



NOTICE OF MEETING

Notice is hereby given to His Worship the Mayor and Councillors that the next meeting of Council will be held in the *Alexandrina Council Community Chambers "Wal Yuntu Warrin"* 11 Cadell Street, Goolwa on Monday 15 March 2021 commencing at 5.00 pm

Your attendance is requested.

Please note that due to COVID-19 social distancing requirements, public gallery access for the Council meeting is limited to a maximum of 7 people only; *strictly via registration*, or a 'first in' basis if no registrations are received.

Please direct registrations to 8555 7000 or alex@alexandrina.sa.gov.au

A recording of the Council meeting will be placed on www.alexandrina.sa.gov.au as soon as practicable following the meeting.

Glenn Rappensberg
Chief Executive Officer

11 March 2021

**AGENDA FOR THE ALEXANDRINA COUNCIL MEETING
TO BE HELD ON MONDAY 15 MARCH 2021 COMMENCING AT 5.00PM
IN THE COUNCIL COMMUNITY CHAMBERS "WAL YUNTU WARRIN" GOOLWA**

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REPORT AND AGENDA

**FOR THE COUNCIL MEETING TO BE HELD ON 15 MARCH 2021
IN THE ALEXANDRINA COUNCIL COMMUNITY CHAMBERS
"WAL YUNTU WARRIN", 11 CADELL STREET GOOLWA
COMMENCING AT 5:00PM**

An audio recording of this meeting is being made for minute-taking purposes and will last the length of the open meeting. The audio file will be available on the Council website after the draft Minutes have been circulated

PRESENT

APOLOGIES

Cr John Carter

IN ATTENDANCE

GALLERY

LOCAL GOVERNMENT PRAYER

Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council, guide us in our deliberations for the advancement and the true welfare of the people of the district.

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The Alexandrina Council and its communities acknowledge the Ngarrindjeri people as the traditional custodians of the lands and waters of our Council district.

CONFLICT OF INTEREST

Elected Members are reminded of the requirements for disclosure by Members of any conflict of interest in items listed for consideration on the Agenda.

Section 74 of the Local Government Act 1999 requires that Elected Members declare any interest and provide full and accurate details of the relevant interest to the Council prior to consideration of that item on the Agenda.

Each Member of a Council has a duty to vote at all meetings unless by legislative exception.

The major exception being where a Member has a conflict of interest.

1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council meeting held on 15 February 2021 and Special Council meeting held on 22 February 2021.

Recommendation

That the Minutes of the Alexandrina Council meeting held on 15 February 2021 and Special Council meeting held on 22 February 2021, as circulated to members, be received as a true and correct record.

2. INDEX OF FUTURE ITEMS

2.1 Adjourned Debate

Minute No.	Date Adjourned	Name of Agenda Item	Date Anticipated for Return	Amended Date of Return & Explanation
ACM19265	19 August 2019	Discretionary Rate Rebate - A5948 (Confidential)	Following completion of the Rating Review Early 2021	To adjourn the debate to consider as part of the Rating Review. Five rating review workshops have been conducted. A report was presented to the 18 January 2021 and 15 February Council meetings. The adjourned debate is listed for further consideration in this agenda - refer Item 2.2.
ACM20656 ACM20657	20 July 2020	Notices of Motion – Cr Lewis – ICLEI Membership	Until the Carbon Neutral Plan is received in full and adopted by Council June 2021	Dependent on development of an Alexandrina specific Carbon Neutral Plan.
ACM20779	16 November 2020	Elected Member Legal Advice Policy	Pending a Council workshop to provide further information to clarify the draft Policy March 2021	Following a workshop/briefing on 8 February 2021, key discussion points require further consideration given that legal advice recommended a new draft Policy.

Minute No.	Date Adjourned	Name of Agenda Item	Date Anticipated for Return	Amended Date of Return & Explanation
				Refer Item 2.3 of this meeting agenda.
ACM20827 ACM20846	21 December 2020	Strathalbyn Stationmasters Gallery Management Committee – Draft Lease to Public Consultation	Until after the outcome of the Visitor Information Centre Review	

Recommendation

That the update be received.

2.2 Adjourned Debate - Discretionary Rate Rebate - A5948 (Confidential)

Recommendation

Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public be excluded, with the exception of Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report, on the basis that it will receive and consider Item 14.3 Discretionary Rate Rebate –A5948 from the Council Meeting held on 19 August 2019 at Item 2.2 Adjourned Debate - Discretionary Rate Rebate – A5948 (Confidential).

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that 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 any person.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because this agenda item contains personal information of sensitive nature.

Recommendation

1. That having considered Agenda Item 14.3 Discretionary Rate Rebate – A5948 on 19 August 2019 and Agenda item 2.2 Adjourned Debate – Discretionary Rate Rebate –A5948 on 15 March 2021 in confidence under section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:
 - a. the minutes, reports and attachments of the Council meetings held on 19 August 2019 and 15 March 2021 in relation to Agenda Items 14.3 and 2.2 Discretionary Rate Rebate-A5948 are to remain confidential and will not be available for public inspection for the period of 12 months on the basis it would involve the unreasonable disclosure of information concerning the personal affairs of any person.
 - b. that this order be reviewed at least once every 12 months.
2. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power revoke, in whole or in part, the order made in paragraph 1 of this resolution at any time.

