
  - 62% Nuisance from cats straying on private property
  - 40% Providing services for cat owners.
3. Mandatory microchipping for cats (and dogs) commenced on the 1<sup>st</sup> of July 2018 but all the other issues listed within point 2 are not currently being addressed by Council. A Cat By-law could be an effective mechanism to address the impacts of cats that were listed as a concern by the community in 2017.
4. The only current service provided by Council in regard to cat management is the hiring of cat traps. The cat traps are intended for feral cats only and it is the responsibility of the hirer of the trap to release any domestic cat that may have been caught. The cat trap hirer also is obliged to take the trapped cat to a vet for assessment and microchip scan. The vast majority of feral and stray cats trapped are suffering from disease and are euthanized at the cost of the resident.
5. On the 4<sup>th</sup> of March 2019 Council endorsed that the Draft Cat By-law go to public consultation. The consultation period started on the 1<sup>th</sup> of March and finished on the 30<sup>th</sup> of April 2019.

**Discussion:**

6. The Cat Management Working Group (CMWG) was formed to investigate current cat management issues and to discuss the merits of adopting a Cat By-law. The CMWG met in April, June, July and August during 2018 and provided a recommendation to Council on the 3<sup>rd</sup> of September 2018 mentioning that a Cat By-law is needed to address cat management issues.
7. **Draft Cat By-law**  
The draft Cat By-law has provisions (detailed below) that address a number of cat management issues, these issues only relate to domestic cats and stray cats. Feral cat control is not addressed in the Cat By-law.
8. **Limit on cat numbers (Clause 7)** - Limiting cat numbers to two cats at any premises aligns with dog number limits contained within Council's Dogs By-law. By way of comparison a number of Councils also have a limit of two cats per property such as: the City of Victor Harbor, Adelaide Hills Council and the City of Mitcham.
9. Limiting cat numbers will address a number of key cat management issues namely cat hoarding and the feeding of stray cats. Council's Health and Public Safety team have been involved in a number of issues where residents have been found to have excessive numbers of cats either inside their house or they are encouraging a stray colony of cats in the area by providing food for these cats.
10. **Cats not to be a nuisance (Clause 8)** - A cat will be deemed to cause a nuisance if it:
  - i. unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour; or
  - ii. damages or otherwise has an adverse impact upon native flora or fauna; or
  - iii. acts in a manner that is injurious to a person's real or personal property; or
  - iv. wanders onto land without the consent of the owner or occupier of the land.
  - v. defecates or urinates on land without the consent of the owner or occupier of the land;
11. By addressing nuisance behaviour through this By-law Council will have the ability to address a number of cat management issues that impact our residents and native wildlife. These include: cats killing native wildlife, cats entering another property and defecating in that yard.
12. **Cat Curfew (Clause 9)** - A curfew will address nuisance behaviour from cats within the curfew times (8pm to 8am) and will also be a step toward decreasing the impacts that cats have on native wildlife.
13. **Registration (Clause 10)** - There are many benefits in introducing cat registration, they are:
  - Establishes the ownership of a cat and will allow Council to monitor and enforce cat management issues such as the limit on cat numbers per household.
  - Assists in reuniting lost cats with their owners.

- Provides a source of revenue that can be used to resource cat management activities.
14. It is planned to have 12 months grace for the payment of any cat registration fee, this soft approach to cat registration is aimed at increasing people's awareness of the introduction of the Cat By-law and their responsibilities as a cat owner.
  15. Assuming Council endorses the By-law cat registration fees will need to be endorsed by Council, closer to the completion of the registration free grace period.
  16. **Clause 11 of the Cat By-law** - allows Council some flexibility in administering the requirements of the By-law. This is particularly important during the first few years of the By-law, it would be unreasonable to expect people to suddenly comply with limits on cat numbers if they, for example have 5 cats prior to the introduction of the By-law.
  17. A flexible approach is currently in place for the dog numbers requirements for the Dogs By-law and there is a standard process for assessing whether there is merit in allowing an exemption in relation to this By-law requirement.

**18. Resourcing**

An additional staff resource will be needed to coordinate and undertake the extensive community awareness needed in order to educate the community about responsible cat ownership and to administer the Cat By-law once it is in place. Informal discussions with Adelaide Hills Council have revealed a willingness for a shared resource for cat management across both Councils.

19. The City of Mitcham have a 0.6 FTE staff resource allocated to cat management and this role has been well received both by the community and Elected Members. For the 2017-18 financial year the City of Mitcham cat management budget received a \$16,000 surplus, this is in part due to the high fees set for cat registration which was \$85 for a non-standard cat (not de-sexed or microchipped).

**20. Submissions**

Cat management is an emotive issue and there are strong views from people that don't want Council to play a role in cat management and those that want Council to undertake cat management activities to address the impacts that cats have on the environment and to address nuisance behaviour of cats.

21. As expected a high number of submissions were provided during the consultation period with 526 people providing a submission. Overall there was strong support for the four main components of the Cat By-law:
  - 76% support for cat registration
  - 68% support for a limit to two cats each household
  - 71% support a curfew for domestic cats
  - 73% support for Council to address nuisance behaviour of cats
22. There was a clear difference in submissions from those that are cat owners and those that do not own cats:
  - 61% of cat owners support cat registration

- 95% of non-cat owners support cat registration
- 48% of cat owners support a two cat limit per household
- 92% of non-cat owners support a two cat limit per household
- 57% of cat owners support a cat curfew
- 88% of non-cat owners support a cat curfew
- 58% of cat owners support Council addressing nuisance cat behaviour
- 93% of non-cat owners support Council addressing nuisance cat behaviour

23. If Council approves the By-law the next steps involve:

- gazetting the By-Law;
- Referring the By-law to the Legislative Review Committee. The Committee has 4 months to review the By-law;
- A notice of the making of the By-law will be published in the Courier and the Weekender Herald; and
- The By-law will come into effect 4 months after the gazettal notice (assuming there is no objection from the Legislative Review Committee).

**Community Engagement:**

Decision to be made	Note the submissions and to endorse the Draft Cat By-law.
Key factors to be considered in decision (dot points)	By-laws are important to enforce a regulatory function.
Area of community influence	Aspects that are fixed: Legal responsibilities  Key areas for community input: The community can make submissions on all sections of the Cat By-law.
Method of consultation, informing community & cost	Copies of the survey were made available at local vets and the Civic Centre.  Radio adverts were played on both Power FM and 5MU.  An online survey was available on Council's website for the duration of the consultation period.
Feedback to stakeholders/Council	Media release in local newspapers and information will be made available on Council's website and Facebook page.
Timeframe for consultation	Stakeholder consultation went from the 11 <sup>th</sup> of March to the 31 <sup>st</sup> of March 2019.  Community consultation went from the 2 <sup>nd</sup> to the 30 <sup>th</sup> of April 2019

Community input	<p>526 responses were received during the consultation period. Overall there was strong support for the four main components of the Cat By-law:</p> <p>76% support for cat registration</p> <p>68% support for a two cat limit per household</p> <p>71% support for a curfew</p> <p>73% support for addressing nuisance behaviour.</p>
Recommendations	<p>Based on the overall support for the content of the By-law no changes were made as a result of the community consultation.</p>

**Policy:**

There is no current policy regarding cat management. A Cat By-law will demonstrate Council’s policy commitment to cat management.

**Long Term Financial Plan:**

The introduction of a Cat By-law is not included in the LTFP. Cat management activities will be initially absorbed by the Public Safety team but a separate budget and resource will be initiated once cat registration is introduced.

**Budget:**

At this point in time there is no budget allocated to cat management. If the Cat By-law is endorsed by Council a separate budget line dedicated to cat control will be created so as to provide a clear separation between dog and cat related expenditure and revenue. The costs for creating the By-law and the public consultation costs is estimated to be \$3,000, and this has come from existing budget.

**Statutory/Legal:**

The revised Dog and Cat Management Act has been introduced in stages during 2017 and 2018 and has more emphasis on cat management. Section 90 of the Dog and Cat Management Act 1995 allows Councils to establish a By-law for the control of dogs and cats in its area.

**Staff Resource Requirements:**

Once the Cat By-law has been endorsed the focus will be on community education in regard to responsible cat ownership and the requirements of the Cat By-law. As a result of community awareness around cats and the creation of the By-law there will be an increase in cat related concerns raised by residents, initially this will be absorbed by existing resources.

A shared resource with a neighbouring Council for a Cat Management Officer will be explored for 2020-21 financial year and beyond.

**Environmental:**

The impact that cats have on native wildlife is well documented.

The Department of Sustainability, Environment, Water, Population and Communities (Federal Government) in 2011 mentioned that feral cats are identified as a threat to 35 species of birds, 36 species of mammals, 7 species of reptiles and 3 species of amphibians in Australia.

A 2017 report from the University of Queensland claims that feral cats alone are attributed to the extinction of 20 species of Australian Mammals.  
A Cat By-law will address environmental issues associated with roaming domestic cats and it will reduce the impact that feral cats and community cats have on the environment.

Feral cats can carry infectious diseases such as toxoplasmosis and sarcosporidiosis, which can be transmitted to native animals, domestic livestock and in some cases humans. If rabies were to be accidentally introduced into Australia, there is a high risk that feral cats would act as carriers of the disease.

**Social:**

Cats are much loved pets for many community members and addressing cat management will enhance responsible pet ownership.

**Risk Assessment:**

Council having a Cat By-law will address a number of risks and issues as mentioned in the body of the report.

**Asset Management:**

N/A

**Conclusion:**

Submissions received during the consultation period numbered 526, there was opposition from some regarding the implementation of the Cat By-law but there was overall support for the By-law and for Council playing a role in cat management.

Previous Decisions By/Information Reports to Council

Meeting Date	5 February 2018	HPRM Reference	DOC/17/127593
Title	Cat Management Working Group – Elected Member Representatives		
Purpose	To select two Elected Members to participate in the Cat Management Working Group.		

Meeting Date	3 September 2018	HPRM Reference	DOC/18/82698
Title	Cat Management Working Group Recommendations		
Purpose	To provide Council with the recommendations of the Cat Management Working Group (CMWG) in particular the development of a cat By-law.		

Meeting Date	4 March 2019	HPRM Reference	DOC/19/13387
Title	Draft Cat By-law		
Purpose	To seek endorsement for the draft Cat By-law to go to public consultation.		

Attachment 1 to Item 12.5

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, RONAN EMMET O'BRIEN of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**Mount Barker District Council**

**By-law No 6 – Cats By-Law 2019**

*A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area;*

and do certify that in my opinion:

Mount Barker District Council

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999*: sections 238 and 246(1), 246(2), 246(3)(a), 246(3)(c) and 246(3)(f)

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 17<sup>th</sup> day of June 2019

.....  


Ronan O'Brien, Legal Practitioner



**MOUNT BARKER  
DISTRICT COUNCIL**

**CATS BY-LAW 2019**

**By-law No. 6 of 2019**

*A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.*

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**PART 1 – PRELIMINARY**

**1. Title**

This By-law may be cited as the *Cats By-law 2019* and is By-law No. 6 of the Mount Barker District Council.

## 2. Authorising law

This By-law is made under section 90 of the *Dog and Cat Management Act 1995* and section 246 of the Act.

## 3. Purpose

The objectives of this By-law are to control and manage cats in the Council area:

- 3.1. to promote responsible cat ownership;
- 3.2. to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3. to protect the comfort and safety of members of the public; and
- 3.4. for the good rule and government of the Council area.

## 4. Expiry

This By-law will expire on 1 January 2025.<sup>3</sup>

## 5. Application

- 5.1. This By-law operates subject to the Council's Permits and Penalties By-law 2017.
- 5.2. This By-law applies throughout the Council's area.

## 6. Interpretation

In this By-law, unless the contrary intention appears;

- 6.1. **Act** means the *Local Government Act 1999*
- 6.2. **approved cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* for the keeping of cats on a temporary or permanent basis or, for use in connection with a business involving the keeping of cats, that is operating in the accordance with all approvals;
- 6.3. **cat** (except for in clauses 8 and 9) means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.4. **Council** means the Mount Barker District Council;
- 6.5. **effective control by means of physical restraint** means
  - 6.5.1 a person is exercising effective control of a cat by means of a chain, cord or leash that does not exceed 2 metres in length restraining the cat; or
  - 6.5.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure.
- 6.6. **keep** includes the provision of food or shelter;
- 6.7. for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:

- 6.7.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour; or
- 6.7.2 damages or otherwise has an adverse impact upon native flora or fauna; or
- 6.7.3 acts in a manner that is injurious to a person's real or personal property; or
- 6.7.4 wanders onto land without the consent of the owner or occupier of the land.
- 1.1.1 defecates or urinates on land without the consent of the owner or occupier of the land;
- 6.8. **owner** of a cat has the same meaning as in section 5 of the Dog and Cat Management Act 1995;
- 6.9. **premises** includes any land, (whether used or occupied for domestic or non-domestic purposes), and any part thereof; and
- 6.10. the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*.

**Note-**

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

**PART 2 –LIMITS ON CAT NUMBERS****7. Limits on cat numbers**

- 7.1. Subject to this clause 7, a person must not, without the Council's permission keep, or cause suffer or permit to be kept more than two (2) cats on any premises
- 7.2. Subclause 7.1 does not apply to:
  - 7.2.1 premises comprising an approved cattery; or
  - 7.2.2 a person who is keeping more than two cats on premises that the person occupies at the time this By-law comes into effect provided that:
    - 7.2.2.1 details as required by the Council of the cats that are kept on the premises at that time are provided to the Council within three (3) months of the commencement of this By-law;
    - 7.2.2.2 all the cats being kept on the premises are desexed;
    - 7.2.2.3 no insanitary condition is being caused (or, in the opinion of authorised person, is likely to be caused) by the cats or the keeping of the cats on the premises; and

- 7.2.2.4 no nuisance is being caused (or, in the opinion of authorised person, is likely to be caused) by the cats or by the keeping of the cats on the premises; and
  - 7.2.2.5 no additional cats are acquired or kept on the premises over and above those cats notified to the Council in accordance with subclause 7.2.2.1 after the By-law commences operation.
- 7.3. Council may require that the premises which are the subject of an application for permission to keep additional cats, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4. Permission under subclause 7.3 may be given if the Council is satisfied that:
- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
  - 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

### **PART 3 –CAT CONTROLS**

#### **8. Cats not to be a nuisance**

- 8.1. An occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance
- 8.2. Without limiting liability under clause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3. For the purpose of this clause 8, cat means an animal of the species *felis catus* (of any age).

#### **9. Effective confinement of cats**

- 9.1. As and from a date determined by resolution of the Council (if any), the owner or person responsible for the control of a cat must take steps to ensure that the cat is confined at all times to the premises occupied by that person between the hours of 8pm and 8am daily unless the cat is under effective control by means of physical restraint
- 9.2. For the purposes of this subclause 9, cat means an animal of the species *felis catus* (of any age).

#### **10. Registration of cats**

- 10.1. Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 10.2. An application for registration of a cat must:

- 10.2.1 be made to the Council in the manner and form prescribed by Council (if any); and
  - 10.2.2 be accompanied by the fee (if any) prescribed by the Council; and
  - 10.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
  - 10.2.4 identify with reference to an address the premises at which the cat is kept; and
  - 10.2.5 otherwise comply with any other requirements determined by the Council.
- 10.3. Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 10.4. Subclause 10.1 does not apply to premises comprising an approved cattery
- 10.5. The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

### **PART 3 – EXEMPTIONS**

#### **11. Council may grant exemptions**

- 11.1. The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 11.2. An exemption—
  - 11.2.1 may be granted or refused at the discretion of the Council; and
  - 11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
  - 11.2.3 is subject to any conditions specified in the instrument of exemption.
- 11.3. The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.4. The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

### **PART 4 – ENFORCEMENT**

#### **12. Orders**

- 12.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
  - 12.1.1 if the conduct is still continuing – to stop the conduct; and

- 12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 12.2. A person must comply with an order under this clause.
- 12.3. If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 12.4. However, an authorised person may not use force against a person under this section.

**Note-**

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by cats.

This By-law was duly made and passed at a meeting of the Mount Barker District Council held on the **[INSERT DATE] 2019** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
ANDREW STUART  
Chief Executive Officer

Attachment 2 to Item 12.5

**MOUNT BARKER DISTRICT COUNCIL**  
**REPORT TO COUNCIL – NATIONAL COMPETITION POLICY**

**BACKGROUND**

There are a number of statutory requirements apply to the making of by-laws, including the obligation under section 247(c) of the *Local Government Act 1999* (the Act), which provides:

*A by-law made by a council must –*

- c. avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the by-law can only be reasonably achieved by the restriction.*

Accordingly, any restriction on competition contained in a proposed by-law must be identified before the Council is in a position to make that by-law. A restriction on competition arises where any provision of the by-law has the potential to impact upon competitive conduct in any market. In general terms, restrictions on competition fall within the following categories:

- regulation of the entry or exit of business entities or individuals in to or out of markets;
- controls on prices or production levels;
- restrictions on the quality, level or location of goods and services;
- restrictions on advertising and promotional activities;
- restrictions on price entitled input used in the production process;
- legislation which is likely to confer significant costs on business; and
- legislation which provides advantages to some business entities or individuals over others.

The purpose of this report is to address the impact of the proposed by-law on national competition policy.

**REPORT****CATS BY-LAW 2019****Status**

The by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition or otherwise unreasonably restrict or unduly burden business activities.

This is on the basis that the limitations on the number of cats that may be kept in any premises as prescribed by the by-law (i.e. which has the potential to operate to restrict competition) does not apply to approved catteries operating in accordance with all required approvals and consents.

**Objectives of the By-law**

The objectives of this By-law are to control and manage cats in the Council's area:

- a) to reduce the incidence of environmental nuisance caused by cats; and
- b) to promote responsible cat ownership; and
- c) to protect the convenience, comfort and safety of members of the public; and
- d) for the good rule and government of the Council's area.









Item No	Item Title	Item Description	Item Category	Item Status	Item Priority	Item Action	Item Outcome	Item Review	Item Date	Item Location	Item Contact	Item Notes
1	1.1	1.1.1	1.1.1.1	1.1.1.1.1	1.1.1.1.1.1	1.1.1.1.1.1.1	1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1.1.1.1.1
2	2.1	2.1.1	2.1.1.1	2.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1.1.1.1.1
3	3.1	3.1.1	3.1.1.1	3.1.1.1.1	3.1.1.1.1.1	3.1.1.1.1.1.1	3.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1.1.1.1.1
4	4.1	4.1.1	4.1.1.1	4.1.1.1.1	4.1.1.1.1.1	4.1.1.1.1.1.1	4.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1.1.1.1.1
5	5.1	5.1.1	5.1.1.1	5.1.1.1.1	5.1.1.1.1.1	5.1.1.1.1.1.1	5.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1.1.1.1.1
6	6.1	6.1.1	6.1.1.1	6.1.1.1.1	6.1.1.1.1.1	6.1.1.1.1.1.1	6.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1.1.1.1.1
7	7.1	7.1.1	7.1.1.1	7.1.1.1.1	7.1.1.1.1.1	7.1.1.1.1.1.1	7.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1.1.1.1.1
8	8.1	8.1.1	8.1.1.1	8.1.1.1.1	8.1.1.1.1.1	8.1.1.1.1.1.1	8.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1.1.1.1.1
9	9.1	9.1.1	9.1.1.1	9.1.1.1.1	9.1.1.1.1.1	9.1.1.1.1.1.1	9.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1.1.1.1.1
10	10.1	10.1.1	10.1.1.1	10.1.1.1.1	10.1.1.1.1.1	10.1.1.1.1.1.1	10.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1.1.1.1.1
11	11.1	11.1.1	11.1.1.1	11.1.1.1.1	11.1.1.1.1.1	11.1.1.1.1.1.1	11.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1.1.1.1.1
12	12.1	12.1.1	12.1.1.1	12.1.1.1.1	12.1.1.1.1.1	12.1.1.1.1.1.1	12.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1.1.1.1.1
13	13.1	13.1.1	13.1.1.1	13.1.1.1.1	13.1.1.1.1.1	13.1.1.1.1.1.1	13.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1.1.1.1.1
14	14.1	14.1.1	14.1.1.1	14.1.1.1.1	14.1.1.1.1.1	14.1.1.1.1.1.1	14.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1.1.1.1.1
15	15.1	15.1.1	15.1.1.1	15.1.1.1.1	15.1.1.1.1.1	15.1.1.1.1.1.1	15.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1.1.1.1.1
16	16.1	16.1.1	16.1.1.1	16.1.1.1.1	16.1.1.1.1.1	16.1.1.1.1.1.1	16.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1.1.1.1.1
17	17.1	17.1.1	17.1.1.1	17.1.1.1.1	17.1.1.1.1.1	17.1.1.1.1.1.1	17.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1.1.1.1.1
18	18.1	18.1.1	18.1.1.1	18.1.1.1.1	18.1.1.1.1.1	18.1.1.1.1.1.1	18.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1.1.1.1.1
19	19.1	19.1.1	19.1.1.1	19.1.1.1.1	19.1.1.1.1.1	19.1.1.1.1.1.1	19.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1.1.1.1.1
20	20.1	20.1.1	20.1.1.1	20.1.1.1.1	20.1.1.1.1.1	20.1.1.1.1.1.1	20.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1.1.1.1.1
21	21.1	21.1.1	21.1.1.1	21.1.1.1.1	21.1.1.1.1.1	21.1.1.1.1.1.1	21.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1.1.1.1.1
22	22.1	22.1.1	22.1.1.1	22.1.1.1.1	22.1.1.1.1.1	22.1.1.1.1.1.1	22.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1.1.1.1.1
23	23.1	23.1.1	23.1.1.1	23.1.1.1.1	23.1.1.1.1.1	23.1.1.1.1.1.1	23.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1.1.1.1.1
24	24.1	24.1.1	24.1.1.1	24.1.1.1.1	24.1.1.1.1.1	24.1.1.1.1.1.1	24.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1.1.1.1.1
25	25.1	25.1.1	25.1.1.1	25.1.1.1.1	25.1.1.1.1.1	25.1.1.1.1.1.1	25.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1.1.1.1.1
26	26.1	26.1.1	26.1.1.1	26.1.1.1.1	26.1.1.1.1.1	26.1.1.1.1.1.1	26.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1.1.1.1.1
27	27.1	27.1.1	27.1.1.1	27.1.1.1.1	27.1.1.1.1.1	27.1.1.1.1.1.1	27.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1.1.1.1.1
28	28.1	28.1.1	28.1.1.1	28.1.1.1.1	28.1.1.1.1.1	28.1.1.1.1.1.1	28.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1.1.1.1.1
29	29.1	29.1.1	29.1.1.1	29.1.1.1.1	29.1.1.1.1.1	29.1.1.1.1.1.1	29.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1.1.1.1.1
30	30.1	30.1.1	30.1.1.1	30.1.1.1.1	30.1.1.1.1.1	30.1.1.1.1.1.1	30.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1.1.1.1.1
31	31.1	31.1.1	31.1.1.1	31.1.1.1.1	31.1.1.1.1.1	31.1.1.1.1.1.1	31.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1.1.1.1.1
32	32.1	32.1.1	32.1.1.1	32.1.1.1.1	32.1.1.1.1.1	32.1.1.1.1.1.1	32.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1.1.1.1.1
33	33.1	33.1.1	33.1.1.1	33.1.1.1.1	33.1.1.1.1.1	33.1.1.1.1.1.1	33.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1.1.1.1.1
34	34.1	34.1.1	34.1.1.1	34.1.1.1.1	34.1.1.1.1.1	34.1.1.1.1.1.1	34.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1.1.1.1.1
35	35.1	35.1.1	35.1.1.1	35.1.1.1.1	35.1.1.1.1.1	35.1.1.1.1.1.1	35.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1.1.1.1.1
36	36.1	36.1.1	36.1.1.1	36.1.1.1.1	36.1.1.1.1.1	36.1.1.1.1.1.1	36.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1.1.1.1.1
37	37.1	37.1.1	37.1.1.1	37.1.1.1.1	37.1.1.1.1.1	37.1.1.1.1.1.1	37.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1.1.1.1.1
38	38.1	38.1.1	38.1.1.1	38.1.1.1.1	38.1.1.1.1.1	38.1.1.1.1.1.1	38.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1.1.1.1.1
39	39.1	39.1.1	39.1.1.1	39.1.1.1.1	39.1.1.1.1.1	39.1.1.1.1.1.1	39.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1.1.1.1.1
40	40.1	40.1.1	40.1.1.1	40.1.1.1.1	40.1.1.1.1.1	40.1.1.1.1.1.1	40.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1.1.1.1.1
41	41.1	41.1.1	41.1.1.1	41.1.1.1.1	41.1.1.1.1.1	41.1.1.1.1.1.1	41.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1.1.1.1.1
42	42.1	42.1.1	42.1.1.1	42.1.1.1.1	42.1.1.1.1.1	42.1.1.1.1.1.1	42.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1.1.1.1.1
43	43.1	43.1.1	43.1.1.1	43.1.1.1.1	43.1.1.1.1.1	43.1.1.1.1.1.1	43.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1.1.1.1.1
44	44.1	44.1.1	44.1.1.1	44.1.1.1.1	44.1.1.1.1.1	44.1.1.1.1.1.1	44.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1.1.1.1.1
45	45.1	45.1.1	45.1.1.1	45.1.1.1.1	45.1.1.1.1.1	45.1.1.1.1.1.1	45.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1.1.1.1.1
46	46.1	46.1.1	46.1.1.1	46.1.1.1.1	46.1.1.1.1.1	46.1.1.1.1.1.1	46.1.1.1.1.1.1.1	46.1.1.1.1.1.1.1.1	46.1.1.1.1.1.1.1.1.1	46.1.1.1.1.1.1.1.1.1.1		