2.3 Adjourned Debate - Elected Member Legal Advice Policy

Adjourned debate from 16 November 2020

ACM20778 *Moved Cr Lewis seconded Cr Scott*

1. (a) *That Council adopt the draft Elected Member Legal Advice Policy at Attachment 12.5, setting the maximum expenditure limit at \$2,500 per elected member / per annum (based on a financial year).*
- (b) *That the Elected Member Allowances, Benefits, Support and Facilities policy be updated to include the addition of coverage for costs for Legal Advice for Elected Members of up to \$2,500 per elected member / per annum (based on a financial year) in accordance with the Elected Member Legal Advice Policy.*

FORMAL MOTION

ACM20779 *Moved Cr Coomans seconded Cr Bradford*

That this matter be adjourned to the next Council meeting pending a Council workshop to provide further information to clarify the draft Elected Member Legal Advice policy.

CARRIED

Recommendation

1. (a) *That Council adopt the draft Elected Member Legal Advice Policy at Attachment 12.5, setting the maximum expenditure limit at \$2,500 per elected member / per annum (based on a financial year).*
- (b) *That the Elected Member Allowances, Benefits, Support and Facilities policy be updated to include the addition of coverage for costs for Legal Advice for Elected Members of up to \$2,500 per elected member / per annum (based on a financial year) in accordance with the Elected Member Legal Advice Policy.*

File Ref:	9.24.003
Responsible Officer:	Anne Liddell (Group Manager Leadership)
Report Author:	Anne Liddell (Group Manager Leadership)
Community Strategic Plan Impact:	
ACTIVATE	Nil
PARTICIPATE	Nil
THRIVE	Nil

INNOVATE

Supports Elected Members with the duties of public office.

Report Objective

To consider adoption of a draft Elected Member Legal Advice Policy.

Executive Summary

Following the 19 October 2020 Council Meeting, a draft Elected Member Legal Advice Policy has been prepared for adoption.

The draft policy provides guidance on the extent and limitations where Council will fund the costs of providing legal advice for individual elected members.

REFER ATTACHMENT Item 2.3 (page 17)

Recommendation

1. (a) **That Council adopt the draft Elected Member Legal Advice Policy at Attachment 2.3, setting the maximum expenditure limit at \$2,500 per elected member / per annum (based on a financial year).**

AND

- (b) **That the Elected Member Allowances, Benefits, Support and Facilities policy be updated to include the addition of coverage for costs for Legal Advice for Elected Members of up to \$2,500 per elected member / per annum (based on a financial year) in accordance with the Elected Member Legal Advice Policy.**

OR

2. **That the draft Elected Member Legal Advice Policy not be adopted by Council.**

Context

At the 19 October 2020 meeting of Council, Cr B Lewis moved that Administration prepare a draft Elected Member Legal Advice Policy for Council consideration based on a similar policy from the City Of Onkaparinga.

ACM20726 Moved Cr Lewis seconded Cr Coomans

That Administration prepare a draft legal advice policy for Council consideration, modelled on the Onkaparinga Council Elected Member Legal Advice Policy at Attachment 5.2

General Analysis

Council can set policies and procedures to meet their governance obligations and support Elected Members with the duties of public office. Such policies include:

- Code of Conduct for Elected Members
- Elected Members Allowances, Benefits, Support and Facilities Policy
- Elected Members Code of Conduct – Complaints Handling Procedure

The draft Elected Member Legal Advice Policy provides clear guidance to elected members in relation to the provision of appropriate legal advice within the framework of legislation.

While the draft Elected Member Legal Advice Policy is modelled on the City of Onkaparinga, legal advice was also sought from Kelledy Jones Lawyers who have recommended another exemption to mitigate risk being the inclusion of:

‘The Council will not provide access to legal advice or pay for or reimburse the legal costs of individual Elected Members in relation to the initiation of a complaint against another Member, or in circumstances where the Member is a complainant, under the Code of Conduct for Council Members.

We make this suggestion on the basis that in our view, there are potential issue of maladministration in public administration, being a substantial mismanagement of public funds for the purposes of the ICAC Act, in allowing members to access legal advice to complain about another member under the Code, or in circumstances where they may be the complainant.

Whilst this inclusion does not, of course, prevent a Member from making such a complaint (and, indeed, should not be seen to do so, this being an important role where another Members actions and behaviours may be in breach of the Code), being a non-adversarial and arms-length process, particularly for a complainant, access to legal advice ought not be required for a complainant.

It would also be undesirable, and indeed, in conflict with the requirements of Part 1 – Principles of the Code, requiring that ‘members will work together constructively as a Council’, to set up a potential situation where Members could/were accessing legal advice to make complaints about other members under the Code.’

Comparative Analysis

An Elected Member Legal Advice Policy is not a mandatory requirement, and very few Councils have such a Policy as part of their Governance structure, however it has been verified that the City of Onkaparinga does have such a Policy by which the relevant draft has been modelled.

Financial and Economic Implications

There are financial implications to the adoption of this policy, estimated to be up to \$30,000 annually. If this was incurred, this will negatively impact Council’s operating position, noting these costs are presently unfunded.

Risk Management

When referencing Alexandrina Council's Risk Management Matrix and Policy, the risk rating associated with the adoption of the recommendation contained in this report is considered to be low as it is based on an existing example in use at a large metropolitan Council and has been the subject of review by a law firm.

Additional Officer Comments

Following the adjournment, Administration scheduled a briefing/workshop on 8 February 2021 to allow Members to further consider the draft Elected Members Legal Advice Policy. Administration considered it prudent to invite a lawyer (Michael Kelledy of Kelledy Jones Lawyers) to the Elected Member Briefing, in order for Councillors to ask questions related to the draft Elected Member Legal Advice Policy directly.

In the preparation for the Elected Member Briefing, Kelledy Jones Lawyers undertook a thorough review of the draft policy and noted that while the content was substantially based on a policy in use by the City of Onkaparinga, it contained a number of areas that required clarification.

As a result, Kelledy Jones Lawyers revised the draft Elected Member Legal Advice Policy.

The revised draft Elected Member Legal Advice Policy that was presented to the 8 February 2021 briefing, is attached to this report.

At the Elected Member Briefing held on 8 February 2021, Councillors were advised that should Council decide to adopt the draft policy (with the proposed monetary limits) there is the potential for additional operating expenditure of \$30,000 per annum. The costs of which are currently unfunded.

Mr Kelledy spoke to the draft Elected Member Legal Advice Policy reminding Councillors that such a policy is discretionary and of the need to be mindful of public integrity issues in considering the adoption of the draft policy.

The draft Elected Member Legal Advice Policy is presented to Council for consideration.

2.4 Listing of Reports requested by Council

Date Requested (and resolution number)	Elected Member Requesting	Report Topic	Anticipated Date of Return	Amended Date of Return & Explanation
21 October 2019 ACM19317	Cr Stewart/Cr Keily	Sporting Infrastructure – Goolwa Oval Master Plan	March 2021	<p>In light of the recent funding announcement made on 6 October 2020 confirming that Council has been successful in obtaining an additional \$5m in funding for the project; Council administration are working in accordance with revised project governance criteria as this additional funding has changed how the project can be staged, managed and delivered.</p> <p>A meeting was held with the Goolwa Oval Committee on 2 February 2021 to discuss management of the precinct and construction of the new multi-user building (Stage 1).</p> <p>A Council Briefing was held on 9 March 2021.</p> <p>A report (refer to item 10.1) is included within this Agenda in regards to a preferred governance and management model moving forward.</p>

<p>19 October 2020 ACM20725</p>	<p>Notice of Motion – Cr Lewis</p>	<p>Elected Member Policy for Management of Bullying and Harassment</p>	<p>March 2021</p>	<p>That Administration bring a report back to Council at the January 2021 meeting following investigation of appropriate coverage of Elected Members for management of bullying and harassment. That the Administration also bring a draft policy for endorsement to that meeting based on their research.</p> <p>Following the workshop/briefing on 8 February 2021, further consideration of the legal advice presented and the ensuing discussion is necessary to determine final outcomes.</p> <p>Refer Item 12.8 in this meeting agenda.</p>
<p>16 November 2020 ACM20762</p>	<p>Notice of Motion – Cr Coomans</p>	<p>Changes to the way Council conducts Community Surveys</p>	<p>April 2021</p>	<p>Given the need for further analysis, a report will be provided to the April Council meeting</p>

Recommendation

That the update be received.

3. QUESTIONS WITH NOTICE

3.1 Cr Rebbeck - Goolwa Beach Access

File Ref: 9.24.003

Responsible Officer: Glenn Rappenberg (Chief Executive Officer)

Report Author: Mark van der Pennen (General Manager Environment)

Question:

“Can we please have an update on where we are at with the management of the down ramp to Goolwa Beach and the speed limit and activity on Goolwa Beach? Is it possible that some additional measures in place for Easter and the coming school holidays to manage the traffic?”

Answer:

Administration met with SAPOL prior to Christmas requesting additional presence on Goolwa beach and at the carpark. SAPOL confirmed they would endeavor to have a presence daily however it is dependent upon available resources at the time.

Proactive traffic management and activities were also undertaken prior to the Australia Day holiday and preceding weekend. This was reported via a ‘RAPP’ on 21 January 2021 and included consultation with SAPOL Goolwa to assess risks and responsibilities of the area during peak times. CFS Goolwa, RAA, SA Ambulance and local beach users were referred to as part of the assessment.

Actions included:

- Public messaging regarding 4WD only, long delays expected, prepare your vehicle early etc. The messaging was via:
 - Digital message boards along Beach Road
 - Wayfinding signage on Beach Road so as to provide an alternative to going to the beach i.e. to river, to Victor Harbor
 - Council’s Facebook page.
- The Community Safety Team monitored car parking with a focus on blocked driveways, parking on yellow perimeter lines, parking that was adverse to traffic, disability parking etc.
- Remedial works to the Goolwa beach access track were undertaken prior to the weekend in question.