Item No	Item Title	Item Description	Item Category	Item Status	Item Action	Item Outcome	Item Review	Item Date	Item Location	Item Contact	Item Notes
1	1.1	1.1.1	1.1.1.1	1.1.1.1.1	1.1.1.1.1.1	1.1.1.1.1.1.1	1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1.1.1	1.1.1.1.1.1.1.1.1.1.1.1
2	2.1	2.1.1	2.1.1.1	2.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1.1.1.1
3	3.1	3.1.1	3.1.1.1	3.1.1.1.1	3.1.1.1.1.1	3.1.1.1.1.1.1	3.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1.1.1	3.1.1.1.1.1.1.1.1.1.1.1
4	4.1	4.1.1	4.1.1.1	4.1.1.1.1	4.1.1.1.1.1	4.1.1.1.1.1.1	4.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1.1.1	4.1.1.1.1.1.1.1.1.1.1.1
5	5.1	5.1.1	5.1.1.1	5.1.1.1.1	5.1.1.1.1.1	5.1.1.1.1.1.1	5.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1.1.1	5.1.1.1.1.1.1.1.1.1.1.1
6	6.1	6.1.1	6.1.1.1	6.1.1.1.1	6.1.1.1.1.1	6.1.1.1.1.1.1	6.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1.1.1	6.1.1.1.1.1.1.1.1.1.1.1
7	7.1	7.1.1	7.1.1.1	7.1.1.1.1	7.1.1.1.1.1	7.1.1.1.1.1.1	7.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1.1.1	7.1.1.1.1.1.1.1.1.1.1.1
8	8.1	8.1.1	8.1.1.1	8.1.1.1.1	8.1.1.1.1.1	8.1.1.1.1.1.1	8.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1.1.1	8.1.1.1.1.1.1.1.1.1.1.1
9	9.1	9.1.1	9.1.1.1	9.1.1.1.1	9.1.1.1.1.1	9.1.1.1.1.1.1	9.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1.1.1	9.1.1.1.1.1.1.1.1.1.1.1
10	10.1	10.1.1	10.1.1.1	10.1.1.1.1	10.1.1.1.1.1	10.1.1.1.1.1.1	10.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1.1.1	10.1.1.1.1.1.1.1.1.1.1.1
11	11.1	11.1.1	11.1.1.1	11.1.1.1.1	11.1.1.1.1.1	11.1.1.1.1.1.1	11.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1.1.1	11.1.1.1.1.1.1.1.1.1.1.1
12	12.1	12.1.1	12.1.1.1	12.1.1.1.1	12.1.1.1.1.1	12.1.1.1.1.1.1	12.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1.1.1	12.1.1.1.1.1.1.1.1.1.1.1
13	13.1	13.1.1	13.1.1.1	13.1.1.1.1	13.1.1.1.1.1	13.1.1.1.1.1.1	13.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1.1.1	13.1.1.1.1.1.1.1.1.1.1.1
14	14.1	14.1.1	14.1.1.1	14.1.1.1.1	14.1.1.1.1.1	14.1.1.1.1.1.1	14.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1.1.1	14.1.1.1.1.1.1.1.1.1.1.1
15	15.1	15.1.1	15.1.1.1	15.1.1.1.1	15.1.1.1.1.1	15.1.1.1.1.1.1	15.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1.1.1	15.1.1.1.1.1.1.1.1.1.1.1
16	16.1	16.1.1	16.1.1.1	16.1.1.1.1	16.1.1.1.1.1	16.1.1.1.1.1.1	16.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1.1.1	16.1.1.1.1.1.1.1.1.1.1.1
17	17.1	17.1.1	17.1.1.1	17.1.1.1.1	17.1.1.1.1.1	17.1.1.1.1.1.1	17.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1.1.1	17.1.1.1.1.1.1.1.1.1.1.1
18	18.1	18.1.1	18.1.1.1	18.1.1.1.1	18.1.1.1.1.1	18.1.1.1.1.1.1	18.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1.1.1	18.1.1.1.1.1.1.1.1.1.1.1
19	19.1	19.1.1	19.1.1.1	19.1.1.1.1	19.1.1.1.1.1	19.1.1.1.1.1.1	19.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1.1.1	19.1.1.1.1.1.1.1.1.1.1.1
20	20.1	20.1.1	20.1.1.1	20.1.1.1.1	20.1.1.1.1.1	20.1.1.1.1.1.1	20.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1.1.1	20.1.1.1.1.1.1.1.1.1.1.1
21	21.1	21.1.1	21.1.1.1	21.1.1.1.1	21.1.1.1.1.1	21.1.1.1.1.1.1	21.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1.1.1	21.1.1.1.1.1.1.1.1.1.1.1
22	22.1	22.1.1	22.1.1.1	22.1.1.1.1	22.1.1.1.1.1	22.1.1.1.1.1.1	22.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1.1.1	22.1.1.1.1.1.1.1.1.1.1.1
23	23.1	23.1.1	23.1.1.1	23.1.1.1.1	23.1.1.1.1.1	23.1.1.1.1.1.1	23.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1.1.1	23.1.1.1.1.1.1.1.1.1.1.1
24	24.1	24.1.1	24.1.1.1	24.1.1.1.1	24.1.1.1.1.1	24.1.1.1.1.1.1	24.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1.1.1	24.1.1.1.1.1.1.1.1.1.1.1
25	25.1	25.1.1	25.1.1.1	25.1.1.1.1	25.1.1.1.1.1	25.1.1.1.1.1.1	25.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1.1.1	25.1.1.1.1.1.1.1.1.1.1.1
26	26.1	26.1.1	26.1.1.1	26.1.1.1.1	26.1.1.1.1.1	26.1.1.1.1.1.1	26.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1.1.1	26.1.1.1.1.1.1.1.1.1.1.1
27	27.1	27.1.1	27.1.1.1	27.1.1.1.1	27.1.1.1.1.1	27.1.1.1.1.1.1	27.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1.1.1	27.1.1.1.1.1.1.1.1.1.1.1
28	28.1	28.1.1	28.1.1.1	28.1.1.1.1	28.1.1.1.1.1	28.1.1.1.1.1.1	28.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1.1.1	28.1.1.1.1.1.1.1.1.1.1.1
29	29.1	29.1.1	29.1.1.1	29.1.1.1.1	29.1.1.1.1.1	29.1.1.1.1.1.1	29.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1.1.1	29.1.1.1.1.1.1.1.1.1.1.1
30	30.1	30.1.1	30.1.1.1	30.1.1.1.1	30.1.1.1.1.1	30.1.1.1.1.1.1	30.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1.1.1	30.1.1.1.1.1.1.1.1.1.1.1
31	31.1	31.1.1	31.1.1.1	31.1.1.1.1	31.1.1.1.1.1	31.1.1.1.1.1.1	31.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1.1.1	31.1.1.1.1.1.1.1.1.1.1.1
32	32.1	32.1.1	32.1.1.1	32.1.1.1.1	32.1.1.1.1.1	32.1.1.1.1.1.1	32.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1.1.1	32.1.1.1.1.1.1.1.1.1.1.1
33	33.1	33.1.1	33.1.1.1	33.1.1.1.1	33.1.1.1.1.1	33.1.1.1.1.1.1	33.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1.1.1	33.1.1.1.1.1.1.1.1.1.1.1
34	34.1	34.1.1	34.1.1.1	34.1.1.1.1	34.1.1.1.1.1	34.1.1.1.1.1.1	34.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1.1.1	34.1.1.1.1.1.1.1.1.1.1.1
35	35.1	35.1.1	35.1.1.1	35.1.1.1.1	35.1.1.1.1.1	35.1.1.1.1.1.1	35.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1.1.1	35.1.1.1.1.1.1.1.1.1.1.1
36	36.1	36.1.1	36.1.1.1	36.1.1.1.1	36.1.1.1.1.1	36.1.1.1.1.1.1	36.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1.1.1	36.1.1.1.1.1.1.1.1.1.1.1
37	37.1	37.1.1	37.1.1.1	37.1.1.1.1	37.1.1.1.1.1	37.1.1.1.1.1.1	37.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1.1.1	37.1.1.1.1.1.1.1.1.1.1.1
38	38.1	38.1.1	38.1.1.1	38.1.1.1.1	38.1.1.1.1.1	38.1.1.1.1.1.1	38.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1.1.1	38.1.1.1.1.1.1.1.1.1.1.1
39	39.1	39.1.1	39.1.1.1	39.1.1.1.1	39.1.1.1.1.1	39.1.1.1.1.1.1	39.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1.1.1	39.1.1.1.1.1.1.1.1.1.1.1
40	40.1	40.1.1	40.1.1.1	40.1.1.1.1	40.1.1.1.1.1	40.1.1.1.1.1.1	40.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1.1.1	40.1.1.1.1.1.1.1.1.1.1.1
41	41.1	41.1.1	41.1.1.1	41.1.1.1.1	41.1.1.1.1.1	41.1.1.1.1.1.1	41.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1.1.1	41.1.1.1.1.1.1.1.1.1.1.1
42	42.1	42.1.1	42.1.1.1	42.1.1.1.1	42.1.1.1.1.1	42.1.1.1.1.1.1	42.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1.1.1	42.1.1.1.1.1.1.1.1.1.1.1
43	43.1	43.1.1	43.1.1.1	43.1.1.1.1	43.1.1.1.1.1	43.1.1.1.1.1.1	43.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1.1.1	43.1.1.1.1.1.1.1.1.1.1.1
44	44.1	44.1.1	44.1.1.1	44.1.1.1.1	44.1.1.1.1.1	44.1.1.1.1.1.1	44.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1.1.1	44.1.1.1.1.1.1.1.1.1.1.1
45	45.1	45.1.1	45.1.1.1	45.1.1.1.1	45.1.1.1.1.1	45.1.1.1.1.1.1	45.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1.1.1	45.1.1.1.1.1.1.1.1.1.1.1
46	46.1	46.1.1	46.1.1.1	46.1.1.1.1	46.1.1.1.1.1	46.1.1.1.1.1.1	46.1.1.1.1.1.1.1	46.1.1.1.1.1.1.1.1	46.1.1.1.1.1.1.1.1.1	46.1.1.1.1.1.1.1.1.1.1	46.1.1.1.1.1.1.1.1.1.1.1
47	47.1	47.1.1	47.1.1.1	47.1.1.1.1	47.1.1.1.1.1	47.1.1.1.1.1.1	47.1.1.1.1.1.1.1	47.1.1.1.1.1.1.1.1	47.1.1.1.1.1.1.1.1.1	47.1.1.1.1.1.1.1.1.1.1	47.1.1.1.1.1.1.1.1.1.1.1
48	48.1	48.1.1	48.1.1.1	48.1.1.1.1	48.1.1.1.1.1	48.1.1.1.1.1.1	48.1.1.1.1.1.1.1	48.1.1.1.1.1.1.1.1	48.1.1.1.1.1.1.1.1.1	48.1.1.1.1.1.1.1.1.1.1	48.1.1.1.1.1.1.1.1.1.1.1
49	49.1	49.1.1	49.1.1.1	49.1.1.1.1	49.1.1.1.1.1	49.1.1.1.1.1.1	49.1.1.1.1.1.1.1	49.1.1.1.1.1.1.1.1	49.1.1.1.1.1.1.1.1.1	49.1.1.1.1.1.1.1.1.1.1	49.1.1.1.1.1.1.1.1.1.1.1
50	50.1	50.1.1	50.1.1.1	50.1.1.1.1	50.1.1.1.1.1	50.1.1.1.1.1.1	50.1.1.1.1.1.1.1	50.1.1.1.1.1.1.1.1	50.1.1.1.1.1.1.1.1.1	50.1.1.1.1.1.1.1.1.1.1	50.1.1.1.1.1.1.1.1.1.1.1
51	51.1	51.1.1	51.1.1.1	51.1.1.1.1	51.1.1.1.1.1	51.1.1.1.1.1.1	51.1.1.1.1.1.1.1	51.1.1.1.1.1.1.1.1	51.1.1.1.1.1.1.1.1.1	51.1.1.1.1.1.1.1.1.1.1	51.1.1.1.1.1.1.1.1.1.1.1
52	52.1	52.1.1	52.1.1.1	52.1.1.1.1	52.1.1.1.1.1	52.1.1.1.1.1.1	52.1.1.1.1.1.1.1	52.1.1.1.1.1.1.1.1	52.1.1.1.1.1.1.1.1.1	52.1.1.1.1.1.1.1.1.1.1	52.1.1.1.1.1.1.1.1.1.1.1</





Item No	Item Title	Do you have any comments regarding compliance or regulation?	Do you have any comments regarding the use of a rate by the Council?	Do you have any comments regarding the use of a rate by the Council?	Do you have any comments regarding the use of a rate by the Council?	Do you have any comments regarding the use of a rate by the Council?	Do you have any comments regarding the use of a rate by the Council?
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<b>12.6</b>	<b>REPORT TITLE:</b>	<b>RECYCLED WATER STORAGE GRANT FUNDING APPLICATION</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/106089</b>
	<b>ATTACHMENTS:</b>	<b>1. COUNCIL APPLICATION FOR GRANT FUNDING (EXCLUDING ATTACHMENTS) DOC/19/106360</b>
	<u>Key Contact</u>	Brian Clancey, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water
	<u>Sponsor</u>	Andrew Stuart, Chief Executive Officer

**Mount Barker 2035 – District Strategic Plan:**

Economic Prosperity

High Priority: Use recycled water as a catalyst for economic development opportunities

The Natural Environment & Sustainable Living

Strategy 2.4 Maximise recycled water use

**Annual Business Plan:**

The Urban Environment

- Continue with planning and design for the delivery of capital works to expand the geographical area and volume of storage and supply of recycled water within the Callington region
- Secure new recycled water customers.

**Purpose:**

To seek endorsement for the council action to lodge with the State Government an application seeking a grant of \$1.25 million from the Regional Growth Fund to contribute to the cost of a proposed recycled water storage facility near Callington.

**Summary – Key Issues:**

- New storage for recycled water is required to achieve the council objective of maximising the productive use of recycled water and having a secure long term disposal path;
- The proposed location for the new storage facility is near the town of Callington; and
- Endorsement is sought for the council action to lodge with the State Government an application seeking a grant of \$1.25 million from the Regional Growth Fund.

**Recommendation:**

That Council:

Endorse the application lodged with the State Government via the Regional Growth Fund seeking a grant of \$1.25 million towards the cost of a proposed recycled water storage facility near Callington.

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**Background:**

1. An information item on this matter was considered at the Council meeting held on 5 August 2019.
2. A confidential informal gathering of Council Members was held on 19 August 2019. This followed on from earlier briefings for Council Members on wastewater and recycled water.
3. The State Government via Primary Industries and Regions SA (PIRSA) invited applications for grants from the Regional Growth Fund. Applications closed on 9 August 2019.
4. Grant funds need to be matched by the applicant on a dollar for dollar basis.
5. The maximum amount that can be applied for is \$2 million. The total amount of grant funding available in 2019/20 is \$5 million.
6. The council objective remains to seek to maximise recycled water for productive use and community benefit, and in doing so, to have a secure disposal path for recycled water that is long term.
7. To achieve this objective access to a new recycled water storage facility is required.
8. Previous studies undertaken have demonstrated that the preferred location for such a facility is in the vicinity of Callington. Soil and climatic conditions are favourable to enable the establishment of new agri business.
9. This location also enables use of the existing council infrastructure (recycled water main that runs from Mount Barker to Callington) and would support the AGL proposed pumped hydro energy storage project. The location also has the advantage of supporting infrastructure (cold stores and a transport hub) being nearby at Monarto.
10. An important characteristic of the council recycled water supply is that it is drought proof and the supply capacity will continue to increase with growth.

**Discussion:**

11. Council made application to the Regional Growth Fund seeking a grant of \$1.25 million as a contribution to the design and construction of a lined, recycled water storage facility.

12. Letters of support were provided by the following and included as an attachment to the council application:
  - Rebekha Sharkie MP
  - Dan Cregan MP
  - Adrian Pederick MP
  - Hillgrove Resources
  - AGL
  - Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island (RDA)
  - Torrens Valley Orchards
13. The application has been made available to Council Members in full via the extranet. Attached is the application minus the numerous attachments.
14. The application includes the following key points:
  - Preliminary estimated total cost for stage 1 (excludes augmentation infrastructure that will be required to connect the storage to new customers this being stage 2) of \$6.96 million. This includes considerable contingency and does not assume that existing on site equipment at the Hillgrove Resources mine would be available for use as that is yet to be determined (see below).
  - Capacity of 450 – 500 mega litres.
  - Forecast significant new employment i.e. construction and ongoing, permanent and casual, direct and indirect.
  - Target timing for practical completion of April 2021.
15. In parallel, discussions on possible strategic partnering arrangements are continuing with both Hillgrove Resources and AGL. These discussions include the potential use in construction of existing on site (at the mine) equipment via arrangement with Hillgrove Resources and the possibility of the capacity of the facility being upsized via capital funding that is derived from sources external to council.
16. Similarly the RDA is acting as a facilitator in continuing to pursue potential new customers for recycled water for agri business to enable transition from dryland to irrigated land uses.
17. Prior to final project decision making by Council, the preparation of a business case will be completed. That will include:
  - Forecast reduction in wastewater treatment cost (capital and recurrent) if disposal of recycled water to the creek is avoided;
  - Forecast capital and recurrent cost of both stages of the project;
  - Forecast recurrent revenue from recycled water sales attributable to the project;

- Provision for asset renewal;
- Recognition of social and environmental benefits that would arise from the project;
- A statement of assumptions; and
- Identification of key risks and management of same.

**Community Engagement:**

Informing only	In due course, a communication strategy will be prepared and implemented to ensure that information provision to the local community occurs.
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**Policy:**

Not applicable to the grant funding application.  
Prudential Management Policy in relation to the project (see below).

**Long Term Financial Plan:**

Current provision is for total capital expenditure of \$7.5 million over the next five years.

**Budget:**

The 2019/20 budget has \$800,000 to enable stage 1 of the project to progress the preparation for the construction that includes the land acquisition and other deliverables such as geotechnical testing and engineering design to be undertaken.

To enable the project (both stages) to be completed, further capital funds are required. The forward estimates for wastewater/recycled water include further capital expenditure in 2020/21 and 2021/22 as previously presented to Council Members via informal gatherings.