These actions resulted in a significant reduction in incidents on the Australia Day Long Weekend. These actions will also be undertaken prior to the Easter long weekend.

An Elected Member briefing is scheduled for Monday 22 March.

3.2 Cr Lewis - Elected Members Stipend

File Ref: 9.24.003

Responsible Officer: Glenn Rappensberg (Chief Executive Officer)

Report Author: Elizabeth Williams (General Manager Resources)

Question:

- “1. How many Elected Members chose to not accept their stipend increase?*
- 2. What was the dollar amount?*
- 3. Can the Elected Members direct the funds to areas of their choice?”*

Answer:

1. Seven (7) Councillors elected to forgo annual allowance increases as of 9 November 2020.
2. The collective total dollar amount forgone is \$1,884.
3. It is not considered appropriate for Councillors to directly fund projects which have been endorsed by Council through the adoption of the Annual Business Plan and Budget. This may give rise to concerns regarding perceived conflicts of interests and undermine the integrity of Council's budgeting process.

4. QUESTIONS WITHOUT NOTICE

5. NOTICES OF MOTION

5.1 Cr Maidment - Lot 10 Langhorne Creek Road, Strathalbyn

File Ref: 9.24.003

Responsible Officer: Glenn Rappensberg (Chief Executive Officer)

Report Author: Matt Grant (General Manager Growth)

Moved Cr Maidment

That the resolution (ACM21867) titled Lot 10 Langhorne Creek Road, Strathalbyn (Confidential), which was laid on the table at the ordinary Council meeting of 15 February 2021 be removed from the table and debate recommence at a future meeting of Council.

Reason

"This is a significant item which has not had sufficient discussion by Elected Members."

Officer Comments

To assist Members, a confidential EM Portal Update was provided summarising the history of the item and an overview of economic impact analysis undertaken.

5.2 Cr Rebbeck - Review of Terms of Reference for the Alexandrina Sustainable Agricultural Round Table (ASART)

File Ref: 9.24.003

Responsible Officer: Glenn Rappensberg (Chief Executive Officer)

Report Author: Matt Grant (General Manager Growth)

Moved Cr Rebbeck

- 1. The Administration establish a working group of up to 4 Elected Members (who have an understanding of the agricultural sector) including the Mayor, and relevant staff from within the Growth Division to undertake a review of the terms of reference for the Alexandrina Sustainable Agricultural Round Table (ASART).**
- 2. That the 2021-22 budget allow for the resourcing of secretariat support for ASART.**

Reason

“The objective of the Motion is to promote and reinvigorate the broader agricultural sector within Alexandrina to support economic development as per the objectives of A2040 Plan and its recognition of the importance of agriculture to the region.

Enacting this motion will ensure Council is ready and sufficiently prepared to capitalise on relevant grants and emerging opportunities for the sector in the new financial year.”

Officer Comments

The importance of the Agriculture sector to the future of the region is clearly evident in the region’s economic profile. Australian Bureau of Statistics data indicates the sector is the largest contributor to the region’s Gross Regional Product worth \$155M of the region’s \$1B economy and is the second largest employer in region making up 13% of the region’s total workforce.

A2040 highlights the importance the community places on local jobs and the need to support the agriculture sector. Administration have been working on a plan to support growth of the agriculture sector as part of the Economic Development Strategy that is currently under review. The Economic Development Strategy is an informing strategy of A2040 and a briefing on the proposed actions is scheduled for 27 April 2021.

The proposed agriculture sector activities delivering the objectives of the Economic Development strategy align with the South Australian Government’s Growth State Sector Plan - “\$23 Billion by 2030 – Food, Wine and Agribusiness plan for Growth” and includes the role the Alexandrina Sustainable Agricultural Round Table can play.

Following a survey of ASART members and industry last year it is evident it is timely to revisit the Terms of Reference and resource the Round Table appropriately.

5.3 Cr Lewis - Extension of Bikeway

File Ref: 9.24.003

Responsible Officer: Glenn Rappenberg (Chief Executive Officer)

Report Author: Mark van der Pennen (General Manager Environment)

Moved Cr Lewis

That the extended bikeway from Victor Harbor along Seagull Avenue be scoped for consideration in the 2021-22 budget.

Reason

“Essentially Victor Harbor are constructing up to Third Avenue (including about 100 metres of Alexandrina roadside) and as a very congested road we need to have a solution for safety reasons and also to continue a great tourism attraction. The bikeway from the Bluff to Goolwa is a significant tourist attraction and currently places many hazards due to pedestrians and families using the whole road as a walkway.”

Officer Comments

Administration is aware of the footpath work being proposed to be undertaken by the City of Victor Harbor (CoVH). Meetings have occurred with staff from both Councils and agreement reached that current works would continue to the eastern side of the intersection of Seagull Road and Third Avenue. The CoVH will be considering this project as part of their 2021-22 Annual Business Plan and Budget deliberations. The CoVH has agreed to fund the additional footpath length of approximately 60 metres within the Alexandrina Council boundary and this will be handed to Council and included in our asset register if the project proceeds. Whilst the Encounter bikeway traverses along Seagull Avenue, there is insufficient road reserve to have a dedicated shared use pathway, as such CoVH are considering a 1.5m wide footpath and no changes to the Encounter bikeway alignment.

It is proposed to undertake a review of Council's new footpath program in the 2021-22 financial year. Criteria will be developed to support the selection of candidate projects for consideration by Council as part of the development of Council's Annual Works Program. Collaboration on works with other Council's that share Alexandrina's boundary will also be an input for consideration on timing for delivery. Further work will also be undertaken in 2021-22 to define and detail sections of the Encounter Bikeway for future funding (including potential grant opportunities), subject to Council consideration.

6. PETITIONS

Nil

7. DEPUTATIONS/REPRESENTATIONS

7.1 **Mr John Gray and Mr Jim Carroll - Waiver of Building Envelope Clause contained in a Land Management Agreement - Lot 20 Daniel Avenue, Goolwa North**

Mr John Gray and Mr Jim Carroll to make a deputation regarding the waiver of a Building Envelope Clause contained in a Land Management Agreement - Lot 20 Daniel Avenue, Goolwa North.

7.2 **Mr Jayme and Ms Michele Bennetts – Waiver of Building Envelope Clause contained in a Land Management Agreement – Lot 20 Daniel Avenue, Goolwa North**

Mr Jayme and Ms Michele Bennetts to make a deputation regarding the waiver of a Building Envelope Clause contained in a Land Management Agreement – Lot 20 Daniel Avenue, Goolwa North.

8. ENVIRONMENT - REPORTS FOR COUNCIL DECISION

8.1 Environmental Advisory Panel - Minutes 27 January 2021

File Ref: 9.24.003

Responsible Officer: Mark van der Pennen (General Manager Environment)

Report Author: Joshua Bowen (Manager Assets)
Monika Rhodes (Environmental Strategy Officer)

Elected Member Reps: Cr Karyn Bradford, Cr Melissa Rebbeck

Report Objective

To receive the minutes of the Environmental Advisory Panel meeting held on 27 January 2021.

REFER ATTACHMENT 8.1 (page 20) - Minutes of Environmental Advisory Panel meeting held on 27 January 2021.

Recommendation

That Council receives the minutes of the Environmental Advisory Panel meeting held on 27 January 2021.

Discussion

Administration provided the panel with an overview of roles and responsibilities and an update in relation to the Environmental Action Plan.

A workshop was then facilitated to help the Panel determine priorities for the upcoming two years.

Highlights of the 27 January 2021 meeting include:

- The Panel seeking clarity in relation to the Environmental Action Plan's role as an 'informing strategy' as it pertains to A2040.
- Administration provided a presentation to the panel on work completed to date.
- The workshop (facilitated by Claire Fuller) focused on collective ideas and future direction for the panel.
- Areas of focus included:
 - Biodiversity;
 - Development of the new Environmental Action Plan following a SWOT (Strengths; Weaknesses; Opportunities; Threats) analysis;
 - Community education;
 - Partnerships with other key groups building the on the success of existing relationships;

- Alexandrina 2040 to help inform and shape the Environmental Action Plan including the attendance at Village Conversations; and
- Heating mapping, greening the landscape, waste management, carbon sequestration and pest management.

8.2 Ratalang Basham Beach and Horseshoe Bay Advisory Committee Minutes 11 February 2021

File Ref: 9.24.003

Responsible Officer: Mark van der Pennen (General Manager Environment)

Report Author: Mark van der Pennen (General Manager Environment)

Elected Member Reps: Cr Bronwyn Lewis, Cr Michael Scott

Report Objective

To receive the Minutes of the Ratalang Basham Beach and Horseshoe Bay Advisory Committee meeting held on 11 February 2021.

REFER ATTACHMENT Item 8.2 (page 35)

Recommendation

That the minutes of the Ratalang Basham Beach and Horseshoe Bay Advisory Committee from 11 February 2021 be received.

Discussion

Highlights of the 11 February 2021 meeting include:

- The Committee reviewed the proposal from Equine Connection Soul Direction Victor Harbor to provide Walk and Talk therapy sessions with a horse at Bashams Beach. On the basis of the information provided and noting the delicate nature of the Conservation Park, the Committee moved to not support the proposed permit request. The Committee acknowledged the undeniable benefits of Equine Therapy and in essence support the concept, however suggest the operator consider an alternative location.
- The committee were provided with an update on the progress of the projects in the 2020-21 Works Program.
- The committee discussed the Crockery Creek Integrated Management Plan. It was determined that a further report will be presented to the Committee confirming the budgetary position of the Trust Fund prior to funding the development and delivery of the Crockery Creek Stormwater Management Project, as part of the 2021-22 works program.
- The Committee recognised previous staff member Bronson Symmonds for his contributions and wished him the best for the future.