Current estimate is that around 90% of the total project cost would be attributable to stage 1 and around 10% to stage 2.

The pursuit of grant funding is very important to supplement council funds derived from payments to council by developers via wastewater infrastructure fees when development is undertaken.

**Statutory/Legal:**

In due course a development application for the proposed facility will be required.

The transfer of the ownership of the proposed site (from Hillgrove Resources to Council) as per the 2010 contract between Hillgrove Resources and Council and recent letter from Hillgrove Resources to Council will need to be enacted in a timely manner.

The forecast capital cost of stage 1 would trigger the requirement for a prudential report to be prepared pursuant to the Local Government Act.

**Staff Resource Requirements:**

Funded from the project budget, Council has retained an external project manager (casual basis) who has direct experience in the design and construction of recycled water storage of this scale.

**Environmental:**

The proposed storage facility would deliver environmental benefits.

**Social:**

The proposed storage facility would deliver social benefit through the generation of employment and economic development as outlined in the application.

**Risk Assessment:**

A number of risks have been identified and for each a mitigation and management strategy is being prepared.

Risks include the timing and outcome of the development application process and the possibility of unexpected rock being encountered.

**Asset Management:**

Responsibility for management of the proposed storage facility would rest with council as is the case with the existing facility on Little Dublin Road that was constructed by council in 2010.

**Conclusion:**

Endorsement of Council’s application for grant funding from the Regional Growth Fund of \$1.25 million is recommended given the need for the facility and the community benefits that it would enable.

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Previous Decisions By/Information Reports to Council

Meeting Date	5 August 2019	HPRM Reference	DOC/19/85572
Title	Regional Growth Fund Application		
Purpose	To make known the intention for council to submit an application to the State Government for a grant from the Regional Growth Fund towards the design and construction of new recycled water storage at Callington.		

Attachment 1 to Item 12.6

Application ID	7506929
Created	30/07/2019 9:44 AM
Modified	09/08/2019 2:35 PM
Form name	Regional Growth Fund – Competitive Pool Application Form
Please select your eligible organisation type:	Local Government bodies
Please select your local government body	Mount Barker District Council
Legal entity (for contracts)	Mount Barker District Council
Do you have an ABN?	Yes
ABN	54 250 395 713
Do you have an ACN?	No
<b>Contact details</b>	
Preferred phone number	0408814111
Alternate phone number	83917218
Website address	www.mountbarker.sa.gov.au
<b>Business address details</b>	
Business address	6 DUTTON ROAD, MOUNT BARKER, SOUTH AUSTRALIA, 5251
Unit number	
Street number	6
Street name	DUTTON
Street type	ROAD
Suburb	MOUNT BARKER
State	SA
Postcode	5251
Address	6 DUTTON ROAD, MOUNT BARKER, SOUTH AUSTRALIA, 5251
<b>Postal address details</b>	
Is your postal address the same as your business address	No
Is your postal address a PO Box or similar?	Yes
Postal delivery type	PO BOX
PO Box number	54
Suburb	MOUNT BARKER
State	SA
Postcode	5251
<b>Contact person for project</b>	
Title	Mr

Given name	Brian
Family name	Clancey
Email	bclancey@mountbarker.sa.gov.au
Fax	83917299
<b>Legal Entity Authorised Recipient for Notices</b>	
Is the legal entity different to the contact person?	Yes
Title	Mr
Given name	Brian
Family name	Clancey
Phone number	83917218
Mobile	0408814111
Email	bclancey@mountbarker.sa.gov.au
Fax	83917299
Briefly describe your organisation (500 character limit)	Mount Barker District Council is responsible for the leadership and governance of public facilities and services within its area with a focus on sustainability providing vital economic, social and environmental support to its rapidly growing community. By 2035 the district population is forecast to exceed 50,000. The culture of the district is heavily influenced by its rural past and Council seeks to ensure that farming remains a strong part of its future.
Describe the industry sector in which it operates (500 character limit)	Council operates in the Public Service and Utilities sectors, owning and operating the largest council wastewater treatment scheme in SA, targeting 100% re-use. Septic tank effluent and sewage are treated and re-used including discharge to Laratinga Wetlands, watering of parks and ovals, dust suppression and irrigation by market gardeners. Council infrastructure includes an 18km recycled water pipeline from Mount Barker to Callington to achieve economic and environmental benefits.
Are you submitting as a lead organisation for a cluster of businesses?	No
Project title	Recycled Water for Economic Growth - Stage 1: Storage
Project commencement date	1/11/2019
Project completion date	30/04/2021

<p>What is your expected capital investment (500 character limit)</p>	<p>The estimated capital investment in Stage 1 is \$6.96m. The project scope is the design, construction and commissioning of a lined, earth bank storage with a capacity in the range of at least 450 and potentially 500 megalitres (ML), including inlet and outlet works and site security and safety elements. Anticipated cash outflows are \$1.74m in 2019/20 and \$5.22m in 2020/21 with Practical Completion targeted for end April 2021 followed by a 12 month Proving and Defects Liability Period.</p>
<p>How does your project drive new economic activity and how it will be implemented? (1200 character limit)</p>	<p>The new storage facility will be sited on land in the vicinity of Kanmantoo South and Callington (see attachment 4). This storage will provide a drought proof water supply enable the opening up of what is at present dormant land that given the suitable soil and climatic conditions can be converted to more productive primary production opportunities. The agribusiness expansion will deliver permanent and seasonal new employment, indirect employment through distribution including the exporting of produce with existing nearby infrastructure at Monarto. In parallel Hillgrove and AGL Energy have announced a proposal to develop a pumped hydro energy storage (PHES) project utilising the mine site. Council is a sustainable source of first fill water and of an estimated up to 500ML per annum of evaporation make up water. Both economic opportunities are new and independent of one another.</p>
<p>Will your project provide productive infrastructure for region?</p>	<p>Yes, for Region 1 and potentially for Region 5.</p>
<p>Does the project reduces the cost of doing business, and if so please provide details about how it will drive change and innovation, or allow for new economic activity. (500 character limit).</p>	<p>Studies indicate a very high level of interest by the private sector in gaining access to a reliable supply of water in this area for agribusiness. Recycled water will deliver a reliable (drought proof) supply for a range of agribusinesses. That will create new economic activity both direct (permanent and seasonal employment) and indirect via suppliers and packaging of produce and transport to export markets. The storage facility will enable major change to land use, delivering economic growth.</p>

<p>What are the ongoing job outcomes, demonstrating any commitment to local employment (500 character limit)</p>	<p>Job outcomes in terms of numbers are estimated in the Employment section below. The direct job outcome from irrigated agriculture will be substantially local and of significant numbers. Intensive horticulture will also lead to further processing job creation and value adding. The direct job outcome from the construction of the PHES is major with indirect benefits across the state as energy reliability and price stability are major economic enablers that lead to job creation.</p>
<p>If you will not be able to meet your employment needs from the local available skilled workforce, would you consider meeting your current needs through migration (e.g. city to region migration or skilled migrants) or providing training to upskill the existing regional workforce to meet your requirements? (500 character limit)</p>	<p>It is expected that the majority of FTE requirements will be satisfied from within Regions 1 and 5 as well as from metropolitan Adelaide in some instances, e.g. designers, specialist technicians and trades. It is also expected that end users i.e. agricultural irrigators and AGL will need to provide relevant training to their workforces to optimise the benefits of their investments.</p>
<p>Number of construction jobs (if applicable) (200 character limit)</p>	<p>PHES project - preliminary estimate of 35 FTE construction jobs over a 3 year period. Storage - est. 25 FTE over an 18 month period.</p>
<p>Number of ongoing new FTE (200 character limit)</p>	<p>Storage - est. 50-200 FTE in consequent agribusiness over 20 year period PHES project - preliminary estimate of 5 FTE.</p>
<p>Number of retained FTE (200 character limit)</p>	<p>Council retains 7 FTE to support its Wastewater and Recycled Water business unit.</p>

<p>How does the proposed project aim to achieve sustained economic benefits to the broader regional community, (eg benefit is not directly associated with the applicants, Local supplier inputs) (1200 character limit)</p>	<p>The sustained economic benefits to the broader community will be a combination of the irrigated agricultural benefits and the PHES benefits. The supply of recycled water can sustain both industries in the long term. The new water storage facility would enable the establishment of various irrigated agriculture industries. The majority of Council's recycled water would supply irrigated agricultural markets and the balance of water would be available to supply the PHES, for first fill and subsequent evaporation. Council's uncommitted supply is currently 500ML/a. With growth, council's total supply capacity is forecast to increase to 2,300ML/a in 10 years time to enable expanded supply to agricultural markets. Exports from the Mount Barker region to other markets (National &amp; International) will significantly increase to underpin growth opportunities and will act as a catalyst for new ventures and partnerships in emerging industries. New enterprise will also support the growth needed to increase the number of Mount Barker residents working within the region and reduce congestion at the bottom of the freeway.</p>
<p>Will your project provide increased financial economic contributions through increasing merchandise and service exports or import replacement or direct investment into SA, if so please provide details (500 character limit).</p>	<p>Council's support for enablement of irrigated agriculture and PHES project provides significant additional economic and job creation contributions. Irrigated agriculture will generate up-front capital investment, with new jobs and increased export revenue. The delivery of the PHES scheme would see substantial capital expenditure and provide greater energy supply and price stability for South Australia.</p>

<p>How the project contributes to transformational change for an industry or sector (1200 character limit)?</p>	<p>Agriculture is a significant sector of the local Mount Barker economy and currently fruit production makes up 13.3% of this sector. Recycled water will transform land use by opening up currently dormant land in the Callington area to provide a catalyst for further horticultural growth, especially with regard to cherry, stone-fruit and almond production and this has the potential to provide significant economic benefits including further expansion of fruit production in the region. The ability to ramp up irrigated agriculture (dry land plus water supply) that is drought-proof, and appropriately priced, creates a compelling investment proposition for the private sector. Also, the PHES project would utilise the area of an existing mining lease, combined with the availability of recycled water, to allow for the transformation of a worked-out mine site to a long term energy storage and peak demand generation operation that will contribute to SA's energy supply and price stability. In addition, Council's utility business will seek to optimise its revenues from the project by recognising the price and demand elasticity of recycled water as referenced to the end use.</p>
<p>Will your project assist in diversifying the region's economy, building resilience to deal with shocks and take advantage of emerging opportunities, if so please provide details. (500 character limit)</p>	<p>The expansion of the horticulture sector will bring additional value-add benefits to Callington and Kanmantoo via increased land values, further residential growth opportunities and the attraction of processing, freight and logistics operations which will lead to local jobs growth and resilience in agriculture markets. Resilience will also be achieved via the use of recycled water which is drought proof. The PHES project will provide long term resilience to energy supply across the State.</p>

<p>Describe how the project can be sustained without further intervention by government after the funding is provided (1200 character limit)</p>	<p>Mount Barker District Council is a financially robust public entity with an excellent track record of achievement and fiscal responsibility. Total forecast annual revenue in 2019/20 is \$69m including \$10m from Wastewater/Recycled Water. The ongoing population growth will bring increases in wastewater flows and recycled water generation and will result in increased revenues for accepting and treating those flows as well as for recycled water sales. Council intends to diversify its markets for recycled water as much as possible but it is a fact that there is greater overall demand in summer. For that reason, seasonal storage which is the subject of this funding application, is a key element in managing demand risk and optimising sales volumes and revenues. Council is committed to the capital investment, and once created, the operating cost of the storage is very modest, whereas the storage provides the opportunity for higher water sales revenues. Funding for the construction of stage 2 of the project, to deliver the recycled water to new end customers via augmentation infrastructure is anticipated to be quite modest relative to the estimated capital cost of storage.</p>
<p><b>Project address</b></p>	
<p>Project location</p>	<p>My address is not listed - Allow me to supply my own.</p>
<p>Unit number</p>	<p>See attachment 4</p>
<p>Street number</p>	<p>Full occupation</p>
<p>Street name</p>	<p>Mine Road</p>
<p>Street type</p>	<p>Road</p>
<p>Suburb</p>	<p>Kanmantoo</p>
<p>State</p>	<p>SA</p>
<p>Postcode</p>	<p>5252</p>
<p>X Coordinates</p>	
<p>Y Coordinates</p>	
<p><b>Other project details</b></p>	
<p>Certificate of Title reference</p>	<p>CT6141/596</p>
<p>Is the property leased?</p>	<p>No</p>
<p>Does the project fit within current regional plans? (e.g. Regional Development Australia Regional Roadmaps, Local Council Plans, Government plans, Industry Plans)</p>	<p>Yes</p>

<p>1. List the plan and briefly describe how it aligns? (1200 character limit)</p>	<p>The project aligns with the relevant RDA Roadmap and goal of infrastructure provision and maintenance (see attached letter), and the policy area of population growth which notes: 'Modern waste treatment and waste water reuse technology and its potential for technology transfer and collaboration/networking to bring economies for participating Councils. Waste water reuse know-how, expertise and experience in the region and a regional approach to commercialisation of this resource. A regional (and inter-regional) waste water reuse and stormwater harvesting network.' The project also contributes to the policy areas of skills, regional jobs, economic development, innovation, and the natural environment. There is obvious alignment with Council as the Mount Barker 2035 Strategic Plan includes as a high priority "Use recycled water as a catalyst for economic development opportunities" and funding for the project has been included in the budget. Council and SA Water commissioned Hudson Howells to undertake the Mount Barker Irrigation Scheme Marketing Sounding study. This study is in response to Council's intent to collaboratively develop a sustainable commercial market for recycled water.</p>
<p>2. How will the project assist to implement the productive economic infrastructure for the region (500 character limit)</p>	<p>The storage will incrementally increase water supply that is drought proof to be used for economic benefit. The storage infrastructure balances the supply and demand of recycled water to enable regular access to water to stimulate capital investment in production of value added commodities such as agricultural produce and potentially electrical energy. Balanced development will preserve and enhance the rich cultural landscape, by opening up the possibility of more on-farm activities.</p>
<p>Grant amount sought</p>	<p>1250000</p>
<p>Applicant contribution (excluding in kind)</p>	<p>5710000</p>
<p>List any existing applications and contracts relating to this project for which Commonwealth or Local Government assistance has been / or is being sought. Describe the outcome for each. (500 character limit)</p>	<p>Nil</p>
<p>Other in-kind contributions or donations</p>	<p>200000 land</p>
<p>Other funding sources eg bank finance</p>	<p>0</p>

Total expenditure for project	\$7,160,000.00
Upload your documents:	Attachment 1_190806 Letter from Hillgrove to Council - executed.pdf, Attachment 2_Letters of support_6 Off.pdf, Attachment 3_Annual Business Plan 2019-20 Wastewater and Recycled Water.pdf, Attachment 4_Existing Wastewater Reuse Layout.pdf, Attachment 5_Project Management Plan_Economic Development through Recycled Water initiatives.pdf, Attachment 6_Mount Barker Irrigation Scheme Final Report Dec 2018 v14.pdf, Attachment 7_Hillgrove Resources ASX Press Release_Pumped Hydro Project.pdf, Attachment 8_Hillgrove Concept study for the storage of treated water_D AB BH (2).pdf, Attachment 9_Economic Impact Report_Construction & Agricultural Production.pdf
<b>Summary</b>	
I declare that the information supplied is true and correct in every particular.	checked
Date	09/08/2019

<b>12.7</b>	<b>REPORT TITLE:</b>	<b>REGIONAL SPORTS HUB BOARD AND SUB-COMMITTEE TERMS OF REFERENCE AND INDEPENDENT BOARD MEMBERS NOMINATION PANEL</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/101322</b>
	<b>ATTACHMENTS:</b>	<b>1 - DOC/18/103831 - RSH BOARD TERMS OF REFERENCE 2 - DOC/18/104443 - RSH SUB-COMMITTEE TERMS OF REFERENCE</b>
	<b><u>Key Contact</u></b>	<b>Ros McDougall, Risk and Governance Officer</b>
	<b><u>Manager/Sponsor</u></b>	<b>Brian Clancey, Deputy CEO/General Manager Governance, Strategic Projects, Wastewater/Recycled Water</b>

**Mount Barker 2035 – District Strategic Plan:**

Community Wellbeing

CW 5: Recreation and Physical Activity Development

CW5.2: Provide facilities and space that encourages physical activity

**Annual Business Plan:**

Nil

**Purpose:**

To seek approval of the Terms of Reference for the Regional Sports Hub Board and Sub-Committee.

To appoint members to the Independent Board Members Nomination Panel.

**Summary – Key Issues:**

- Draft Terms of Reference for the Regional Sports Hub Board and Sub-Committee have been developed;
- A Panel is proposed to be appointed to undertake a process that culminates in nominations being presented to a council meeting for the appointment of the 4 independent Board Members;

**Recommendation:**

That Council:

1. Approve the draft Terms of Reference of the Regional Sports Hub (RSH) Board (attachment 1) and its Sub-Committee (attachment 2);
2. Appoint the Mayor and the General Manager, Community Services (Mr Greg Parker) to the RSH Independent Board Members Nomination Panel and an independent

person with significant experience in the sport and recreational sector who is to be chosen by the Mayor and General Manager, Community Services ;

3. Note that a report to a future Council meeting from the Panel will recommend the four (4) independent members to be appointed to the RSH Board.
4. Note that Budget Review 1 for 2019/20 will need to include an adjustment to the adopted Council budget to make provision for costs associated with the recruitment process and sitting fees for the independent board members, a total of \$12,000.

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**Background:**

1. Council Members had two workshops (2 October 2018 and 4 March 2019) to discuss the proposed governance and management model of the Regional Sports Hub (RSH).
2. At the 1 April 2019 Council meeting the Regional Sports Hub Part 1 Operations and Governance Model (prepared for council by Brian Cunningham and Associates) was adopted.
3. The Model recommended 1 Council Committee (the RSH Board) and 1 sub-committee.
4. The Model recommended the Board be in place 12 months before the Regional Sports Hub is expected to be operational. Operational target is late 2020.
5. It is anticipated that all of the Board members could be appointed at the Council meeting in either December 2019 or January 2020.

**Discussion:**

6. Terms of Reference were drafted for the RSH Board and the sub-committee.
7. Feedback on the working draft was sought via:
  - a meeting of the Regional Sports Hub Project Partners Group (comprising a group of the funding partners being – Football Federation of SA, SA National Football League, Netball SA, SA Cricket Association and Tennis SA); and
  - a combined workshop with the Council Members and the Audit and Risk Committee.

**Board**

8. The Board will have an opportunity to provide feedback to Council on the Terms of Reference (Attachment 1) and a draft Business Plan which is to be developed using the adopted Business Case and Addendum and the Operations and Governance Model.
9. The Board is accountable to Council and its role and objective is to:
  - ensure that the facility is promoted and that there is maximum participation while seeking to minimise the cost;
  - set the strategic direction and govern the operational management;

- be responsible for the strategic, financial and governance aspects;
  - establish and manage lease/licence agreements with users;
  - consider commercial arrangements;
  - direct all activity on the site; and
  - provide advice to Council on matters referred to the Board by Council.
10. The Board will be a Local Government Act Section 41 Council Committee with the following key aspects:
- 10.1 Membership to be comprised 4 independent members and 1 council member with all appointments to be made by a council meeting resolution including to appoint a member as the Chairperson. This is the same composition as that for the Council's Audit and Risk Committee which is working very well.
  - 10.2 The 4 independent members will have a cross section of experience and will be paid a sitting fee. It is envisaged the sitting fee will be a similar amount to that of the Audit and Risk Committee (see below under Budget).
  - 10.3 A staff member will be appointed to assist the Board as the Executive Officer (envisaged as being the General Manager, Community Services Mr Greg Parker).
  - 10.4 The Board will have some delegated authority as detailed in Section 7 on pages 3 and 4 of Attachment 1.
11. The Board meetings will be open to the public (unless considering a confidential matter) and will comply with the requirements under the Local Government Act for the timeframes involving notice of meetings and minutes etc.

Independent Board Members Nomination Panel

12. A 3 person panel is recommended to undertake the process of recruiting the 4 independent Board members and will be assisted by the Risk and Governance Officer.
13. Membership of the Panel is recommended to be the Mayor, the General Manager Community Services and an independent person with significant experience in the sport and recreational sector to be chosen by the Mayor and General Manager Community Services.

Sub-Committee

14. The Board must be in place before the Sub-committee can be established.
15. The Board will have an opportunity to review the Terms of Reference for the Sub-committee (Attachment 2) and provide feedback to Council.
16. The Sub-committee is the communication mechanism for RSH users to the Board and will advise on operational matters e.g. bookings, events, requests, complaints; and effectiveness of the management of the facility.
17. Membership of the Sub-committee will comprise:
- 17.1 A chairperson (see point 18 below)
  - 17.2 one nominee from the three State Sporting Organisations that feature in stage 1 and one nominee from their local/regional league/association being the

Football Federation of SA, South Australian National Football League and SA Cricket Association

- 17.3 if there are other regular RSH user groups they can collectively nominate up to two nominees;
  - 17.4 Netball SA and Tennis SA being ex-officio members
  - 17.5 One Council Member
  - 17.6 Each of the above to have a proxy member.
18. The Executive Officer to the Board (envisaged to be the General Manager Community Services Mr Greg Parker) is proposed to be the Chairperson of the Sub-Committee which will achieve connectivity between the Board and the Sub-committee.
19. The Sub-Committee meetings will be open to the public (unless considering a confidential matter) and will comply with the requirements under Part 3 of the Local Government (Procedures at Meetings) Regulations 2013.
20. It is not proposed that a sitting fee be payable to members of the Sub-Committee.

Future Decisions

21. A future report to a Council meeting:
- will include the recommendations from the Nomination Panel on independent member appointments to the RSH Board including for the role of Chairperson; and
  - will include recommended independent member remuneration i.e. sitting fees;
  - will require the appointment of 3 different Council Members to :
    - o a Council Member to the RSH Board;
    - o a Council Member to the RSH Sub-Committee;
    - o a Council Member as proxy to the RSH Sub-Committee

**Community Engagement:**

Informing only	Information is provided via this report which is available on Council's website. Information will be available when recruitment for independent Board members commences.
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**Policy:**

N/A

**Long Term Financial Plan:**

This project is included in the LTFP including operating costs as forecast in the Regional Sports Hub Business Case as at 5 December 2017 and addendum 01 as at 17 January 2019 (adopted by Council 6 May 2019). A further update to the Business Case is currently being prepared.