9. **GROWTH - REPORTS FOR COUNCIL DECISION**

9.1 **Waiver of a Building Envelope Clause Contained in a Land Management Agreement Between the Owner of Lot 20 Daniel Avenue, Goolwa North and Alexandrina Council**

File Ref: 9.24.003 455/272/19

Responsible Officer: Matt Grant (General Manager Growth)

Report Author: Matt Atkinson (Manager Development Assessment)

Strategic Plan Impact:

ACTIVATE No impact

PARTICIPATE The proposed alteration of the building envelope will enable the owners of the land to align their dwelling with adjacent dwellings

THRIVE The proposed alteration of the building envelope will not result in any adverse impacts on the environment

INNOVATE No impact

Report Objective

The owner of Lot 20 Daniel Avenue, Goolwa North, is seeking to amend the Building Envelope contained within a Land Management Agreement (LMA) relating to the property so as to enable the construction of a dwelling and deck partially outside of the building envelope.

Executive Summary

A two-storey dwelling and deck is currently under construction at Lot 20 Daniel Avenue, Goolwa North. The dwelling was granted Development Approval as a 'Residential Code' complying form of development.

Following the commencement of site-works, Council staff received two (2) complaints that the building work was outside of the building envelope contained within the relevant LMA.

On review, Council staff found that the building envelope illustrated on the plans that were submitted for Development Approval were incorrect. Specifically, the rear extent of the building envelope was out by approximately five (5) metres. The discrepancy was due to a misinterpretation of some site pegs on the land.

As the site works have already commenced, the owner of the land has sought a partial waiver of the building envelope requirements contained within the LMA, to enable the dwelling to be constructed as approved.

The LMA was established when the allotments were created in 2012 and its primary purpose was to ensure that a portion of the land was raised to an appropriate level to prevent flooding. The developer was required to raise the land and to create an embankment, which was completed before the allotments were sold.

The building envelopes were all contained within the raised portions of the land and were intended to reiterate the setback requirements contained in the Development Plan at that time.

However, the rear alignment of the building envelopes appears to be arbitrary and follows the road alignment rather than the river alignment. It does not reflect any Development Plan setback requirement as originally intended.

As such, it is considered important to consider the resulting impacts of a partial waiver of the building envelope on the adjacent landowners. In this regard, the report below will demonstrate that there will not be any impacts on river views or flood attenuation.

The greatest impact of the requested partial waiver of the building envelope is one of procedural fairness, in so far as other owners of land subject to this LMA have been advised by Council staff that they could not encroach outside of the building envelopes.

However, given that the majority of the proposed encroachment relates to a balcony/deck, there is an opportunity for other land owners to also seek a partial waiver of the building envelope for similar 'light-weight' extensions in the future (verandahs, decks, etc.).

Importantly, should the Council grant a partial waiver to the building envelope contained in the LMA, it will not erode the intent of the LMA.

REFER ATTACHMENT Item 9.1(a) (page 44)

Recommendation

Option 1

That Council endorse the waiver of the building envelope requirements contained within Clause 4.a. of the Land Management Agreement to enable the siting of a dwelling as proposed within Development Application 455/272/19, by permitting the Mayor and Chief Executive to sign a letter of waiver in accordance with Clause 13 of the Land Management Agreement.

OR

Option 2

That Council does not endorse the waiver of the building envelope requirements contained within Clause 4.a. of the Land Management Agreement and requires the proposed building to be re-sited entirely within the building envelope.

Context

The Council has received a Development Application (455/272/19) for the construction of a two-storey detached dwelling and deck, with a freestanding garage at Lot 20 Daniel Avenue, Goolwa North. The proposed dwelling is located within a gazetted Residential Code area and was approved as a 'complying' form of development (complying forms of development must be approved by the relevant authority).

The subject land is subject to a LMA which includes a building envelope. The LMA was established to ensure that future dwellings were protected from flooding, as the land was inundated in the 1956 flood.

When assessing the Development Application, Council staff noted that the building was to be constructed within the building envelope contained in the LMA. However, since the site works have commenced, Council staff have received two (2) complaints that the dwelling will be located outside of the building envelope.

On review, it was discovered that the rear extent of the building envelope shown on the site plan that was submitted with the Development Application, was out by approximately five (5) metres. When questioned about the discrepancy, the building designer advised that the existing on-site survey pegs were used as the reference point for the building envelope.

It appears that the on-site survey pegs indicate the location of the side boundaries of the land, not the building envelope contained in the LMA. Council staff are satisfied that the error was not intentional.

Unfortunately, the owners of the land have now spent approximately \$30,000 on site works, plumbing and initial footings and piers, based on their Development Approval. A 'stop-work' notice has been placed on the development to enable this matter to be determined.

General Analysis

The LMA includes three (3) requirements to ensure adequate flood attenuation, including:

- a. the construction of an embankment and retaining wall;
- b. ensuring that future development only occurs within building envelopes depicted within the Plan of Division; and

- c. ensuring that the site levels of all future development on the Land are no lower than 2.0 metres Australian Height Datum (AHD) as depicted on the Plan of Division.

The original developer of the land, Supreme Developments Pty Ltd, undertook the required earthworks and established the required embankment/retaining, ensuring that the areas containing the building envelopes were set at the required level (2.0m AHD).

The intent of the building envelopes was to ensure that all future dwellings were constructed on the raised portion of land (i.e. above the embankments) and to maintain setbacks, as prescribed in the Development Plan.

The front and side setbacks established by the building envelopes are consistent with the Development Plan policy, however the proposed rear (river facing) extent of the building envelopes appear to be arbitrary as they do not correlate with any Development Plan policy.

The LMA does not include any commentary on the protection of river views and, regardless, the alignment of the building envelopes is not parallel to the river. In addition, the construction of dwellings on Lots 1 to 4 will obscure views along the river in a western direction.

It is also important to note that the building envelope on Lot 8, which is immediately west of the subject land, extends well beyond the rear alignment of the building envelopes on Lots 9 to 14.

Within this context, the owners of Lot 20 (an amalgamation of Lots 9 and 10 in the above plan), would like to seek a waiver of the building envelope requirements contained in the LMA to enable their dwelling to be constructed on the allotment as approved (under the *Development Act 1993*).

REFER ATTACHMENT Item 9.1(b) (page 56)

The dashed lines on the plan contained in Figure 2 in Attachment 9.1(b) were the building designer's understanding of the extent of the building envelope, which was taken from pegs marked out on the site at the time of the survey. Unfortunately, the pegs did not coincide with the actual building envelope plan, which is marked in red.

The portion of the dwelling that would encroach beyond the rear line of the building envelope includes a small portion of the dwelling, an external staircase and a balcony/deck area.

A very small portion of the freestanding garage also encroaches within the 7 metre front setback. However, the freestanding garage is not parallel to the road and retains an average setback of 7 metres, such that this encroachment is considered minor.

A copy of the dwelling and outbuilding plans, which were approved as a 'Residential Code' complying development, are contained in Attachment 9.1(c).

REFER ATTACHMENT Item 9.1(c) (page 57)

In support of the landowner's request for a partial waiver of the LMA, their building designer has submitted the aerial image contained in Attachment 9.1(d), which illustrates the siting of the dwelling and the current rear building alignment.

REFER ATTACHMENT Item 9.1(d) (page 65)

The image includes a dashed green line that illustrates the alignment of the existing dwellings and the rear of the extended building envelope on Lot 8. In terms of this alignment, the resulting encroachment is limited to approximately half of the deck.

The dashed red line on figure 3 (Attachment 9.1 (d)) illustrates a line of vision from the adjacent vacant allotment toward the river. Given the location of the existing dwellings on Lots 1 and 2, the proposed dwelling and deck will not compromise river views from any of the adjacent dwellings.

As the owner has commenced site works for the dwelling, we have the benefit of comparing the footing and pier locations to the alignment of the existing dwellings to the east. The photographs contained in Attachment 9.1(e) were taken from the subject land.

REFER ATTACHMENT Item 9.1(e) (page 66)

Whilst the approved dwelling and deck is located partially outside of the building envelope contained within the LMA, Figures 4 and 5 in attachment 9.1 (e) illustrate that the building will remain in general alignment with the adjacent dwellings, when viewed from the river.

All of the building will be located above the embankment, with an appropriate bench level, in accordance with the intent of the LMA. In addition, the proposed dwelling will not have any impact on views of the river when viewed from the yet to be developed adjacent land (the image in Figure 6 in Attachment 9.1(e) demonstrates this).

As such, in-principle, the proposed siting of the dwelling and deck is not likely to have an adverse impact on the amenity of adjacent landowners and is considered to be acceptable.

Procedural Fairness

Whilst the proposed siting of the dwelling and deck is considered to be acceptable in terms of the resulting impact on adjacent landowners, there is an issue of procedural fairness.

Several of the adjacent land owners enquired with Council about building outside of their building envelopes prior to constructing their homes. The advice provided to them by Council staff was that they could not construct outside of the building envelopes contained in the LMA.

The owners of adjacent land generally accepted this advice and have mostly constructed their dwellings and associated outbuildings within their building envelopes (a shed has been constructed outside of the building envelope on one of the adjacent allotments without consent).

These owners are understandably aggrieved by the proposed dwelling on Lot 20, which has led to two (2) of the adjacent owners submitting complaints to the Council regarding the siting of the dwelling and deck.

Given the history of this building envelope and LMA, if the Council determines to agree to a partial waiver of the building envelope contained in the LMA to enable the subject dwelling and deck to be constructed as approved, then it would be reasonable for adjacent landowners along Daniel Avenue to apply for a similar waiver.

The current encroachment is primarily limited to the proposed deck and, as such, if adjacent landowners wanted to construct similar decks with a commensurate level of encroachment outside of the building envelope, then it would be unfair to deny them a similar concession to the partial waiver sought here.

Summary

Council staff have inspected the land and the broader locality, and are satisfied that the amendments sought to the building envelope, will not result in any additional impact on views of the river from the adjacent allotments.

Importantly, the entire dwelling footprint will be contained above the embankment and at the appropriate floor level, to ensure that the dwelling is adequately protected from flood waters, which is the primary intent and purpose of the LMA.

As such, the Applicant is seeking a waiver of Clause 4.a. of the LMA (the building envelope) to enable the dwelling to be constructed as proposed.

Comparative Analysis

Nil.