As per the Business Case Addendum 01 adopted 6 May 2019, the forecast direct operational deficit (excluding depreciation and interest costs associated with the required council loan) for the first full year of operations is circa \$54k per annum. This amount includes provision for the payment of sitting fees to independent board members. The current forecast total operating deficit, assuming council contributes around \$8 million to the capital cost of stage 1 as is notionally provisioned in the LTFP is

circa \$737k per annum (including operational, depreciation and interest costs associated with the required council loan).

**Budget:**

It is anticipated that a small budget will be required for the recruitment/Nomination Panel process (advertising, independent person, recruitment services, administration costs) for independent Board Members – a \$5,000 budget is recommended.

Sitting fees for independent board members are anticipated to be similar to the Audit and Risk Committee members who are currently paid: Chairperson - \$482 and other independents \$362. If an inaugural meeting and 2/3 further meetings are held within the current financial year a budget of around \$7,000 will likely be required. These operating costs (a total of \$12,000) will need to be included at the first Council budget review later this calendar year. The first full year of the board sitting may have up to 6 meetings requiring an operating budget in 2020/21 of around \$12,000.

**Statutory/Legal:**

The Terms of Reference have been developed in accordance with Section 41 of the Local Government Act 1999.

**Staff Resource Requirements:**

The Risk and Governance Officer will assist the Independent Board Members Nomination Panel.

**Environmental:**

N/A

**Social:**

N/A

**Risk Assessment:**

There is a risk that Council may not get sufficient applicants with the required expertise for the independent Board member appointments.

**Asset Management:**

N/A

**Conclusion:**

It is timely to now formalise the attached Terms of Reference and to commence the recruitment process for the four independent members of the Board.

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Previous Decisions By/Information Reports to Council

Meeting Date	1 April 2019	HPRM Reference	DOC/19/4289
Title	MOUNT BARKER REGIONAL SPORTS HUB OPERATIONS / GOVERNANCE MODEL AND BUSINESS STRATEGY		
Purpose	To seek Council endorsement of the Mount Barker Regional Sports Hub operating and governance model (part 1) (attachments 1 and 2) and the business strategy (part 2) (attachment 3) to enable preparation for operations to proceed.		

Attachment 1 to Item 12.7



**MOUNT BARKER**  
DISTRICT COUNCIL

## **Mount Barker Regional Sports Hub Board**

### **Terms of Reference**

Established as a Committee of the Mount Barker District Council  
pursuant to Section 41 of the Local Government Act 1999

*Endorsed by Council at its meeting on TBA*

#### **1. NAME**

- 1.1 The Committee will be known as the Mount Barker Regional Sports Hub Board (the Board) *(pending Council determining a formal name of the facility)*

#### **2. ROLE AND OBJECTIVES**

- 2.1 The Board will:
  - 2.2.1 maximise participation of the facility and seek to minimize the cost
  - 2.2.2 promote the services and facilities of the Regional Sports Hub (RSH);
  - 2.2.3 have responsibility for the strategic, financial and governance aspects of the RSH;
  - 2.2.4 set the strategic direction and govern the operational management of the RSH facilities in order to meet the key objectives of the RSH as set out by Council in the adopted Business Strategy and the Operating and Governance model;
  - 2.2.5 be responsible for the establishment and subsequent review of management and lease/licence agreements with RSH users;
  - 2.2.6 consider commercial arrangements to optimise returns to the RSH;
  - 2.2.7 provide advice to Council on any matter referred to the Board by Council; and
  - 2.2.8 be responsible for directing that all activity undertaken within the RSH site is in accordance with legislative requirements.

#### **3. SUB-COMMITTEE**

- 3.1 The Board will establish a User Sub-Committee to be known as the Regional Sports Hub User Sub-Committee (Sub-Committee).
- 3.2 The Sub-Committee will report to the Board.
- 3.3 The Sub-Committee will be advisory, it will not have any delegated powers.

- 3.4 The Council will provide to the Board a draft Terms of Reference including the composition for the Sub-Committee and provide an opportunity for the Board to provide feedback to the Council before finalising the Terms of Reference. The same opportunity will be afforded to Council should the Board subsequently propose to alter the Terms of Reference for the Sub-Committee.
- 3.5 The Board will take into account the advice from the Sub-Committee on user requirements and arrangements including their input to scheduling and feedback on the effectiveness of the facilities' operations.
- 3.6 The Chairperson of the Sub-Committee will be same person as the Executive Officer to the Board.

#### **4. ACCOUNTABILITY**

- 4.1 The Board is accountable to Council.

#### **5. FUNCTIONS AND RESPONSIBILITIES OF THE BOARD**

The Board will:

- 5.1 Direct the preparation of policies necessary to govern the RSH facilities for Council approval.
- 5.2 Direct the preparation of procedures and associated governance mechanisms to enable the effective implementation of the approved policies and the approved annual business plan.
- 5.3 Present a draft annual business plan and budget, including proposed commercial undertakings and key performance indicators, by 30 March each year for Council approval.
- 5.4 Prepare and present a draft 3 year rolling business plan for Council approval.
- 5.5 If requested, provide high level advice to Council on matters concerning the facilities and adjacent developments.
- 5.6 Present a 3 year marketing plan for Council approval.
- 5.7 Govern the implementation of the marketing plan.
- 5.8 Encourage commercial sponsorship and investigate other sources of revenue and make recommendations to Council.

## 6 REPORTING

- 6.1 The Board shall provide quarterly reports to Council summarising the financial and operation position against the annual business plan key performance indicators.
- 6.2 The Board shall provide an annual report to Council by no later than 30 September each year which will also include whether the Board believes changes are required to the Terms of Reference.

## 7. DELEGATED AUTHORITY

The Board will have delegated authority to:

### 7.1 Meetings:

- Determine the time and place for Board meetings.

### 7.2 Sub-Committee

- Establish the sub-committee following endorsement from Council of the proposed Terms of Reference for the Sub-Committee and will be known as the Regional Sports Hub Sub-Committee (Sub-Committee).
- Members of the Sub-Committee may be removed from office by Board resolution at any time.

### 7.3 Procedures and associated administration.

- Approve regional sport hub procedures and associated administration necessary to implement the approved annual business plan and that are consistent with approved Council policies relevant to the RSH.

### 7.4 Management and Other Agreements

- Negotiate and execute the management agreements that are in accordance with the approved RSH Business Strategy and Operations and Governance Model and approved Council Policies, with the user groups.

### 7.5 Financial:

- Consult with the Sub-Committee to formulate a draft annual budget to be submitted to Council by 30 April each year.
- Having regard to strategic objectives assess and regularly review to what extent a subsidy should apply to each regular user group and ensure that any subsidy is disclosed and reported on.
- Expend Council's approved budgeted funds.
- Set RSH fees and charges.

- Raise funds through approved fees or charges and deposited with Council for receipting to the RSH account.
- Consider, endorse and recommend to Council grant funding applications to external bodies from Council, user groups, associations and State Sporting Organisations.
- Other revenue streams.

7.6 Contracts

- Enter into contracts within the approved annual budget in accordance with Council's procurement processes and policies.

7.7 Lease/Licence

- The power to grant a lease or licence consistent with objectives.

**8. FREQUENCY OF MEETINGS**

Meetings will initially be scheduled bimonthly and eventually will be held quarterly and on an as needs basis.

**9. MEMBERSHIP AND APPOINTMENT**

9.1 The Board shall comprise 4 independent members and 1 Council Member (ensuring a different Council Member to that on the Sub-Committee).

9.2 Council will determine the process to appoint the Board members;

9.3 Two (2) Independent Members will be appointed for two (2) years and the Independent Chairperson and other member will be appointed for three (3) years. A person is eligible for reappointment at the expiry of their term.

9.4 One of the Board Members is to be appointed by Council as the Independent Chairperson .

9.5 Each independent Board Member will be remunerated on the basis of a sitting fee per meeting attended.

9.6 The Independent Chairperson will be remunerated an additional amount in recognition of this further responsibility.

9.7 Each independent member of the Board shall have Australian Institute of Company Directors (AICD) qualifications (or equivalent) or demonstrated experience, comprising:

- An independent Chairperson with:
  - o broad commercial, local or state government experience; and
  - o connections (as well as broad governance background),

- o high level commercial acumen and financial management skills, and
    - o preferably with an interest or background in community development and/or sports management and administration.
  - At least one independent board member with:
    - o high level commercial acumen,
    - o contract management
    - o financial management skills,
    - o significant experience or past involvement in the management and growth of sports facilities;
    - o in master planning; or
    - o in leisure and/or recreation.
  - At least one independent board member with:
    - o significant experience or past involvement in the management of community events;
    - o experience in marketing and/or
    - o the provision of community / disability / public health services; and
    - o with a sound understanding of the important of a whole of community focus for the facility.
  - An Executive Officer appointed by Council will be present at all meetings. The Executive Officer will not be member of the Board and will be a Council Management representative with broad experience and/or portfolio of responsibilities ranging across strategy, communications, operations, facilities, leases and licences, asset management or facility management.
- 9.8 Members of the Board may be removed from office by Council resolution at any time.
- 9.9 Members of the Board may resign their position at any time by giving notice of their intention in writing to the Chairperson of the Board or if the Chairperson of the Board is resigning, then to the Executive Officer.
- 9.10 If a vacancy occurs on the Board Council will appoint a replacement Member to the Board.

## **10. QUORUM**

- 10.1 The quorum will be 3 members.

When the Chairperson is absent, the members present shall choose who is to fulfil that role for the meeting.

## **11. ACCESS TO MEETINGS**

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

are able to attend all meetings unless prohibited by resolution of the Board under the confidentiality provisions of Section 90 of the Act.

- 11.2 Members of the public shall have access to all documents related to the Board unless prohibited by resolution of the Board under the confidentiality provisions of Section 90 & 91 of the Local Government Act (1999).

## **12. NOTICE OF MEETINGS**

- 12.1 The Board shall conduct its meetings in the Council Chamber, Local Government Centre, 6 Dutton Road, Mount Barker until such time as construction of Stage 1 of the RSH has been completed and thereafter at the RSH.
- 12.2 In accordance with Section 87 of the Act a 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 Board and observers, no later than three (3) clear days before the date of the meetings. Supporting papers shall be sent to Board Members (and to other attendees as appropriate) at the same time.
- 12.3 Notice of meeting, agenda and supporting information will be placed on public display at the RSH, Council's Customer Service Centre and the Council's website.

## **13. MINUTES**

- 13.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Board, including recording the names of those present and in attendance, are minuted and that the minutes otherwise comply with the requirements of the *Local Government (Procedure at Meetings) Regulations 2013*.
- 13.2 Minutes of Board meetings shall be circulated within five (5) clear days after a meeting to all members of the Board and to all members of the Council.
- 13.3 Minutes of the Board meeting will be placed on Council's website, on public display at the Council's Customer Service Centre within five (5) clear days of the meeting and kept on display from the beginning of the previous year.

## **14. MEETING PROCEDURE**

- 14.1 The Board shall conduct meetings in accordance with the *Local Government Act 1999* and observing the provisions Part 1 – Preliminary, Part 2 – Meetings of Councils and Key Committees and Part 4 – Miscellaneous of the *Local Government (Procedures at Meetings) Regulations 2013*; and Council's Code of Practice for Meeting Procedures; and Code of Practice (Access to Council and Committee Meetings and Documents).

14.2 Conflict of Interest declarations are required pursuant to S 73 - 75B of the Local Government Act 1999.

#### **15. OTHER**

The Board shall have access to reasonable resources in order to carry out its duties.

#### **16. REVIEW**

A review will be undertaken by an independent consultant appointed by Council, after 2 years of the Board being operational and again at 5 years. This review will consider governance arrangements, management agreements, financial and operational aspects including the co-ordination and management of facilities.

A review of the Board Terms of Reference can occur at any time that the Council deems is required but in any event, will occur within 12 months of the Local Government general elections.

#### **17. ACCESS TO TERMS OF REFERENCE**

The Board's Terms of Reference is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au)

#### **18. FURTHER INFORMATION**

For further information on this Terms of Reference or the operations of the RSH Board, please contact:

Name: Ros McDougall  
Title: Risk and Governance Officer  
Address: Mount Barker District Council  
PO Box 54,  
Mount Barker South Australia, SA, 5251  
Telephone: 8391 7231  
Email: [rmcdougall@mountbarker.sa.gov.au](mailto:rmcdougall@mountbarker.sa.gov.au)

Attachment 2 to Item 12.7



**MOUNT BARKER**  
DISTRICT COUNCIL

## **Regional Sports Hub Sub-Committee**

### **Terms of Reference**

Established pursuant to S41  
of the Local Government Act 1999 by the RSH Board

*Endorsed by RSH Board at its meeting on ??*

#### **1. ROLE**

- 1.1 The Sub-Committee will be established by the Regional Sports Hub Board (the 'Board').
- 1.2 The Sub-Committee will advise the Board on the operational aspects of the Regional Sports Hub (RSH) including:
  - Bookings
  - Special Events
  - Requests
  - Complaints
  - Performance of the facilities
  - Effectiveness of the management of the facilities
  - Communication.

#### **2.1 REPORTING RESPONSIBILITIES**

- 2.1 The Sub-Committee will report to and advise the Board.

#### **3. DELEGATED AUTHORITY**

The Sub-Committee will not have any delegated authority for expenditure or decision making.

#### **4. FREQUENCY OF MEETINGS**

The Sub-Committee will determine the time and dates for its meetings which are scheduled to be held bimonthly, reducing to quarterly by year 2-3.

Special meetings can be held as required.

## 5. MEMBERSHIP AND APPOINTMENT

- 5.1 The Sub-Committee will be comprised of:
- 5.1.1 The Chairperson being the person appointed by Council (from time to time) to the role of Executive Officer to the RSH Board.
  - 5.1.2 One nominee of the State Sporting Organisations **and** one nominee from their local league/association or local club (as determined by the State Sporting Organisations) that regularly use the Regional Sports Hub being:
    - Football Federation SA (FFSA)
    - SA National Football League (SANFL)
    - SA Cricket Association (SACA)
  - 5.1.3 One Council Member (to be appointed by a Council meeting resolution).
  - 5.1.4 If there are other regular RSH user groups, they may collectively nominate up to two nominees for appointment to the Sub-Committee by the RSH Board.
  - 5.1.5 One additional nominee from the following State Sporting Organisations **and** one nominee or delegates from their local league/association or local club (as determined by the State Sporting Organisations) will be considered ex-officio until that stage of construction for netball and tennis facilities is approved by Council:
    - - Netball SA
    - - Tennis SA
  - 5.1.6 Each of the above members is entitled to appoint a proxy member who can attend when the member is unable to attend and should advise the Chairperson;
- 5.2 There is no remuneration for Sub-Committee members.
- 5.3 Sub-Committee Members may be removed by the Board.
- 5.4 Members of the Sub-Committee may resign their position by giving notice to the organisation they represent and advising the chairperson of the Sub-Committee;
- 5.5 From time to time members may change their nominee;
- 5.6 If a vacancy occurs the organisation without a representative will have an opportunity to advise the Board of the replacement member.
- 5.7 If the Chairperson is absent a proxy will be present.

## **6 QUORUM**

The quorum will be 5.

## **7 ACCESS TO MEETINGS**

- 7.1 In accordance with the principles of open, transparent and informed decision making, Sub-Committee meetings must be conducted in a place open to the public. Members of the public are able to attend all meetings unless prohibited by resolution of the Sub-Committee under the confidentiality provisions of Section 90 of the Act.
- 7.2 Members of the public shall have access to all documents related to the Sub-Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 & 91 of the Local Government Act (1999).

## **8. NOTICE OF MEETINGS**

- 8.1 The Sub-Committee shall conduct its meetings in the Council Chamber, Local Government Centre, 6 Dutton Road, Mount Barker until such time as construction of stage 1 of the RSH has been completed and thereafter at the RSH.
- 8.2 That a generic public notice and agenda will displayed at the Customer Service Centre and the Council's websites along with meeting dates. .

## **9. MINUTES**

- 9.1 The minutes will include the names of members present; each motion; and disclosure of interest, any order made under Section 90 and 91 of the Local Government Act.
- 9.2 Minutes of Committee meetings shall be circulated within five (5) clear days after a meeting to all members of the Sub-Committee and to all members of the Regional Sports Hub Board.
- 9.3 Minutes of the Sub-Committee meeting will be placed on Council's website, on public display at the Customer Service Centre within five (5) clear days of the meeting and kept on display from the beginning of the previous year.

**10. MEETING PROCEDURE**

- 10.1 The Committee shall conduct meetings in accordance with the *Local Government Act 1999* and observing the provisions Part 1 – Preliminary, Part 3 – Meetings other Committees and Part 4 – Miscellaneous of the Local Government (Procedures at Meetings) Regulations 2013; ; and Code of Practice (Access to Council and Committee Meetings and Documents). Part 2 of the Regulations do not apply to this Committee.
- 10.2 Conflict of Interest declarations are required pursuant to S 73 - 75B of the Local Government Act 1999.

**11. REVIEW**

RSH Board will initiate a review from time to time to ensure the effectiveness of the sub-committee.

**12. ACCESS TO TERMS OF REFERENCE**

The Sub-Committee's Terms of Reference is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au)

**13. FURTHER INFORMATION**

For further information on this Terms of Reference or the operations of the Sub-Committee, please contact:

Name: Ros McDougall  
Title: Risk and Governance Officer  
Address: Mount Barker District Council  
PO Box 54,  
Mount Barker South Australia, SA, 5251  
Telephone: 8391 7231  
Email: [rmcdougall@mountbarker.sa.gov.au](mailto:rmcdougall@mountbarker.sa.gov.au)

<b>12.8</b>	<b>REPORT TITLE:</b>	<b>REVIEW OF POLICIES – FUNDING POLICY; TRADE WASTE DISCHARGE POLICY; DISPOSAL OF COUNCIL LAND AND OTHER ASSETS POLICY; TOURISM SIGNS POLICY</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>FOL/15/205_DOC/19/102430</b>
	<b>ATTACHMENTS:</b>	<b>A1: DOC/19/103032– FUNDING POLICY A2: DOC/18/131526 TRADE WASTE DISCHARGE POLICY A3: DOC/19/74749 – DISPOSAL OF COUNCIL LAND AND OTHER ASSETS POLICY A4: DOC/19/104809 – TOURISM SIGNS POLICY</b>
	<b><u>Key Contact</u></b>	Vivien Pegler, Personal Assistant to General Manager Community Services
	<b><u>Manager/Sponsor</u></b>	Greg Parker, General Manager Community Services

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**Mount Barker 2035 – District Strategic Plan:**

Governance and Leadership

GL2: Corporate capacity and leadership

GL2.1 Demonstrate accountability through clear, relevant and easily accessible policies and corporate reporting

**Annual Business Plan:**

5.3.2 Risk and Governance

**Purpose:**

To provide a list of four (4) revised Policies and to adopt the revised policies related to:

1. Funding Policy
2. Trade Waste Discharge Policy
3. Disposal of Council land and other Assets Policy
4. Tourism Sign Policy

**Summary – Key Issues:**

Four (4) revised policies are provided for adoption.

**Recommendation:**

That Council adopt the following revised policies:

1. Funding Policy
  2. Trade Waste Discharge Policy
  3. Disposal of Council land and other Assets Policy
  4. Tourism Sign Policy
-

**Background:**

1. Council's outdated policies have recently been reviewed and have been revised using the new templates.
2. Council's external auditors have also highlighted that the Funding Policy and Trade Waste Discharge Policy are overdue for review.

**Discussion:**

3. Council has in place a policy framework that encourages regular review of policies.
4. Below is a list of policies reviewed and the revision changes are noted as strikethrough and red for new content. The revised policies are included as Attachment 1-3.

<b>Policy Name</b>	<b>Revision Changes</b>
Funding Policy	Converted to new Template.
Trade Waste Discharge Policy	Converted to new template, Addition of Roles and Responsibilities
Disposal of Council land and Assets Policy	Converted to new template. Added IT disposal options to benefit the community.
Tourism Sign Policy	Converted to new template

5. As staff work through further policy revision there will be similar future reports to Council.

**Community Engagement:**

Informing only	The revised Policies will be placed on Council's website.
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**Policy:**

There is a policy framework

**Long Term Financial Plan:**

N/A

**Budget:**

There is no budgetary impact.

**Statutory/Legal:**

None of the above policies are required by Legislation.

**Staff Resource Requirements:**

There is no impact on staff resourcing.

**Environmental:**

N/A

**Social:**

The revised Policies will assist the community in understanding Council's requirements.

**Risk Assessment:**

There is a risk that policies that are not revised may no longer be relevant.

**Asset Management:**

N/A

**Conclusion:**

Relevant Policies have been revised and provided for approval.

## Previous Decisions By/Information Reports to Council

Meeting Date	5 May 2014 3 November 2008	HPRM Reference	DOC/12/105644 10/30812
Title	Funding Review		
Purpose	Provide Audit Committee with the draft Funding Policy following review.		

Meeting Date	15 September 2014 15 December 2011 18 April 2004	HPRM Reference	14/084329 11/150539 10/30898
Title	Review of Council's Trade Waste Discharge Policy		
Purpose	To provide consultation feedback on the revised Trade Waste Discharge Policy so that Council can adopt the Policy.		

Meeting Date	5 September 2016 4 November 2013	HPRM Reference	DOC/16/80873 13/080092
Title	Disposal of Council Land and Other Assets Policy		
Purpose	To seek the Audit Committee's endorsement of the amended Disposal of Council Land and Other Assets Policy provided with this report.		

Meeting Date	3 August 2015 19 April 2004	HPRM Reference	DOC/15/57526 DOC/10/30896
Title	Tourism Signs Policy		
Purpose	To provide a list of revised policies		

Attachment 1 to Item 12.8



**MOUNT BARKER**  
DISTRICT COUNCIL

## TITLE: FUNDING POLICY

REFERENCE NUMBER:	DOC/103032
RESPONSIBLE OFFICER/ DEPARTMENT:	Corporate Services
APPLICABLE LEGISLATION:	Local Government Act 1999 Local Government (Financial Management) Regulations 2011
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	Governance and Leadership GL:1 – Manage assets and liabilities through a planned, long term approach.
RELATED POLICIES:	Treasury Management Policy
SUPPORTING PROCEDURES:	
PREVIOUS REVIEW DATES:	5 May 2014
ENDORSED BY COUNCIL:	5 May 2014
MINUTE RESOLUTION NUMBER:	<i>OM20140505.06</i>
NEXT REVIEW DATE:	2 September 2022

### 1. PURPOSE

This policy sets out a rationale for funding Council's wide range of functions now and in the future and should be read in conjunction with the Treasury Management Policy. This Funding Policy ensures that there is a consistent, rational and fair basis for funding Council activities.

### 2. SCOPE

This Policy is applicable to Council Members and Staff.

### 3. DEFINITIONS

Urban greenfields development shall mean new urban subdivisions on land previously used for primary production.

#### 4. ROLES & RESPONSIBILITIES

**Council:**

- Council is responsible for approving the policy and using their revenue raising powers responsibly by raising sufficient revenue to ensure financial sustainability.

**Chief Executive Officer:**

- The Chief Executive Officer is responsible to Council for managing the funds of Council to ensure that the objectives of Council are achieved in an effective and efficient manner.

**Chief Financial Officer:**

- The General Manager Corporate Services is responsible for promoting a best practice approach in support of effective financial management practices and properly functioning controls.

#### 5. POLICY STATEMENTS

- 5.1 General benefits may be defined as expenditure which:
- provide benefits which are independent of the number of persons who benefit from the expenditure; or
  - generate benefits which do not accrue to identifiable persons or groups of persons; or
  - generates benefits to the community generally.
- 5.2 These benefits will generally be funded by the Community from general rates raised in accordance with Chapter 10 of the Local Government Act 1999.
- 5.3 Direct benefits are defined as expenditure which provides direct benefits to persons or categories of persons in a manner which matches the extent to which the direct benefits accrue to persons or categories of persons.
- 5.4 Wherever practicable these benefits will be charged to the direct beneficiary through the making of:
- a user charge where this is practicable, and where direct charging is consistent with Council policy, and with fairness and equity for that particular service.
  - Direct benefits will be largely, if not wholly, funded by user charges for development processes (to the extent permitted by law), refuse disposal, wastewater and water charges and certain services delivered directly to individuals or groups.
- 5.5 Direct benefits will be partially funded from general rate revenue for those services the Council makes available to the whole community, regardless of ability to pay, or where the Council seeks to assist or encourage organisations

or individuals, or where the Council is seeking to influence developments and trends in the District.

5.6 User Charges for all of the Council's services are reviewed every year as part of the budget process on the basis of:

- the cost of the service
- community acceptability of the current charge
- fairness and equity of charges
- the impact of user charges on the community and the Council's purpose in providing the service.

## **6. CONTROL OF NEGATIVE EFFECTS**

6.1 Where costs are caused by the action or inaction of persons or categories of persons, then those costs will be allocated to those persons by:

- firstly a direct charge (to the extent permitted by legislation), or
- where a direct charge is not possible by the use of one of the following,
- rating mechanisms according to similar principle outlined for direct benefits in 5.4, or separate rates.

## **7. CAPITAL FUNDING**

7.1 Capital expenditure will be funded from the following sources:

- operating surplus minus any carried forward operating deficit,
- capital grants and contributions received from external parties,
- borrowings as per Council's Treasury Management Policy,
- sale of surplus assets,
- partnerships and joint development with third parties,
- the provision of depreciation for capital renewal and replacement.

## **8. INTER-GENERATIONAL EQUITY**

8.1 In order to ensure that today's users pay today's costs of utilising Council's assets and to prevent costs being incurred by the current generation which are for the benefit of future generations, the following mechanisms will be employed by the Council:

- all assets will be depreciated at a rate assessed to reflect the life of particular assets, and
- Asset Management Plans are maintained for all major assets owned by Council to ensure that an appropriate rate of renewal of existing assets is planned for and carried out.

## **9. ANNUAL BUDGET**

9.1 The annual budget is prepared in consultation with the Council according to the following order and criteria.

- Operating expenditure and revenues are determined in accordance with statutory obligations, agreed maintenance service levels and delivering outcomes of the Strategic Plan, Annual Business Plan, Long Term Financial Plan and Asset Management Plans.
- New operating initiatives are determined with reference to the Strategic Plan, Annual Business Plan and Long Term Financial Plan.
- Capital renewal and replacement expenditures are determined in accordance with the Asset Management Plans and prioritised in consultation with the Council.
- New capital expenditure is determined in accordance with the Strategic Plan, Annual Business Plan, Asset Management Plans and the Long Term Financial Plan and prioritised in consultation with the Council.
- The annual budget is reviewed in accordance with the Local Government (Financial Management) Regulations 2011.

**10. REVIEW**

This Policy will be reviewed every three (3) years or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Manager Financial Services.

**11. ACCESS TO THE POLICY**

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au).

**12. FURTHER INFORMATION**

For further information on this Policy, please contact:

Title: Manager, Financial Services

Address: PO Box 54, Mount Barker  
South Australia, SA, 5251

Telephone: 08 88391256

Email: [jscoggins@mountbarker.sa.gov.au](mailto:jscoggins@mountbarker.sa.gov.au)

Attachment 2 to Item 12.8

**TITLE: TRADE WASTE DISCHARGE POLICY**
**MOUNT BARKER**  
 DISTRICT COUNCIL

REFERENCE NUMBER:	Doc/18/131526
RESPONSIBLE OFFICER/ DEPARTMENT:	The Manager, Health & Public Safety
APPLICABLE LEGISLATION:	SA Public Health Act 2011 Water Industry Act 2012 Local Government Act 1999
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	Community Wellbeing CW 2.4 Work with the community to help it understand comply with relevant public safety regulations and by-laws. CW 2.7 Provide a wastewater treatment system to deliver public health outcomes.  Urban Environment UE 5.1 Continue to build on Council’s reputation as a leader in wastewater management.  Governance and Leadership GL 2.10 Ensure compliance with legislative requirements.
RELATED POLICIES:	N/A
SUPPORTING PROCEDURES:	<ul style="list-style-type: none"> <li>• Trade Waste Discharge Application Procedure</li> <li>• Trade Waste Charging Procedure</li> <li>• Trade Waste Non Compliance Procedure</li> </ul>
PREVIOUS REVIEW DATES:	15 September 2014
ENDORSED BY COUNCIL:	
MINUTE RESOLUTION NUMBER:	<b>OM20140915.09</b>
NEXT REVIEW DATE:	August 202 <del>2</del> 3

## 1. PURPOSE

To protect the environment, public health, Council infrastructure and employees from adverse effects of trade waste discharges to Community Wastewater Management Systems (CWMS) through a trade waste management program.

## 2. SCOPE

This policy applies to all premises connected to the District Council of Mount Barker's CWMS via an onsite wastewater system. Premises not connected to CWMS, are subject to compliance with legislation such as the *South Australian Public Health Act 2011*, and *Environment Protection Act 1993* and associated Regulations and Policies.

3.

The trade waste discharge policy essentially comprises 5 major components that aid in addressing the main principles of the trade waste policy:

The primary objectives of this Policy are:

- to administer a trade waste management program to control the types and quantities of non-domestic discharges into Council's CWMS treatment plants in accordance with Local Acceptance Criteria (LAC).
- to apply a charging structure based upon the 'polluter pays' principle applicable to trade waste discharges exceeding standard domestic quality and quantity to:
  - recover the cost of services and treatment associated with the additional loading on the system;
  - recover the cost of damage to the CWMS;
  - encourage waste minimisation and water conservation;
  - support sustainable development.
- to protect public health and the environment by prohibiting or limiting non-degradable, inhibitory or toxic substances that could:
  - cause the waste treatment process to fail;
  - pose a risk to maintenance staff or public health;
  - render effluent or sludge's unacceptable for reuse or disposal or;
  - adversely impact the receiving environment.
- to increase understanding and awareness within the business community, of the concepts of environmental management, eco-efficiency and waste minimisation and encourage the adoption of these into business practices.
- to identify and maximise opportunities for waste minimisation, reuse, recycling and water conservation within industry.
- to increase awareness and facilitate compliance with relevant environmental legislation impacting on businesses.

- to continually review and develop the trade waste program including LAC, fees and charges and associated policy procedures.

#### 4. DEFINITIONS

**ANZECC** refers to the Australian and New Zealand Environment Conservation Council

**Section 56 Authorisation** is an authorisation pursuant to section 56 of the *Water Industry Act 2012* issued by the Council in its capacity as a water industry entity, which authorises the discharge of trade waste from an onsite wastewater system into the CWMS infrastructure.

**Blackwater** is the term used to describe human body wastes discharged into a water carriage system via a water closet and/or urinal.

**CWMS** refers to a Community Wastewater Management System for the collection, treatment and disposal of septic tank effluent.

**Greywater** is the term used to describe the wastewater discharge from waste fixtures such as a bath, basin, dishwashing machine, kitchen sink, laundry trough, washing machine or other sanitary fixture permitted for use in a premise. It excludes human waste such as blackwater (also referred to as sullage wastewater).

**LAC** refers to Local Acceptance Criteria, which set the limits for acceptable physical and chemical characteristics of trade waste. These limits are based on criteria developed by SA Water, ANZECC and SA Health guidelines.

**Regulations** means the *South Australian Public Health (Wastewater) Regulations 2013*

**Sewage** refers to the combination of blackwater and greywater when conveyed through a drain and/or rising main.

**Trade Waste** refers to any liquid or solid waste conveyed as wastewater in a water carriage system from any private, commercial or industrial premises, other than sewage or sullage wastewater. It also includes any wastewater as deemed by Council and in excess of a standard residential dwelling (500 litres per premises per day) e.g. hospital, lodging house, nursing home etc.

**Wastewater** is the liquid that is collected and transported through the Community Wastewater Management System (CWMS). It may include discharges from domestic, commercial and permitted industrial sources or other activities and can include trade wastes.

**Wastewater Works Approval**, means an approval issued by the Council for wastewater works under the Regulations and includes an approval in force prior to the commencement of the Regulations under the *Public and Environmental Health (Waste Control) Regulations 2010*.

**Wastewater works** include—

- the installation of a wastewater system (including a temporary system) or part of a community wastewater management system; or
- the alteration of a wastewater system involving—
  - i. a change to the capacity of the system; or
  - ii. a change in the type of system used for collecting or managing wastewater; or
- the decommissioning of a wastewater system (excluding a temporary system); or
- the connection of a wastewater system to a CWMS or the disconnection of a wastewater system from a CWMS.

**ROLES & RESPONSIBILITIES****Council:**

- Adopt a policy that clarifies responsibilities and ensure an appropriate budget allocation is provided

**Chief Executive Officer:**

- To ensure that sufficient Council resources are provided to undertake the inspections;

**General Manager**

- To ensure that staff can appropriately assess applications in a consistent manner

**Manager**

- To ensure that the inspection timeframes are complied with.

**Environmental Health Officers (EHOs)**

To assess applications and issue approvals under the Regulations and section 56 authorisations under and the *Water Industry Act 2012*. Council's EHOs:

- manage the installation process for trade waste systems and the monitoring of the ongoing operation of trade waste systems;
- provide advice and investigate complaints in regards to trade waste; and
- calculate trade waste charges payable every 6 months.

Council's CWMS investigate and recover any costs associated with damage to the CWMS resulting from unauthorised discharges into the CWMS.

**5. POLICY STATEMENT****Introduction.**

Council's wastewater treatment plants (WWTPs) were originally designed to receive and treat domestic waste, and as a result are susceptible to adverse effects by the acceptance of unregulated trade wastes from commercial and industrial premises.

The Council is committed to meeting its obligations in relation to the treatment, disposal and reuse of wastewater effluent and sludge consistent with the Australian Guidelines for Water Recycling (2006), the *Environment Protection Act 1993* and the associated licence conditions that attach to the WWTPs.

As suppliers of recycled water, Council is committed to the responsible operation and management of its WWTPs and recycled water system to ensure appropriate water quality is always maintained. Council has a Risk Management Plan in place for the recycled water scheme in accordance with the Australian Guidelines for Water Recycling to manage all risks including trade waste.

Domestic wastewater usually consists of black water and grey water comprising organic material which, after treatment can be sufficiently reduced to an effluent of a quality suitable for discharge into a CWMS.

Trade waste may be produced in much larger volumes and be of an organic strength many times that of domestic waste which can overload the treatment facility. Trade waste is also likely to contain non-organic substances that are more difficult to treat via the treatment system such as hydrocarbons, solvents and heavy metals. They can also contain substances that can inhibit or adversely affect the treatment system such as dissolved salts. Substances such as grease, oils, chemicals and prohibited substances can cause damage to Council's CWMS infrastructure and can pose a risk to maintenance staff or personnel. Some substances cannot be treated at all and if discharged, will pass through to the receiving environment and affect the quality of the recycled water. To protect the CWMS treatment system, trade wastes are accepted based on criteria determined by the capabilities of the treatment plant and the ANZECC National Guidelines for acceptance of trade waste. Non-biodegradable or toxic substances are limited or prohibited.

The Council is responsible for assessing and approving applications for onsite wastewater systems within its area in accordance with the Regulations. Onsite wastewater systems that discharge trade waste into Council's CWMS require separate authorisation under s56 of the *Water Industry Act 2012*.

## **Application**

### **1) Education & Awareness:**

A large component of the trade waste program involves educating the business community on trade waste issues and raising awareness of related environmental management issues such as waste minimisation, water conservation and cleaner production. This is ongoing and continues to develop as new technologies emerge and legislative requirements change.

**2) Necessary Approvals:**

A person must not install or connect an onsite wastewater system to the Council's CWMS without having obtained a wastewater works approval.

A condition of all wastewater works approvals for wastewater systems connected to the Council's CWMS that requires the discharge of any trade waste from that wastewater system to be subject to a section 56 authorisation.

This means that persons who operate a trade waste wastewater system must have:

- wastewater works approval under the Regulations; and
- a section 56 authorisation under the *Water Industry Act 2012*.

Once issued, a wastewater works approvals for an onsite wastewater system continue in force until such time as the onsite wastewater system is decommissioned (if any), and are subject to conditions imposed by the Council, which may be varied from time to time.

A section 56 authorisation operates subject to the conditions imposed by the Council.

**Application Fees**

Applications for a wastewater works approval and section 56 authorisation may be lodged with the Council. Fees apply.

The fee for an application for wastewater works approval is prescribed by Schedule 1 of the Regulations.

The application fee for a section 56 authorisation is as may be adopted by the Council from time to time in accordance with section 188(e) of the *Local Government Act 1999*. The fee (if any) is contained in the Council's schedule of fees and charges available at: [www.dcmtbarker.sa.gov.au](http://www.dcmtbarker.sa.gov.au)

**3) Inspections:**

Premises issued with a wastewater works approval and section 56 Authorisation will receive scheduled inspections to assess the operation and maintenance of the trade waste system against the approval and authorisation conditions. The renewal of section 56 authorisations that operate for a specified period is contingent upon the council being satisfied (following an inspection of the relevant wastewater system) that all conditions attaching to the section 56 authorisation have been complied with.

**4) Enforcement and Non Compliance:**

Non-compliance with a wastewater works approval constitutes an offence under the Regulations. The Council may issue an expiation notice for a breach of a condition of a wastewater approval if the condition that has been breached is a prescribed expiable condition under regulation 25(2)(a) of the Regulations.

Unauthorised discharge of trade waste into the Council's CWMS is an offence under the *Water Industry Act 2012* in respect of which an expiation fee of \$750 and maximum penalty of \$25,000

The Council considers that enforcing breaches of a wastewater works approval and/or section 56 authorisation is necessary to preserve the integrity of the Council's CWMS infrastructure, which is in the interests of public health. Enforcement action will be taken in accordance with the Council's Enforcement Policy and the Trade Waste Non-Compliance Procedure.

#### **5) Polluter Pays Charges:**

The Council's service charge for CWMS is based upon the 'polluter pays' principle. This means that the principal ratepayer of a property that discharges qualities and quantities of waste above that of a standard domestic dwelling is liable to pay a greater amount than the principal ratepayer of a property that discharges domestic waste. . Reduction of the amount payable by way of a service charge may be possible where a principal ratepayer employs wastewater minimisation and water conservation practices.

#### **Associated Trade Waste Procedures**

In accordance with the provisions set out in the Local Government Act 1999, SA Public Health Act 2011, Water Industry Act 2013 and associated Regulations, the following procedures apply in relation to the discharge of trade wastes into Council's CWMS:

- Trade Waste Discharge Application Procedure
- Trade Waste Charging Procedure
- Trade Waste Non-Compliance Procedure

#### **6. REVIEW**

This Policy will be reviewed every three (3) years or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Health & Public Safety Department.

#### **7. ACCESS TO THE POLICY**

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au)

## 8. FURTHER INFORMATION

For further information on this Policy, please contact:

Title: The Manager, Health & Public Safety

Address: PO Box 54, Mount Barker  
South Australia, SA, 5251

Telephone: (08) 8391 7200

Email: [jtann@mountbarker.sa.gov.au](mailto:jtann@mountbarker.sa.gov.au)

Attachment 3 to Item 12.8

## TITLE: DISPOSAL OF COUNCIL LAND AND OTHER ASSETS POLICY



REFERENCE NUMBER:	DOC/19/74749
RESPONSIBLE DEPARTMENT:	Corporate Services
APPLICABLE LEGISLATION:	<ul style="list-style-type: none"> <li>• Local Government Act 1999</li> <li>• Real Property Act 1886</li> <li>• Property and Business (Sale and Conveyancing) Act 1994</li> <li>• Development Act 1993</li> <li>• A New Tax System Goods and Services Tax Act 1999</li> <li>• Roads (Opening and Closing) Act 1991</li> </ul>
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	Goal Area 5 – Council Leadership
RELATED POLICIES:	<ul style="list-style-type: none"> <li>• Community Consultation Policy</li> <li>• Procurement Policy</li> </ul>
SUPPORTING PROCEDURES:	
ENDORSED BY COUNCIL:	2 September 2016
MINUTE RESOLUTION NUMBER:	<b>OM20160905.06</b>
NEXT REVIEW DATE:	2 September 2020

### 1. INTRODUCTION

- 1.1 In compliance with Section 49 of the Local Government Act 1999 (**Act**), Council should refer to this policy (**Policy**) when disposing of Land and Assets.
- 1.2 This Policy seeks to:
  - 1.2.1 define the methods by which Land and Assets are disposed of;
  - 1.2.2 demonstrate accountability and responsibility of Council to ratepayers;
  - 1.2.3 be fair and equitable to all parties involved;
  - 1.2.4 enable all processes to be monitored and recorded; and
  - 1.2.5 ensure that the best possible outcome is achieved for the Council.

- 1.3 Furthermore, Section 49 (a1) of the Act requires Council to develop and maintain policies, practices and procedures directed towards:
- 1.3.1 obtaining value in the expenditure of public money; and
  - 1.3.2 providing for ethical and fair treatment of participants; and
  - 1.3.3 ensuring probity, accountability and transparency in all disposal processes.
- 1.4 However, this Policy does not cover:
- 1.4.1 Land sold by Council for the non-payment of rates; or
  - 1.4.2 disposal of goods which are not owned by the Council, such as abandoned vehicles;
- as these are dealt with in the Act.

## 2. DEFINITIONS

In this Policy, unless the contrary intention appears, these words have the following meanings:

- 2.1 **Asset** means any physical item that the Council owns and that has at any time been treated pursuant to the Australian Accounting Standards as an 'asset', and includes Major Plant and Equipment and Minor Plant and Equipment. It **does not include** financial investments or finance related activities, trees or Land.
- 2.2 **Land** includes community land, vacant land, operational land, road reserves, any legal interest in land, and any other land-related assets, including all buildings (community and operational) on Land.
- 2.3 **Major Plant and Equipment** includes all major machinery and equipment owned by the Council with a current value over \$5,000. It includes all trucks, graders, other operating machinery and major plant items. It does not include Minor Plant and Equipment.
- 2.4 **Minor Plant and Equipment** includes all minor plant and equipment owned by Council with a current value of \$5,000 or less. It includes all loose tools, store items, furniture, second hand items removed from Major Plant and Equipment (such as air conditioners, bricks and pavers) and surplus bulk items (such as sand and gravel).

## 3. ROLES & RESPONSIBILITIES

- 3.1 *Council:*
- Approve a suitable Disposal of Council Land & Other Assets policy; and
  - Ensure appropriate resources to fulfil the effective outcomes of this policy.
- 3.2 *Chief Executive Officer:*
- Comply with this policy; and
  - Review the processes and the value of the policy.

- 3.3 *General Managers:*
- Ensure appropriate resources to fulfil the effective outcomes of the policy; and
  - Comply with this policy.
- 3.4 *Council Staff:*  
Comply with this policy.

#### 4. **POLICY PRINCIPLES**

Council must have regard to the following principles in its disposal of Land and Assets:

- 4.1 *Encouragement of open and effective competition*
- 4.2 *Obtaining Value for Money*
- 4.2.1 This is not restricted to price alone.
- 4.2.2 An assessment of value for money must include consideration of (where applicable):
- 4.2.2.1 the contribution to Council's long term financial plan and strategic management plans;
- 4.2.2.2 any relevant direct and indirect benefits to Council, both tangible and intangible;
- 4.2.2.3 efficiency and effectiveness;
- 4.2.2.4 the costs of various disposal methods;
- 4.2.2.5 internal administration costs;
- 4.2.2.6 risk exposure; and
- 4.2.2.7 the value of any associated environmental, community, social or economic benefits.
- 4.3 *Ethical Behaviour and Fair Dealing*
- Council is to behave with impartiality, fairness, independence, openness (subject to commercial considerations) and integrity in all discussions and negotiations.
- 4.4 *Probity, Accountability, Transparency and Reporting*
- 4.5 *Ensuring compliance with all relevant legislation.*

#### 5. **CONSIDERATIONS PRIOR TO DISPOSAL OF LAND AND ASSETS**

Any decision to dispose of Land and Assets will be made after considering (where applicable):

- 5.1 the usefulness of the Land or Asset;

- 5.2 the current market value of the Land or Asset;
- 5.3 the annual cost of maintenance;
- 5.4 any alternative future use of the Land or Asset;
- 5.5 any duplication of the Land or Asset or the service provided by the Land or Asset;
- 5.6 any impact the disposal of the Land or Asset may have on the community;
- 5.7 any cultural or historical significance of the Land or Asset;
- 5.8 the positive and negative impacts the disposal of the Land or Asset may have on the operations of the Council;
- 5.9 the long term plans and strategic direction of the Council;
- 5.10 the remaining useful life, particularly of an Asset;
- 5.11 a benefit and risk analysis of the proposed disposal;
- 5.12 the results of any community consultation process;
- 5.13 any restrictions on the proposed disposal;
- 5.14 if the land is classified as Community Land, the content of any Community Land Management Plan;
- 5.15 The costs incurred to sell the Land or Asset;
- 5.16 any other relevant policies of the Council.

**6. DISPOSAL METHODS**

6.1 *Land disposal*

- 6.1.1 The Council may resolve to dispose of Land.
- 6.1.2 Where the Land forms or formed a road or part of a road, the Council must ensure that the Land is closed under the *Roads Opening and Closing Act 1991 (SA)* prior to its disposal.
- 6.1.3 Where Land is classified as community land, the Council must:
  - 6.1.3.1 undertake public consultation in accordance with the Act and the Council's public consultation policy; and
  - 6.1.3.2 ensure that the process for the revocation of the classification of Land as community land has been concluded prior to its disposal; and
  - 6.1.3.3 comply with all other requirements under the Act in respect of the disposal of community land.

- 6.1.4 Where the Council proposes to dispose of Land through the grant of a leasehold interest, the Council must have complied with its obligations under the Act, including its public consultation obligations under Section 202 of the Act.
- 6.1.5 The Council will, where practicable use a competitive method to dispose of Land. The following methods are appropriate depending on the individual circumstances:
- 6.1.5.1 *open market sale* - advertisement for disposal of the Land through the local paper and where appropriate, a paper circulating in the State, or by procuring the services of a licensed real estate agent and/or auctioneer (following compliance with the Council's Procurement Policy);
  - 6.1.5.2 *expressions of interest* - seeking expressions of interest for the Land followed by a select tender or, if approved by Council, direct negotiation;
  - 6.1.5.3 *select tender* - seeking tenders from a selected group of persons or companies where there is a compelling reason not to go to the open market;
  - 6.1.5.4 *open tender* - openly seeking bids through tenders including public auction;
  - 6.1.5.5 *negotiation by private treaty* – with an adjoining owner or owners if there are no other purchasers or with a State Government Agency, or for a purpose that has been specifically approved by Council.
- 6.1.6 Selection of a suitable disposal method will include consideration of (where appropriate):
- 6.1.6.1 the anticipated number and type of known potential purchasers of the Land;
  - 6.1.6.2 any constraints that will affect the market for the Land;
  - 6.1.6.3 any endorsed Council objective for the future use or ownership of the Land;
  - 6.1.6.4 the opportunity to encourage additional economic growth and social development in the District;
  - 6.1.6.5 the total estimated value of the disposal including the costs of preparation for sale; and
  - 6.1.6.6 ensuring compliance with statutory and other obligations.
- 6.1.7 If any Council Elected Member, employee or a member of their family wishes to bid for Council Land they must advise the CEO (or if it is the CEO the Mayor)

of their interest immediately in writing and avoid any involvement in the disposal or the decision making process related to the sale.

6.1.8 Land disposals should be at or above the current market value as determined for Council by a Certified Practising Valuer registered for that class of property in the State of South Australia. Council will prepare the instructions for the valuation eg identification of land, purpose of sale etc. The valuation must have been undertaken or formally updated within 12 months of the date of Council's acceptance of an offer or bid for the Land.

6.1.9 The Council will seek to dispose of Land at or above current market valuation by whichever method is likely to provide the Council with the best return within a reasonable time frame. If Land has been on the open market for at least 6 months without a sale occurring Council may, at its discretion, accept a lower offer than the current valuation.

6.2 *Assets disposal (excluding minor ICT assets)*

6.2.1 The sale of Assets (both Major Plant and Equipment and Minor Plant and Equipment) will be the responsibility of the relevant Council Officer who is responsible for those Assets.

6.2.2 The Council will, where appropriate, dispose of Assets through one of the following methods:

6.2.2.1 *trade-in* - trading in equipment to suppliers;

6.2.2.2 *expressions of interest* - seeking expressions of interest from buyers;

6.2.2.3 *select tender* - seeking tenders from a selected group of persons or companies;

6.2.2.4 *open tender* - openly seeking bids through tenders;

6.2.2.5 *public auction* - advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer (following compliance with the Council's Procurement Policy).

6.2.2.6 *Donation* - to community groups, charities, welfare or not for profit organisations.

6.2.3 Selection of a suitable method will include consideration of (where appropriate):

6.2.3.1 the public demand and interest in the Asset;

6.2.3.2 the method most likely to return the highest revenue;

6.2.3.3 the value of the Asset and whether it is Major Plant and Equipment or Minor Plant and Equipment;

- 6.2.3.4 the costs of the disposal method compared to the expected returns;
  - 6.2.3.5 compliance with statutory and other obligations; and
  - 6.2.3.6 community benefit.
  - 6.2.4 Preference will be given to community groups for Minor Plant and Equipment and such items will be donated or auctioned to the groups.
  - 6.2.5 Elected Members and employees of the Council will not be permitted to purchase Assets unless the purchase is via an open tender process or a public auction, and the tender submitted or bid made is the highest.
  - 6.2.6 Purchasers of Assets must be required to agree in writing that before purchasing any Asset that no warranty is given by the Council in respect of the suitability and condition of the Asset for the purchaser and that the Council will not be responsible for the Asset in any respect following the sale.
- 6.3 *Assets disposal (minor ICT assets)*
- 6.3.1 Council will dispose of used computers and other minor ICT assets when determined to be obsolete, surplus to requirements and/or hold no real value to the organisation as per Clause 6.2.2.
  - 6.3.2 Donations as per Clause 6.2.2.6 will be decided from applications by eligible community entities through the Community Grants process.
  - 6.3.3 In offering an asset(s) to a community entity the Community Grants Committee will have regard to:
    - a) the demonstrated need;
    - b) community benefit;
    - c) proposed use of the minor ICT asset; and
    - d) financial capacity of the requesting entity.
  - 6.3.4 Prior to disposal:
    - a) Before minor ICT equipment is sold, donated or disposed of, the equipment or media must have any information and software irreversibly removed. It must be physically inspected by ICT staff or their agents to determine that this process has been successful (as per ISO 27002). This process may require additional effort and/or equipment by others in order to bring the asset back to a functional state for use.
    - b) The recipient is to agree in writing that no liability is accepted by Council for the minor asset, no warranty is given by the Council in respect of the suitability and condition of the asset and that the Council

will not be responsible for the asset in any respect following its disposal.

**7. CONSULTATION**

The Council must undertake public consultation in respect of its proposed disposals in accordance with the Act and its public consultation policies at all times.

**8. DELEGATIONS**

The Council delegates authority to the Chief Executive Officer to set and amend from time to time the delegation limits to Council employees disposing of Council assets within the following estimated values (exclusive of GST):

Chief Executive Officer	Up to \$500,000
General Managers	Up to \$200,000
Assets & Contracts Manager	Up to \$25,000

**9. RECORDS**

The Council must record reasons for utilising a specific disposal method and where it uses a disposal method other than a competitive process.

**10. EXEMPTIONS FROM THIS POLICY**

This Policy contains general guidelines to be followed by the Council in its disposal activities. There may be emergencies, or disposals in which a tender process will not necessarily deliver best outcome for the Council, and other market approaches may be more appropriate. In certain circumstances, the Council may, after approval from its elected members, waive application of this Policy and pursue a method which will bring the best outcome for the Council. The Council must record its reasons in writing for waiving application of this Policy.

**10. REVIEW**

This Policy will be reviewed or every three (3) years or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the General Manager Corporate Services.

**11. ACCESS TO THE POLICY**

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website [www.dcmtbarker.sa.gov.au](http://www.dcmtbarker.sa.gov.au)

**12. FURTHER INFORMATION**

For further information on this Policy, please contact:

Title: Procurement Coordinator

Address: PO Box 54, Mount Barker

South Australia, SA, 5251

Telephone: (08) 8391 7263

Email: [bgraham@mountbarker.sa.gov.au](mailto:bgraham@mountbarker.sa.gov.au)

Attachment 4 to Item 12.8



MOUNT BARKER  
DISTRICT COUNCIL

**TITLE: TOURISM SIGNS POLICY**

REFERENCE NUMBER:	<a href="#">DOC/19/104809</a>
RESPONSIBLE OFFICER/ DEPARTMENT:	<a href="#">Community Services</a>
APPLICABLE LEGISLATION:	Local Government Act 1999
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	<a href="#">Economic Prosperity EP 4.3</a>
RELATED POLICIES:	• <a href="#">Nil</a>
SUPPORTING PROCEDURES:	• <a href="#">Form – Tourism Sign Application</a>
PREVIOUS REVIEW DATES:	<a href="#">19 April 2004</a>
ENDORSED BY COUNCIL:	<a href="#">3 August 2015</a>
MINUTE RESOLUTION NUMBER:	<a href="#">OM20150803.05</a>
NEXT REVIEW DATE:	<a href="#">August 2023</a>

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**1. PURPOSE**

The primary policy purpose of this Policy are to:

- Provide information that gives information on signage to localities, services and tourism destinations;
- Ensure there is restraint to prevent over-proliferation of signs.

**2. SCOPE**

This Policy is applicable to the following types of signs, namely:

- Fingerboard Signs
  - Tourism Signs
  - Temporary Signs
  - Advertising Signs
  - Moveable Signs
  - Interpretive and Informational Signs
- Excludes Regulatory Signs, Warning Signs, Guide Signs and Election Signage.

**4. DEFINITIONS**

Nil

**5. ROLES & RESPONSIBILITIES**

**Council:**

- Approve a policy for tourism signage

**Chief Executive Officer:**

- Ensure appropriate policy in place

**General Managers:**

- Ensure the Policy is applied

**Tourism Development Manager**

- Assess Tourism Sign Applications

**Field Services Staff:**

- Erect the signs

**6. SIGNS ON ROAD RESERVES**

Signs located in road reserves should be limited to:

- Street names, township directional and general information signs;
- Directional signs for community uses such as recreation facilities, private and state schools, churches etc
- Tourist attractions
- Council sponsored tourism events
- Rural activities such as stud farms, plant nurseries etc in obscure locations.
- Shopping centres and entertainment precincts but not individual businesses; and
- Moveable signs that confirm with Council by-laws

**7. TOURISM SIGNS**

The number of signs per attraction will be relevant to the location and determined by the Tourism Development Manager. To prevent an over-proliferation of signs restraint will be exercised to ensure there is no detracting from natural beauty or amenity of the area.

Signage in heritage areas will be installed as required by the Development Plan and Heritage Act 1993.

All tourism directional signs will be 'finger board' style with the signs to be made of extruded aluminium 830mm x 200mm. Lettering shall be 100mm in height and the signs will be colour coded to Australian Standards Road Sign Guidelines – Guide to Visitor and Services Road Signs in South Australia as follows:

Accommodation	white letters on blue background
Tourist attraction	white letters on brown background
Information	white letters on brown background
Accredited Visitors Information Centres	yellow letters on blue background <u>(registered trade mark)</u>

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Signs will be mounted on poles to aid angular placement and at a height of 2.1 metres on the pole.

An application form needs to be completed and approved and all costs paid in advance, prior to the sign being supplied and erected by Council.

**8. POLICY STATEMENT**

Tourism signage should be an efficient information system for the needs of the road users to direct people to a location they previously determined to visit.

**9. REVIEW**

This Policy will be reviewed every 4 four years or the frequency dictated in legislation, or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Andy Glen, Tourism Development Manager.

**10. ACCESS TO THE POLICY**

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au).

**11. FURTHER INFORMATION**

For further information on this Policy, please contact:  
 Title: Andy Glen, Tourism Development Manager  
 Address: PO Box 54, Mount Barker  
 South Australia, SA, 5251  
 Telephone: 0417 444416  
 Email: [aglen@mountbarker.sa.gov.au](mailto:aglen@mountbarker.sa.gov.au)

<b>12.9</b>	<b>REPORT TITLE:</b>	<b>CONCRETE FOOTPATH CAPITAL WORKS – CONTRACT AWARD</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>FOL/19/1172</b>
	<b>ATTACHMENTS:</b>	<b>NIL</b>
	<b><u>Key Contact</u></b>	Scott Thompson, Project Manager, Infrastructure
	<b><u>Manager/Sponsor</u></b>	Phil Burton, General Manager Infrastructure, Infrastructure

**Mount Barker 2035 – District Strategic Plan:**

*The Urban Environment*

**UE: 3** Objective: Quality Built Environment

**UE 3.7** Provide infrastructure asset maintenance and renewal programs.

**Annual Business Plan 2019/2020:**

Footpath Renewal Program 2019/20

**Purpose:**

To gain Council’s authority to award contract 2019.003 Concrete Footpath Program to Metro and Country Civil Pty Ltd “Preferred Tenderer” at the tendered schedule of rates.

**Summary – Key Issues:**

1. As part of Council’s Annual Business Plan and Budget, a list of footpaths has been identified for renewal or construction.
2. A competitive procurement process has been undertaken for these works, and future works, and a preferred tenderer has been identified.
3. This report is seeking Council’s approval for the award of a schedule of rates contract to the Preferred Tenderer for one year with the option of extending for up to another two years, renewed at yearly intervals (i.e. 1 + 1 + 1 year contract).

**Recommendation:**

That Council:

1. Authorises the award of the contract 2019.003 for the Concrete Footpath Program to Metro and Country Civil Pty Ltd (“Preferred Tenderer”) at the Preferred Tenderer’s tendered schedule of rates.
2. Authorises the Chief Executive Officer or his delegated officer being General Manager Infrastructure to execute contract documents between Council and the Preferred Tenderer.

**Background:**

1. The Mount Barker District Council (“Council”) is committed to maintaining infrastructure throughout the district and has a Capital Works Footpath Renewal Program which includes the renewal of footpath assets across the district.
2. Council has a budget available in the 2019/20 footpath renewal program of \$371,000
3. Over the next three years, it is anticipated that Council will spend in the order of \$1.2 million on footpath capital works.
4. Council has previously taken this approach to the delivery of this program which through project review, has highlighted cost and time efficiencies in comparison to previous methods of seeking individual quotes for this work on an as needed basis.

**Scope of Works**

5. This tender is for the installation of concrete footpath paths and associated works including kerbing and minor storm water installation as required for the efficiency in the delivery of the capital works footpath program.
6. This Request for Tender (“RFT”) has been issued as a one year contract with the option of extending the contract for two more consecutive years, renewed at yearly intervals at the discretion of Council subject to criteria including performance and budget approvals.
7. The following list of footpaths forms the intent for the Footpath Renewal Program 2019/2020 (concrete only):
  - Hawthorn Rd – Adelaide Rd to Aged Care Facility
  - Hutchinson St – Albert Pl to Knott St
  - Mann St – Gawler St to McLaren St
  - Alexandrina Rd – Exhibition Rd to Railway
  - Old Princes Hwy – Bridge St to Church (Subject to progression of Chapmans factory redevelopment)
  - Bridge St – Creek to Old Princes Hwy (West Side) (Subject to progression of Chapmans factory redevelopment)
  - Mt Barker Linear Trail (Subject to review of surface type)
8. Other minor concrete works including, but not limited to, kerb and watertable, may be undertaken under this contract.

**Tender Process/Strategy**

9. Pursuant to Council’s Procurement policy an open market tender was used to secure a suitably qualified Contractor to undertake the works.
10. This strategy was utilised in previous financial years and has resulted in positive outcomes.
11. The RFT was issued on 16 July 2019 and closed on 31 July 2019. Ten (10) tenders were received.

**Evaluation Overview**

12. The evaluation process comprised of assessment of the following financial and non-financial criteria with pre-determined weightings (as shown below) applied to each:
- a) Pricing – schedule of rates (60%)
  - b) Organisation Structure/Management & Technical Skills/Resources (10%)
  - c) Similar experience (20%)
  - d) Local business support (10%)
13. The tenders were evaluated by an evaluation panel (“Panel”) consisting of three (3) Council staff.
14. One (1) tender received did not conform to requested tender documentation and were therefore not considered for further review.

**Basis of Decision**

15. Following the comprehensive evaluation process and consideration of the views of the Panel, the Preferred Tenderer has been chosen on the following basis:
- Highest weighted score for the criteria overall.
  - Previous high quality footpath construction works for Council.

**Community Engagement:**

Informing only	Council minutes and program is on our website. Landholders affected will be contacted directly.
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**Policy:**

The tender process has been undertaken in accordance with Council’s Procurement Policy and associated procedures.

**Long Term Financial Plan:**

The renewal of footpath infrastructure is included in the LTFP and hasn’t varied since adoption of the LTFP.

**Budget:**

The budget allocation for the Footpath Renewal Program in 2019/20 program is \$371,000 which includes both design and construction.

**Statutory/Legal:**

This procurement process and contract award is in accord with the Local Government Act 1999 and all of Council’s policies and procedures.

**Staff Resource Requirements:**

Due to the nature of the works, this project is proposed to be delivered with onsite direction using in-house project management resources.

**Social:**

The Preferred Tenderer has 5 employees based within the Mount Barker District Council which will provide economic benefits to the region.

**Risk Assessment:**

WHS

The preferred tenderer is highly experienced in construction works of this nature and have been assessed to be capable of providing all required insurances and documentation prior to the commencement of works.

Financial Risk

The contract being a schedule of rates and the nature of the works, renders a low financial risk to Council, whilst also providing flexibility within the contract to manage any unforeseen variations or circumstances.

Reputational Risk

Not awarding this tender risks delaying construction of this year's program, resulting in potential community angst. Delaying the award of this tender risks work being carried out towards the wetter months of the year which will result in further delays and potentially additional cost impacts.

**Asset Management:**

The footpaths considered, proposed and endorsed by Council for the 2019/20 program are nominated via the Council's existing systems which are based on criteria which include condition, hierarchy and serviceability. The renewal footpaths within the 2019/20 footpath program have reached their end of life which will mitigate short term maintenance resulting from that existing infrastructure.

**Conclusion:**

The contracting of future footpath works is considered to be the most cost-effective and timely approach to delivering on Council's yearly annual business plan and therefore approval is sought to award the works to the recommended tenderer on the basis of the reasons outlined above in this report.

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Previous Decisions By Council - Nil

Meeting Date		HPRM Reference	DOC/
Title			
Purpose			

<b>12.10</b>	<b>REPORT TITLE:</b>	<b>SPEED MANAGEMENT STRATEGY FOR SOUTH AUSTRALIA</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/102710</b>
	<b>ATTACHMENTS:</b>	<b>ATTACHMENT 1 - DOC/19/102712 ENGAGEMENT ROUND 1 INVITE ATTACHMENT 2 – NOMINATIONS FROM COMMUNITY GROUPS</b>
	<b><u>Key Contact</u></b>	Matthew Dawkins, Manager Infrastructure Planning, Infrastructure
	<b><u>Manager/Sponsor</u></b>	Phil Burton, General Manager Infrastructure

**Mount Barker 2035 – District Strategic Plan:**

Governance and Leadership

GL2: Corporate capacity and leadership

GL2.1 Demonstrate accountability through clear, relevant and easily accessible policies and corporate reporting

**Annual Business Plan:**

UE:2 Integrated Spaces and Movement

UE2.1 Provide and advocate for transport options that promotes and enables accessibility and connectivity.

**Purpose:**

To advise that the Department of Planning, Transport and Infrastructure (DPTI) recently commenced the development of a state-wide Speed Management Strategy and has invited Council to put forward three (3) representatives to attend a consultation workshop.

**Summary – Key Issues:**

1. A state-wide Speed Management Strategy is being developed by DPTI.
2. The strategy will become the overarching policy for speed management practice in South Australia.
3. Councils are encouraged to have three (3) representatives involved in the consultation.

**Recommendation:**

That Council:

1. Vote via (either show of hands; secret ballot or motion for a specific Council Member);
  2. Nominate .....; and
  3. Nominate Amber Barnes, Senior Traffic Engineer and
  4. Nominate (name here) community member:  
as representatives to participate in the state-wide Speed Management Strategy consultation.
- 

**Background:**

1. The Department of Planning, Transport and Infrastructure (DPTI) have recently commenced development of a state-wide Speed Management Strategy.
2. The strategy will become the overarching policy position on speed management practice in South Australia.
3. The number of rural and urban road crash fatalities has plateaued and the strategy will develop a targeted response to the issues related to speed management.

**Discussion:**

4. DPTI is encouraging Councils to put forward three (3) representatives to be involved in the Round 1 engagement activities. See Attachment 1.
5. Representatives can include one community member/association, one Elected Member and one transport/traffic practitioner.
6. Council has sought nominations from community groups and the nominations received are included in Attachment 2.

**Nomination of Council Representative**

7. Council Members should consider whether they have a conflict of interest when nominating and whether they should participate in the vote.
8. If Council Members wish to nominate but will be absent from the meeting they may notify the Chief Executive Officer or the Executive Assistant to the CEO and Mayor via email or letter of their desire to nominate;
9. The Mayor will call for nominations.
10. If there are more nomination(s) than positions the Mayor will allow up to 2 minutes each for those members to explain why they are the most appropriate nominee.

**Voting Options**

11. Council will need to determine whether it wishes to vote via:
  - Show of hands; or
  - Secret Ballot; or
  - By a motion for a specific Council Member.

12. To determine the preferred method it is recommended that the Mayor seek a show of hands on the above three voting options.
13. All members in the Chamber including the Mayor shall be eligible to vote via a show of hands as this is not a motion, it is to gauge the preferred voting option.
14. Once the preferred voting option is clear, the Mayor will then seek a motion in the normal manner to formalise that.
15. Show Of Hands  
If via Show Of Hands is the preferred voting option, the Mayor will read out the name of the Councillor who has been nominated and ask Council Members to vote once for their preferred nominee. The Mayor is eligible to vote as this is not a motion it is to gauge the level of support for each of the nominees. The counting will be first past the post, majority vote. This will be followed by a request from the Mayor for a formal motion to confirm who is to be appointed.

OR

16. Secret Ballot  
Each Council Member in the Chamber including the Mayor will complete their voting slip with the name of the preferred Council Member. These will be collected and counted by a Council Officer present and an additional Council Officer acting as scrutineer.
17. The counting will be first past the post, majority vote.
18. The Mayor will announce the result of the ballot process and will call for a motion to formalise that.
19. Council Members will not be able to see the ballot papers after the vote is completed and the ballot papers will be destroyed by the scrutineers.

OR

20. A Motion  
If via a motion is the preferred voting option (without following an informal process first), the Mayor will ask the Council for a motion (i.e. that Council appoint Councillor X and if seconded, members will vote on that motion in the normal manner. If that motion is lost, a further motion will be called for being for a different nominee(s).
21. Tied Vote  
If there is a tie for the most votes using either (a) Show of Hands or (b) Secret Ballot, **but** there are also votes for other nominees, Council will undertake a further process (using the same voting option) with this then being restricted only to the two tied nominees who received the most votes.

22. If the subsequent result is a tied vote between candidates using either (a) Show of Hands or (b) Secret Ballot **and** no other candidates received any votes, the result will be decided by the scrutineer placing the Council Member names in a box and with the first name drawn out by the Presiding Member being the Council Member who is eliminated until there is only one name remaining. This will be followed by a motion and resolution

**Community Engagement:**

Informing only	Via Council Report.
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**Policy:**

Nil.

**Long Term Financial Plan:**

It is not known what impact the Strategy will have on the Long Term Financial Plan until the recommendations are available.

**Budget:**

There will not be an impact on the 2019/20 budget for staff to be involved in the consultation phase.

**Statutory/Legal:**

Nil.

**Staff Resource Requirements:**

Participation on the consultation will be included in existing staff hours.

**Environmental:**

Nil.

**Social:**

If a reduction in the number of crashes and fatalities due to speed can be decreased this will have a positive social impact.

**Risk Assessment:**

If Council does not nominate representatives, it will not be able to influence the strategy for the benefit of the district.

**Asset Management:**

Participation in consultation will not have any impact on current assets. The recommendations of the strategy may require new or renewal of significant asset to be brought forward in future years budgets.

**Conclusion:**

It is considered important that Council and the community participate in the development of the state-wide Speed Management Strategy.

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Previous Decisions By/Information Reports to Council - NIL

Attachment 1 to Item 12.10

**SPEED MANAGEMENT STRATEGY FOR SOUTH AUSTRALIA**

Opportunity to have your say

Government of South Australia  
Department of Planning,  
Transport and Infrastructure

**Invitation to attend**  
**ROUND 1**  
**ENGAGEMENT**  
**ACTIVITIES**  
**SPEED MANAGEMENT**  
**ISSUES AND NEEDS IN**  
**SOUTH AUSTRALIA**

During these events, the Consultant Team will share findings of initial research into speed management issues and best practice, and will seek your input via a structured workshop.

**Regional context workshop**

Friday 16 August 2019, 2-3 pm  
 Location: The Chaffey Theatre, Drama Room, Seventeenth St, Renmark

**Metropolitan context workshop**

Thursday, 5 September 2019  
 9.30 – 12noon  
 Location: Adelaide Pavilion, Corner South Terrace and Peacock Road, Adelaide

**Regional context workshop – video conference**

Thursday, 5 September 2019  
 1.30 pm – 4 pm  
 Via a video link, or attendance at LGA, 148 Frome St, Adelaide

Local Councils are encouraged to put forward three representatives: one community member/association representative, Elected Member/Mayor and a transport/traffic practitioner.

Attendance is free.

Please RSVP indicating which session you will be attending (or dialling into) to:  
**Jennifer Reynolds** 08 8402 1907  
[jennifer.reynolds@sa.gov.au](mailto:jennifer.reynolds@sa.gov.au)

Your feedback will enable the Speed Management Strategy to reflect community, stakeholder and best practice views. We thank you for your participation.

**About the project**

The Department of Planning, Transport and Infrastructure (DPTI) recently commenced development of a state-wide Speed Management Strategy (the strategy). Speed management has been identified as an essential component of the Safe Systems Approach, a nationally adopted framework to improve road safety and reduce fatal and serious injuries to zero. The number of rural and urban road crash fatalities in South Australia has plateaued, and the strategy will develop a targeted response to the issues related to speed management.

The strategy will become the overarching policy position on speed management practice in South Australia. It will be guided by the safe system principles, and its development will be informed by leading international best practice, an examination of current context, systems thinking, innovation and significantly, extensive consultation with key stakeholders (including government and non-government organisations) as well as the broader community.

The Consultant Team on this project is Intermethod and Be Engineering Solutions. The project commenced in July 2019 and will be completed in autumn 2020.

**Engagement stages**

It is essential that stakeholders, transport/traffic practitioners and community representatives provide their inputs into strategy preparation so that our approach reflects broad needs and considerations of the state. Our engagement on this project will involve three rounds of engagement activities:

**Round 1 engagement activities**

To understand speed management issues and needs

- August and September 2019

**Round 2 engagement activities**

To obtain inputs into draft Strategy directions

- October and November 2019

**Round 3 engagement activities**

To obtain feedback on draft strategy document

- January and February 2019

**Attachment 2 to Item 12.10**

An email was forwarded to known community groups and a post was published on Social media to call for nominations from a community member/association.

The following submission was the only one received:

*A representative from our group would be keen to attend the **Regional context workshop – video conference Thursday, 5 September 2019 1.30 pm – 4 pm** Via a video link, or attendance at LGA, 148 Frome St, Adelaide.*

**Traffic speed is a very important factor for cyclists, whether they be on-road cyclists riding alongside traffic or off-road cyclists crossing roads. This applies to both rural and urban roads, with rural roads having higher speeds and lower traffic volumes and urban roads having lower speeds and higher traffic volumes. Appropriate speed limits and speed management is paramount to the safety of cyclists and as such it is important that cyclists and other vulnerable road users have input into the Speed Management Strategy for SA. The Barker Districts Bicycle Users Groups local and regional knowledge of cycling on rural and urban roads will enable us to provide valuable input into the Strategy through the consultation process.**

Please let us know how we go.

Thanks,

Dave Hemmings  
Barker Districts Bicycle Users Group  
0410 130 285

<b>12.11</b>	<b>REPORT TITLE:</b>	<b>WARD DONATIONS</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/17/57321[V2]</b>
	<b>ATTACHMENTS:</b>	<b>NIL</b>
	<b><u>Key Contact</u></b>	<b>Sue Miller, Executive Assistant to Chief Executive Officer &amp; Mayor</b>
	<b><u>Manager/Sponsor</u></b>	<b>Andrew Stuart, Chief Executive Officer</b>

**Mount Barker 2035 – District Strategic Plan:**

Governance and Leadership

**Annual Business Plan:**

Nil

**Purpose**

To allocate ward donation funds to individuals or organisations.

**Summary – Key Issues**

- Council has budgeted an amount for 2019/20 of \$15,951 which equates to \$1450 for each Council Member to allocate to individuals and/or groups at the Council Members' discretion. This is known as a Ward Allowance.
- Council Members may nominate groups or individuals to receive a Ward donation from their allowance at each Council meeting.

**Recommendation**

That Council will make the following donations, given that each Member nominating the donation has given careful consideration to whether there is a conflict of interest:

<b>Council Member</b>	<b>Amount</b>	<b>Group/ Individual</b>	<b>Purpose</b>
Mayor Ferguson (DOC/19/100015)	\$50.00	Kaelum Barlow	Uniform and travel costs Rugby State Team selection
Mayor Ferguson (DOC/19/101294)	\$100.00	Melissa Coulter	Representation in the South Australian Pony Club team
Mayor Ferguson (DOC/19/101294)	\$100.00	Kimberley Coulter	Representation in the South Australian Pony Club team
Councillor Hardingham (DOC/19/105267)	\$50.00	David Cooney	Distinguished Gentleman's Ride

**Background**

1. Council receives many requests for assistance from individuals, community members and community groups. Requests may be received by Council Members via telephone, letter or via email, or direct to Council.
2. Council has budgeted an amount for 2019/20 of \$15,951 which equates to \$1450 for each Council Member to allocate to individuals and groups at the Council Members' discretion. This is known as a Ward Allowance.
3. The Representation Review process (completed in September 2013) ensures equal representation (Council Member per elector) in each Ward. No change was made to the number of Councillors in each Ward. This process ensures the amount of Ward Allowance available to the community is equal between each of the Wards. A further Representation Review process is scheduled to begin in October 2020.
4. At the end of each financial year, a report of the expenditure of Ward Allowances will be reported to Council.

**Ward Donation Procedures**

5. Members receive a print-out indicating how much is still to be spent.
6. Individual members of the community or community groups may require small financial assistance for projects/initiatives of community interest and benefit from Council.
7. These requests should be made directly to the Mayor and/ or Council Members for their consideration / assessment.
8. Any requests received directly by Council will be acknowledged by the Executive Assistant to the Chief Executive Officer and Mayor, and advised that any such requests received will be provided to all Council Members who may choose to contribute some funds from their annual Ward Allowance.
9. When determining donations, Council Members should consider the community interest / benefit to be received and enjoyed by the community at large as a result of that donation.
10. As per section S73-75A of the Local Government Act 1999 Council Members should also consider and assess any material, actual or perceived conflict of interest as a result of making a particular donation or voting on the donations.
11. At each Council Meeting, Council Members may nominate members of the community or community groups to receive a donation from their Ward Allowance. These donations are reflected in the Council meeting minutes, available on Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au)

12. Council Members are encouraged to advise the Executive Assistant to the Chief Executive Officer and Mayor as soon as possible of any requests for ward donations received in advance of Council meetings in order for such requests to be included in the Council meeting agenda. The form can be found on the extranet under Forms.
13. When making a donation in the Council Meeting, the Council Member should:
  - a. Declare who the donation is to be made to, the amount and the purpose of the donation; and
  - b. Complete and submit a Ward Donation Form to the Minute Secretary (Sue Miller).

**Community Engagement**

Informing only	Notification by way of Council minutes. Recipients will be notified of any donation.
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**Policy**

There are currently no Council Policies in relation to Ward Donations.

**Long Term Financial Plan:**

Nil

**Budget**

The budget allocation for Ward Donations is \$15,951 which equates to \$1450 recommended expenditure by each Council Member. Any unallocated ward allowance balance is not carried over to the next financial year.

**Statutory/Legal**

There are no statutory/legal implications or requirements in relation to Ward Donations.

**Section 73-75A of the Local Government Act 1999:**

However, Council Members should be mindful of material, actual or perceived conflict of interest that may arise as a result of making a ward donation.

**Staff Resource Requirements**

This is incorporated into the existing responsibilities of the finance staff.

**Environmental**

There are no environmental implications arising from this report or its recommendations.

**Social**

Ward donations enable individual members of the community and community groups to request small donations to assist with their endeavours.

**Risk Assessment:**

It is the responsibility of each Council Member to assess the risks association with the ward donations.

**Asset Management:**

There are no asset management implications arising from this report or its recommendations.

**Conclusion**

Council Members have the opportunity to make ward donations.

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**13. INFORMATION REPORTS**

**Recommendation**

That the following information reports be noted en bloc.

**13.1 REPORT TITLE: MOUNT BARKER BUSINESS SUPPORT PROGRAM**

**DATE OF MEETING: 2<sup>ND</sup> SEPTEMBER, 2019**

**FILE NUMBER: DOC/19/84024**

**ATTACHMENTS: Nil**

**Key Contact Bridget Ransome, Economic Development Officer,  
Economic Development & Sustainable Futures**

**Manager/Sponsor Greg Sarre, Manager, Economic Development &  
Sustainable Futures**

**Purpose:**

This report provides an outline of the Mount Barker Business Support Program of activities to be delivered in the 2019/20 financial year.

**Summary – Key Issues:**

Key Points.

1. A number of business support activities were conducted in the 2018/19 financial year including May Business Month.
2. Business support and development is a key component of the Economic Development unit's work program.
3. After reviewing activities undertaken in 2018/19, a revised program for 2019/20 has been developed with some modifications and new initiatives.

**Background:**

1. Over the past 3 years the Economic Development Unit at Council has delivered a range of professional development events for the benefit of the Mount Barker business community. Part of the annual program has also included May Business Month. In addition to events, Economic Development staff meet regularly with members of the business community to provide ad-hoc and tailored support and guidance as required.
2. May Business Month has been conducted every year for 3 years and has proven successful in raising the profile of business activity in the district and provided education and training opportunities to support hills-based businesses to grow and develop.
3. There is however a need to evolve and further develop the business support program and after a review of May Business Month an additional program of business support activity is proposed.

4. In order to more fully support a wider cross-section of the region's business community including start-ups, youth, entrepreneurs and the more mature business operator, Economic Development has now put together the following business support program to be delivered across the 2019/20 financial year.

**Discussion:**

5. Although May Business Month is a joint initiative with the Adelaide Hills Council principal responsibility for much of the management and staging of the program has rested with Mount Barker in order to deliver the 40-50 events within the program every year for the past 3 years. During the 2019 program it was noted that all events were down in attendance with some activities cancelled due to lack of registrations and a distinct lack of local business engagement. It is for these reasons that Economic Development will seek to review the structure of May Business Month to refine the offering in 2020. In addition to this, the on-going budget and resource allocation for Economic Development activities has been spread across the 2019/20 year to offer a more targeted and strategic approach to business support as per the following additional activities.
6. In partnership with Business SA it is proposed Council will financially support the delivery of business scholarships within the following categories:
  - a. The South Australian Young Entrepreneur Scheme (SAYES) will offer a place to a resident aged 18-35 who is looking to grow or establish a business. This is a 12-month program that will cover the fundamentals of running a business. Value: \$1,500
  - b. Encore is a mentoring and business planning program designed for residents aged over 35 years who are looking to establish or grow a business. This is a 12-month program with participants able to develop a comprehensive business plan and sustainable business model. Value: \$1,600
  - c. Export Ready Program is for a business that is new to exporting, or those that are already exporting and want to take a more strategic approach. This program is the most comprehensive series of export training available in South Australia at present. Value: \$1,600
7. Council staff will work with Business SA to promote the application process for the above scholarships and Business SA will receive submissions and then liaise with Economic Development before places are awarded.
8. Business SA will publicise Mount Barker Council's activities in relation to the above scholarships across social media and their extensive business networks.
9. Council will also be able to promote the candidates and their progress throughout the 12-month programs.

10. In addition to the above business programs, Council is also working with Business SA to provide financial support for up to 4 places in a Youth Entrepreneur Workshop for disadvantaged youth. These placements will allow participants aged between 12-18 years to attend a two-day workshop that will cover: identifying entrepreneurial opportunity, creative thinking, collaboration and working in teams, how to present and pitch an idea and how to evaluate thinking.
11. Council has also progressed negotiations with the New Venture Institute at Flinders University and they have commenced delivery of entrepreneurship training in Mount Barker. A separate information report has been prepared which details the next steps in regards to innovation activation activities in the region and the on-going potential that such an arrangement can deliver by having a university presence in Mount Barker.
12. The Mount Barker Women in Business network currently has 75+ members and Economic Development will continue to support this group by running quarterly business themed events.
13. The Mayor's annual business event which is conducted at the end of each calendar year will also continue as part of recognising and working with the local business community.
14. Staff are investigating the establishment of a small business grants program, which would be similar in format to Council's current community grants concept.
15. Council will continue to work with the Federal Government in order to ensure that Mount Barker is again host to another of the government's 'Small Business Fairs.'
16. During May Business Month Economic Development worked in collaboration with the Department for Industry and Skills and the Department of Education to deliver 'Future Jobs in the Adelaide Hills.' This event, which also included a range of expo providers, received 176 registrations and 160 people attended. Due to the demand and level of interest we are liaising with state government departments to repeat this concept during Business Week.
17. We are preparing a new business booklet which includes information and support resources for businesses. It is intended that the booklet will not only assist current business-people, but will be sent to new business entries along with a welcome letter. Details about new business registrations can be tracked on a monthly basis via ABR data.
18. Council continues to be a part of the Office of the Small Business Commissioner's 'Small Business Friendly Initiative' and Economic Development supports the delivery and implementation of the initiative. We are also working on a 'Business Charter' which will establish a service commitment charter between Council and the business community.

19. A review and update of the Investment Prospectus and the 'Invest Mount Barker' website is underway. An 'Invest Mount Barker' LinkedIn profile has been created which will be used to send out investment attraction information about the region so-as to create new inward investment opportunities. To complement the investment collateral we are also working on a 'Top 10' investment marketing booklet designed to provide relevant and up-to-date information about current opportunities in Mount Barker, with a view to generating investment enquiries from outside of the region.

**Conclusion:**

A comprehensive program of business support is under development and will be delivered across the region during 2019/20. This level of support will see many different sectors of our economy catered to whether they are start-ups, entrepreneurs, youth, existing businesses and/or women in business.

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<b>13.2</b>	<b>REPORT TITLE:</b>	<b>NATIONAL GROWTH AREAS ALLIANCE UPDATE</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/101818</b>
	<b>ATTACHMENTS:</b>	<b>Nil</b>
	<b><u>Key Contact</u></b>	<b>Greg Sarre, Manager Economic Development and Sustainable Futures, Planning and Development</b>
	<b><u>Manager/Sponsor</u></b>	<b>Marc Voortman, Acting GM Planning and Development</b>

**Purpose:**

To provide an update on activities of the National Growth Areas Alliance and to advise potential future new governance and membership arrangements.

**Summary – Key Issues:**

1. Council is a member of the National Growth Areas Alliance (NGAA).
2. The NGAA provides advocacy and support for high growth area Councils across Australia.
3. The NGAA has written to Council asking for feedback on possible new governance and membership arrangements.

**Background:**

1. NGAA is a member-based organisation, funded by fees from its members, which advocates and lobbies on issues and challenges facing its member Councils in high growth, typically urban fringe areas.
2. Council has been a member since 2009. In 2017 the NGAA reviewed its fee structure which meant that Council's fee was reduced from \$17,000 per year to \$12,000.
3. The NGAA can point to considerable success in advocating for its members to Government and is seeking to consolidate its operations to ensure sustainability and effectiveness.
4. This report provides a summary of the role of the NGAA and benefits of Council membership as well as flagging possible new governance and membership arrangements.

**Discussion:**

5. The NGAA achieves value for members as set out in its 2018/19 workplan as reported to Council at its November 2018 meeting. Benefits include:

- Advocacy through regularly presenting national policy positions and individual member council priorities to Federal Government Ministers, Shadow Ministers, Cross Bench Senators, advisors and senior departmental officers.
  - Commissioning research which is available for members' use exclusively as well as to support national policy positions. An example is two key pieces of research that helped inform Council's submission to the recent South Australian Infrastructure Strategy (the Manager Economic Development and Sustainable Futures currently sits on the research and policy advisory group).
  - Influencing Federal policy. For example, NGAA make submissions to the Federal Budget and policy papers with input from member Councils. Submissions are used to state both a broad policy position as well as individual member priorities.
  - Relationships with key influencers including organisations such as Property Council of Australia, Planning Institute of Australia, as well as State specific groups.
  - Events, information and communications provide members with advocacy support and advice and preparedness to take advantage of opportunities arising from policy changes and funding rounds.
6. In addition to these benefits, NGAA membership can result in access to grant funding. For example in 2013 Council received a \$60,000 Liveable Cities grant to inform design and sustainability outcomes for the Morphet/Hutchinson intersection upgrade. This was a direct financial benefit of NGAA membership.
7. Research report topics commissioned by NGAA in the past few years include:
- a. Growth Areas Community Polling Research Report, 2014, JWS Research
  - b. Meeting Growth Area Infrastructure Investment Needs - A Benchmarking Analysis, 2015, SGS Economics and Planning
  - c. Dedicated Infrastructure Fund for Australia's Outer Suburban Growth Areas, 2016, PwC
  - d. State of Australia's Fast Growing Outer Suburbs, 2018, .id
  - e. Transformational Infrastructure Projects in Australia's Fast Growing Outer Suburbs, 2018, RMIT, University of Melbourne, University of Adelaide, University of Western Australia.
8. Other research opportunities that the NGAA provides partnership and in-kind support include:
- a. Australian Housing and Urban Research Institute (AHURI) - study on *Urban productivity and affordable rental housing supply*
  - b. Future Cities Cooperative Research Centre – funding bid to the Federal Government
  - c. Life Course Centre - investigates the critical factors underlying disadvantage to provide solutions for policy and service delivery as it relates to inter-generational disadvantage

- d. Research incubator project on Infrastructure Governance - to better understand infrastructure governance balanced with the growth of sustainable, prosperous and socially just cities.
9. During 2018/19 NGAA conducted a review of its operations, effectiveness and sustainability – focussing on governance and membership issues. Member Councils were consulted as a part of this review. Findings of the review included:
- General support for the proposition that the NGAA’s activities are achieving the outcomes envisaged with varying opinions on priorities including emphasis on research vs advocacy work (noting that targeted, robust research is essential for effective advocacy).
  - Universal agreement that the existing governance structure needs overhauling including a clearer relationship between the Executive Committee and the elected representative spokespeople.
  - A need for greater clarity and transparency in decision making.
10. Whilst the NGAA has flagged possible new governance arrangements in the future, currently there is no formal request for Council to consider. Any future decisions required in this respect will be brought to Council.

**Conclusion:**

Council is a member of the National Growth Areas Alliance which provides advocacy and support for high growth Councils. Council benefits from the research, networks and through representation to Government.

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Previous Decisions By/Information Reports to Council

Meeting Date	2 OCTOBER 2018	HPRM Reference	DOC/18/88355
Title	NATIONAL GROWTH AREAS ALLIANCE UPDATE		
Purpose	To provide an update on activities of the National Growth Areas Alliance.		

**14. QUARTERLY REPORTS**

**Recommendation**

That the following report be noted.

**14.1 REPORT TITLE: 4TH QUARTER REPORT ON ANNUAL BUSINESS PLAN PERFORMANCE MEASURES**

**DATE OF MEETING: 2 SEPTEMBER 2019**

**FILE NUMBER: DOC/19/103975**

**ATTACHMENTS: DOC/19/91345**

**Key Contact Ros McDougall, Risk and Governance Officer**

**Manager/Sponsor Brian Clancey, Deputy CEO/General Manager Governance, Strategic Projects, Wastewater/Recycled Water**

**Purpose:**

To provide a report on the 4th quarter (1 April – 30 June 2019) performance measures of the Annual Business Plan 2018/19.

**Summary – Key Issues:**

- Performance measures were identified in the 2018/19 Annual Business Plan - this is the report of the final quarter.

**Background:**

1. The Annual Business Plan for 2018/19 was adopted on 2 July 2018 and this is the report on the performance measures for the final quarter.
2. The attachment provides a list of what progress has been achieved for the performances measures during the fourth quarter 1 April – 30 June 2019.
3. Since that time the Annual Business Plan for 2019/20 has been adopted and a report on the first quarter performance Measures will be considered by Council in October/November 2019.

**Conclusion:**

Progress on the achievements of the identified annual business plan measures is provided in the attachment.

Previous Decisions By/Information Reports to Council

Meeting Date	6 May 2019	HPRM Reference	DOC/19/45898
Title	3 <sup>rd</sup> Quarter Report on Annual Business Plan 2018/19		
Purpose	To provide a report on the 3rd quarter (1 January – 31 March 2019) performance measures of the Annual Business Plan 2018/19.		

Meeting Date	4 March 2019	HPRM Reference	DOC/19/19688
Title	2 <sup>nd</sup> Quarter Report on Annual Business Plan 2018/19		
Purpose	To provide a report on the 1st quarter (1 October – 31 December 2018)) performance measures of the Annual Business Plan 2018/19.		

Meeting Date	5 November 2018	HPRM Reference	DOC/18/111724
Title	Quarterly Report on 1 <sup>st</sup> Quarter of Annual Business Plan 2018/19		
Purpose	To provide a report on the 1st quarter (1 July – 30 September) performance measures of the Annual Business Plan 2018/19.		

## Attachment 1 to Item 14.1

**ANNUAL BUSINESS PLAN 2018/19 PERFORMANCE MEASURES – 4<sup>th</sup> quarter****Community Wellbeing**

	<b>4<sup>th</sup> Quarter</b> <i>please indicate if year to date or just this quarter</i>
<b>Regional Sporting Hub Project</b>  Complete design documentation of the Regional Sports Hub stage 1.	YTD - completed
Undertake 50% of the Regional Sports Hub stage 1 construction (subject to development approval and external funding)	YTD - 100% documentation completed, development approval issued, additional grant funding secured and construction tender in progress. Scheduled commencement of construction Oct/Nov 2019 (subject to contract award by Council, contract negotiations and weather).
<b>Library and Customer Services</b>  Maintain or improve current library (Libraries Board – ‘metropolitan’) ranking of 6 <sup>th</sup> for Membership as % of Population	Achieved - currently ranked 6 <sup>th</sup> for membership as % of population
Maintain or improve visitor numbers from previous year’s corresponding quarter	Achieved – 22,090. Previous year’s corresponding quarter was 21,219.
Improve current library (Libraries Board – ‘metropolitan’) ranking of 10 <sup>th</sup> for Loans per Capita	Achieved - currently ranked 7 <sup>th</sup> for loans per capita.
Maintain or improve event participation numbers from previous year’s corresponding quarter	Not achieved – 3095 participants at library events. Last year’s corresponding quarter figure was 4555 (included several 300+ author talks).
Implement Library Review findings	Ongoing. Customer feedback survey finalised for distribution and Library Business Plan Agenda item in preparation for October Council meeting.
<b>Environmental Health</b>  Percentage inspection of food premises in accordance with risk schedule (100% target)	69% completed for quarter

	<b>4<sup>th</sup> Quarter</b> <b><i>please indicate if year to date or just this quarter</i></b>
Percentage of health premises inspected (piercing, tattooists, public pools) according to the schedule (80% target)	No swimming pool or tattoo premises inspections were due this quarter
Percentage of waste control applications (80% target)	97% achieved for quarter
Report annually to SA Health regarding activities undertaken under the Food Act 2001	There is no reporting to SA Health required for this reporting period.
Five (5) public Immunisation Clinics held per month	Five public immunisation clinics were performed each month during the reporting period.
<b>Public Safety</b>  Monitor private parking areas according to contract agreements	Not achieved, staff vacancy has prevented this from happening.
Number of school parking patrols (target 40 per quarter)	Not achieved, 35 school patrols undertaken during the reporting period.
Premises providing outdoor dining to be registered (100% target)	Achieved.
Incidents of Council infrastructure damaged by new developments reinstated (100% target)	Damage to Council infrastructure raised has been actioned.
<b>Community Wellbeing</b> Implement improvements to Council's website and online services	Conversion of Website from Unity Platform to Squiz Platform underway. Squiz platform offers greater flexibility and functionality in managing web pages. Conversion completion expected in September 2019.
80 social outings	32 outings this quarter.
Meet contract requirements for HACC and Hills Community Passenger Network	Contract requirements have been met.
New Mount Barker Community Centre site identified and relocation completed	Community Centre relocated to Dumas Street site. Lease arrangements nearing completion.
Action graffiti reports within 7 days	Achieved.

	<b>4<sup>th</sup> Quarter</b> <i><b>please indicate if year to date or just this quarter</b></i>
4 District Matters produced annually	Achieved.
Design corporate documents within legislated or agreed timeframes	Achieved.
Maintain an appropriate number of volunteers for existing programs	Council currently has 173 volunteers.
Ensure new volunteers are inducted and trained	Achieved.
Develop new volunteer program related to open space areas	Completed.
Maintain two (2) existing youth programs and further develop Youth Engagement Program	<ul style="list-style-type: none"> <li>• Skate Park Program</li> <li>• Youth Week movie</li> </ul>
Manage agreements that are in place with each incorporated association	25 of 26 Management Agreements signed by Incorporated Associations.
Maintain service levels for building and built recreation assets	Ongoing.

**Economic Prosperity**

	<b>4<sup>th</sup> Quarter</b> <i><b>please indicate if year to date or just this quarter</b></i>
<b>Economic Development and Sustainable Futures</b>  Economic development strategy initiatives pursued	<p>LinkedIn investment account created.</p> <p>Investment prospectus being reviewed and updated .</p> <p>Innovation Hub approved to proceed at C-Block/TAFE.</p> <p>Business SA scholarship partnership commenced.</p> <p>New business booklet and video under development.</p>
Economic Development strategy reviewed	Review is in progress.
Involvement in Regional economic development initiatives	<p>Regional Transport study completed.</p> <p>Grant Guru tool adopted through council contributions.</p> <p>World Heritage website in development phase.</p>
Number of community events and major events supported	<p>The 2018/2019 events support calendar was completed supporting 14 events in the final quarter.</p> <p>Further planning and budgetary considerations for the 2019/2020 program were completed.</p>
Investment and business opportunities promoted	3 Business Matters delivered to promote specific Economic Development activities.
Level of support provided to businesses	May Business Month delivered (40 events).

**The Urban Environment**

	<b>4<sup>th</sup> Quarter</b> <i><b>please indicate if year to date or just this quarter</b></i>
<b>Planning Policy and Strategy</b>  Prepare Council for transition to new Planning and Design Code	Q4: Staff working with DPTI on the transition. Heritage advice being sought regarding contributory items.  Q4: Continue to advocate for retention of Council's local policies.
Implement Main Street strategies	Q4: Hahndorf Main Street Revitalisation Concept Framework ready for community consultation in Q1.  Q4: Gawler / Hutchinson Street upgrade complete.
Develop and implement Township Plans	Q4: Meadows, Echunga, Macclesfield and Callington ready for consultation in Q1 / Q2.  Q4: 30 Year Plan for Mount Barker final edits being complete.  Q4: Implementation of Nairne, Hahndorf and Littlehampton Township Plans ongoing.
Develop and implement community infrastructure strategies and actions	Q4: Callington Community Hub has secured funding and is now pending construction.
Co-ordinate the strategic planning of Mount Barker's Growth area	Continue to work with City Development and Council's delivery and planning team to implement current structure plan.  Working with State Government to advocate for investment in public schooling and transport infrastructure.
<b>City Development</b>  1. Compliance with statutory assessment timeframes	92%
100% of known breaches of the Development Act investigated	Q4. Achieved.
Comply with statutory building inspection regulations requirements	Q4. Achieved.
100% of known pool applications inspected	Q4. Achieved.

	<b>4<sup>th</sup> Quarter</b> <i>please indicate if year to date or just this quarter</i>
100% of mandatory (hold point) development engineering inspections undertaken	95% (Risk managed by proven performance of consulting engineer and civil contractor.)
80% of quality assurance documentation received for infrastructure inherited by Council in major land division developments.	Q4. Achieved.
80% of new housing planning applications (with all relevant information submitted) issued a decision within 15 working days	Q4 Achieved
<b>Transport Assets</b>  Deliver 100% of the budgeted capital works program for unsealed roads and footpath renewal	At end of the FY all footpath renewals were completed. All unsealed road re-sheet and reseal programs were complete with some minor work carrying over to the next FY. Road construction (R2R and SLRP funded) was also complete. Flaxley Road pedestrian crossing was completed early 2019/20
Deliver 100% of the budgeted new footpath connectivity program	At the end of the FY all new trails were completed with the exception of Hurling Trail (adjacent railway) which is to be completed early 19/20.
Review the annual line marking program – target 100%	Completed
<b>Stormwater</b>  Deliver the stormwater maintenance and minor capital program	At end of FY Pochin Street drain (late inclusion to the works program) was under way and due for completion early 2019/20. Totness drain was cancelled. Baker to Princes Highway carried through to 2019/20.
Review the street sweeping program	Q4: Completed
<b>Infrastructure Projects</b>  85% of the capital projects managed by the technical services / project team are completed within the approved construction budget and by 30 June 2019	Excluding Regional Sports Hub and Environmental service centre 92% of the adopted budget has been expended at the end of the FY.
<b>Wastewater to Service Growth</b>  Develop sewer strategy to service Mt Barker Town Centre	Preparation of a business case is in progress.

	<b>4<sup>th</sup> Quarter</b> <i><b>please indicate if year to date or just this quarter</b></i>
Future augmentation identified, costed and impact on customers quantified	Achieved - user charges and infrastructure fees set and adopted by Council
Finalise the long-term wastewater and recycled water strategy	In progress – strategy to be regularly reviewed and refined as required.
<b>Wastewater</b>  Enhance and implement the planned maintenance program	Continue information gathering to setup Assetic system.
Zero discharge from November to March to Mt Barker and Nairne creeks	Achieved. Note: No requirement to achieve zero discharge for 4 <sup>th</sup> Quarter. Due to wet weather, 46 ML was discharged to the creek in the month of June.
Sign-up potential customers for recycled water	Discussions continuing with prospective new customers (agri-business) via RDA. Direct negotiation by council with Hillgrove and AGL (proponents of the pumped hydro scheme).
Compliance with the EPA, Essential Services Commission of South Australia (ESCOSA) and Department for Health and Wellbeing (SA health) requirements	Compliant.
Target of zero complaints received via the Energy and Water Ombudsman that are considered by the Ombudsman to require Council action	Zero complaints
Ensure agreed water quantity is delivered to Laratinga Wetland	Requirement exceeded

**THE NATUAL ENVIRONMENT & SUSTAINABLE LIVING**

	<b>4<sup>th</sup> Quarter</b> <i>please indicate if year to date or just this quarter</i>
<b>Open Space and Environment</b>	
Completion of the Landscape Plan	Trails strategy and Play strategy still have not gone to Council.
Implementation of the Environment Strategy	Ongoing, dependent on budget provision
Completion of identified actions from Biodiversity Strategy	Bee hotel installed. Weed project planning underway.  Butterfly project linked to completion of Bythorne Park upgrade. (Delayed)  Presentation of paper to the Australasian Ornithological conference (Emma Montgomery)
Completion of review of Laratinga Reserve Management Plan	Pending further advice from Natural Logic. (Consultants)
Seedlings planted with success rate of 70% of 8,500 seedling survival	National Tree Day plantings underway, - >10,000 plants will be planted.
<b>Economic Development and Sustainable Futures</b>  Strategic initiatives related to sustainability pursued: - Level of engagement and involvement in local and regional sustainability initiatives and partnerships - Level of commitment to climate change mitigation and adaptation programs and partnerships	Ongoing involvement in Resilient Hills and Coast project including the 'where we build what we build' project, Community Energy and Governance Assessment project (completed)
Environment Strategy initiatives pursued: - Carbon neutrality investigated; - Energy and climate mitigation action plans developed - Level to which lower environmental footprint housing and sustainable development is demonstrated and encouraged	Draft CCAP developed

	<b>4<sup>th</sup> Quarter</b> <i>please indicate if year to date or just this quarter</i>
- Number of actions to raise awareness about landfill waste, recycling, e-waste and composting and promote waste reduction	
<b>Waste Kerbside:</b>  Reduce the amount of waste to landfill to below 9kg per household per week	Waste disposed to landfill for the third quarter has decreased to 8.66kg per household per week (year to date). Kerbside waste tonnes have reduced by 43.98 tonnes compared to the last financial year.
Maintain diversion levels of recycling from landfill of 48% per year	We are currently tracking at a diversion rate of 47.15% (year to date).
Reduce contamination in recycling by 2% annually	Contamination rates are reported annually at the end of the financial year. Data will be available from waste contractor around September and can be included in 2019/20 Q1 ABP report.
<b>Transfer Station</b>  Maintain or improve the net cost of Transfer Station Operations	41% net increase in cost from 2017/18. Net increase due to reduced income from waste dumping fees and out of cycle processing costs.
<b>Cemeteries</b>  Cemeteries maintained to the current service level	Cemeteries maintained in line with service levels
<b>Fire Prevention and Emergency Management</b>  Identify the number of non-compliant properties within the District	Complete for 2018 – 2019 Fire Danger Season.
Complete 100% of fire prevention program of rural roads to be slashed/sprayed	Rural road vegetation management programs completed for the 2018/19 program.
Completion of the Emergency Management Plan Treatment Options	Final internal consultation currently being completed with the aim of finalising later 2019.
Assess and report on the progress of the draft Adelaide Mt Lofty Ranges Bushfire Management Area Plan.	Completed

	<b>4<sup>th</sup> Quarter</b> <i>please indicate if year to date or just this quarter</i>
<b>Parks and Public Places</b>	
Continue to develop and implement the rural roadside reserves corridor pruning program	Tree pruning program currently being delivered in line with capital road sealing and unsealed road re-sheeting programs.
Maintain Councils Parks and Public Places in accordance with service standards	Maintenance programs delivered in line with service standards. Currently trialling new service levels in certain parks across the district.

**GOVERNANCE AND LEADERSHIP**

	<b>4<sup>th</sup> Quarter</b> <i><b>please indicate if year to date or just this quarter</b></i>
Council elections are promoted;	Completed
Council Members are inducted and mandatory training provided	Training provided but 3 Council Members are yet to complete 1 component by November 2019
The senior management team and Audit Committee receive risk reports quarterly	Achieved
<b>Finance</b> Review and update the Long Term Financial Plan.	LTFP will be provided to the Audit Committee and Council following the Annual Business Plan process.
Develop enhanced processes for Corporate Planning and Budgeting	Enhanced process has been implemented to build the draft budget.
Develop and implement financial training for staff with financial delegation.	Training session held with Managers in March.
Develop and prepare timely financial reporting for Council's commercial business units.	New financial performance reporting framework implemented in December 2018.
Assets  Develop revised asset management plan for buildings and transport assets	Draft to be prepared in the 2019-20 year. Transport asset condition audits scheduled for July 2019.
Develop and implement the building and recreation asset renewal programs	Plan development and asset condition audits for building and recreation assets to be gathered in Q2 of FY19/20.
<b>Rates</b>  Rate arrears reduced to 4% of total rates	1.57% (Total 2017/18 \$37,242,916, rate arrears \$584,787 as at 30 Jun 19).
Reduce limited title debt (limited title is a certificate of title issued as part of the conversion process from the old system, where either survey data or proof of ownership is insufficient to issue a regular certificate of title).	As at 30/6/19 Limited Title debt balance \$60,228. A decrease of \$186,383 over the quarter. (3 LT properties sold April 2019 and 4 debt write offs undertaken April 2019)

	<b>4<sup>th</sup> Quarter</b> <i>please indicate if year to date or just this quarter</i>
<b>Information, Communication and Technology</b>  More than 97% uptime of ICT corporate systems	Achieved - 99.4% uptime system wide
Introduce Wi-Fi in main street of Hahndorf and Mount Barker	Broad precinct Wi-Fi implementation deferred to coincide with street upgrade projects
Upgrade e-services and implement workforce mobility to improve customer service	Ongoing. Several services and manual forms have been transformed into electronic format for both the website and staff usage. Mobile devices are being deployed to staff enabling improved field service delivery.
<b>Procurement</b>  1. Number of regional contractors/suppliers v total contractors/suppliers engaged in the previous 3 months	For the quarter 139 regional contractors/suppliers v total 399 contractors/suppliers = 34% 19% expenditure to regional contractors
<b>Tourist Park</b>  2% increase in visitor numbers	Increase of 26% for quarter and 1% decrease for YTD. However, actual nights booked has increased by 11% showing visitors are staying longer.
Asset renewal/program cabin replacement	Cabin construction completed.  Road upgrade completed.
Work Health and Safety incidents	Light pole damaged causing minor damage to vehicle and no injuries to people.
<b>People and Culture</b>  Achievement of targets in the Work Health and Safety and Return to work Plan	The 2019/20 endorsed plan has commenced implementation and currently behind target on some hazard management aspects.
Organisational Development Strategy developed and implemented	Workforce Development Strategy – Feedback considered from consultation - final draft to be endorsed by CGG.
Quarterly Workplace Consultative Committee meetings held	On target.
Revised Employee Performance Management System implemented	Completed.

	<b>4<sup>th</sup> Quarter</b> <i>please indicate if year to date or just this quarter</i>
<b>Business Systems Improvement</b> Progressing the Council's Continuous Improvement Program 2017/18 "Key Performance Indicators" identified within each of the nine Continuous Improvement Program initiatives.	The Council's Continuous Improvement Program has been re prioritised and has the role of Business Systems Improvement with a key focus on Council's Smart City Strategy, Digital Transformation, Business Systems Reviews and Continuous Improvement.

**15. MAYOR'S REPORT**

**16. MEMBERS' REPORTS**

**17. QUESTIONS ARISING FROM COUNCIL MEETING**

**18. CONFIDENTIAL REPORTS**

<b>18.1</b>	<b>REPORT TITLE:</b>	<b>CONFIDENTIAL ITEM: STRATEGIC LAND PURCHASE: MOUNT BARKER CITY CENTRE</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/101561</b>

**Recommendation:**

That Council:

**Section 90 (3) (b) Order****1. Pursuant to Section 90(3)(b)**

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Community Services, Acting General Manager Planning and Development, Manager Strategic Projects, Risk and Governance Officer and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item titled Strategic Land Purchase Mount Barker City Centre.

The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to would prejudice the commercial position of the Council

In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

**Section 91(7) Order**

5. That having considered the Agenda Item titled Strategic Land Purchase Mount Barker City Centre in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, related documents and all minutes be retained in confidence (with the exception of the purchase of the subject land by council being made public once settlement has occurred) until Council has determined and formalised the future use of the subject land following an intended Expressions of Interest process or such lesser period as may be determined by the Chief Executive Officer.
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<b>18.2</b>	<b>REPORT TITLE:</b>	<b>REGIONAL INDOOR AQUATIC AND LEISURE CENTRE</b>
	<b>DATE OF MEETING:</b>	<b>2<sup>ND</sup> SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/103566</b>

**Recommendation:**

That Council:

**Section 90 (3) (b) Order**

1. Pursuant to Section 90(3)(b)

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Community Services, Acting General Manager Planning and Development, Manager Strategic Projects, Risk and Governance Officer, and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item titled Regional Indoor Aquatic and Leisure Centre.

The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to would prejudice the commercial position of the Council.

In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position, detailed within the draft Business Case, may severely prejudice Council's ability to be able to negotiate a cost-effective outcome in relation to contract negotiations with future facility managers and operators.

**Section 91(7) Order**

4. That having considered the Agenda Item titled Regional Indoor Aquatic and Leisure Centre in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report and draft business case and all minutes be retained in confidence until Council has determined that the release of such documents will not prejudice its ability to negotiate a satisfactory commercial outcome or such lesser period as may be determined by the Chief Executive Officer.
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<b>18.3</b>	<b>REPORT TITLE:</b>	<b>CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW 2019</b>
	<b>DATE OF MEETING:</b>	<b>2 SEPTEMBER 2019</b>
	<b>FILE NUMBER:</b>	<b>DOC/19/100373</b>

**Recommendation:**

That Council:

**Section 90 (3) (a) Order**

1. Pursuant to Section 90(3)(a)  
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public be excluded from attendance at the meeting for Agenda Item 18.3.

The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer in that details of his performance review will be discussed which are sensitive and are details only known to those who have participated in the review process.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details of the Chief Executive Officer's performance may prematurely be disclosed.