No other waivers have been sought for a development relating to this LMA.

Financial and Economic Implications

If the Council refuses to allow the partial waiver of the building envelope requirements contained in the LMA, then the owner of the land will need to demolish the existing site works, plumbing and footings, which have cost them approximately \$30,000 to date.

In addition, the owners would need to have the building redesigned to fit within the building envelope, which would carry further expense.

Risk Management

In accordance with the Alexandrina Risk Management Policy and Matrix, the risk of adopting recommendation Option 1 is considered low as the adjacent property owners have individual agreements with the Council in relation to the LMA and therefore there is no requirement for consensus amongst owners, as there would be if a community title arrangement was in place.

In accordance with the Alexandrina Risk Management Policy and Matrix the risk of adopting Option 2 is considered moderate as the applicant may seek legal recourse.

10. WELLBEING - REPORTS FOR COUNCIL DECISION

10.1 Goolwa Oval Sporting Precinct Master Plan

File Ref: 9.24.003

Responsible Officer: Kathryn Gallina (General Manager Wellbeing)

Report Author: Penny Worland (Social Planning and Infrastructure Coordinator)

Community Strategic Plan Impact:

ACTIVATE Encourage diverse, appealing and dynamic use of community (and open) spaces

PARTICIPATE Better utilise existing community facilities and assess purpose and fit for emerging trends and needs.

THRIVE Nil

INNOVATE Maximise multi-purpose usage of community assets, fostering social capital.

Report Objective

To seek Council approval for an interim management model for the Goolwa Oval Sporting Precinct.

Executive Summary

Significant changes will result from implementation of the Goolwa Oval Sporting Precinct Master Plan. These include both physical changes with new assets being constructed, and also management practices. The current lease to the Goolwa Recreation Ground Committee will expire in 2021.

Council's staff have been working with the Goolwa Recreation Ground Committee and its member Clubs, on how to operate the new facilities, manage the precinct during the period of change and to ensure successful implementation of the Masterplan pre and post delivery. A model is recommended for Council decision.

REFER ATTACHMENT Item 10.1 (page 68)

Recommendation

- 1. That Council endorse Administration to develop a Council-operated model for the Goolwa Oval Sporting Precinct for a period of two years; and**

2. That Council commence discussions and planning with the current lease holder, the Goolwa Oval Recreation Committee, for the transition to the new model by 31 August 2021; and
3. That Council note that the implications for 2021/22 and 2022/23 budgets will be discussed as part of Annual Business Plan and Budget processes.

Context

The Goolwa Sports Precinct Master Plan was developed and adopted by Council on 21 October 2019. The development of the Master Plan by insideEDGE (sport and leisure planning) and JPE (landscape architects) included extensive engagement with precinct user groups, as well as a period of consultation with the general public.

The Master Plan envisages very significant changes to both facilities and operations of the precinct, including:

- A new community facility with change rooms, first aid rooms, social space, office, bar and kitchen (replacing change rooms and 4 clubrooms);
- Four new tennis/netball courts and associated pavilion (located on the southern boundary);
- New cricket nets (located north of the oval);
- Relocated Lion's Shed (moved to main entrance);
- Changes to access and movement (reduced parking around the oval, new one way road through site); and
- Landscaping and informal recreation opportunities (new playground and exercise loop around lake).

Stage one of the project commenced late in 2020 and includes construction of the new, multi-user community facility. This is being funded by Council and the State Government's Office for Recreation, Sport and Racing. Stage 2 will be funded by the Australian's Government's Community Development Grants Program.

Council currently leases the precinct and facilities to the Goolwa Recreation Ground Committee, who sub-leases to other sporting groups. Utilities costs are split between groups, and income is generated by individual clubs (e.g. via bar and canteen). Asset management and maintenance is largely undertaken by volunteers and is organised by the lease-holder and its sub-lessees.

It is perceived by the majority of stakeholders that this model will no longer work effectively given multiple clubs will be sharing one new building from September 2021.

General Analysis

During 2020, current user groups were consulted regarding the governance and management of the precinct. All groups were asked about how they saw the precinct and shared community facility operating in the future. No consensus about a preferred model emerged from these discussions, although there was clear support for taking a different approach.

Administration's discussion with user groups regarding governance and management found the following:

- Not a lot of enthusiasm for the current operating model;
- Support for a neutral identity eg "Goolwa Sports and Community Club";
- Desire to put energy into developing their Club and activity rather than operational matters.

Out of these discussions the following were identified as important principles that need to be addressed in selecting a management model that meets the user group's needs:

- fair and equitable;
- effective decision-making;
- responsible asset management;
- consultative;
- skills based.

Council have also identified some important principles in selecting the model including:

- cost effective;
- activation and community inclusion;
- minimise risks;
- accountability to Council;
- sustainable long term.

The current management model did not rate strongly when assessed against these ten principles. This confirmed the need to consider other approaches that may perform better in meeting these principles and stakeholder needs.

Administration has reviewed relevant reports, trends and current practices in sport facility management, including discussion with staff in other local government authorities. It is clear that there is no standard, or one-size-fits-all model for complex facilities like this.

Management practices vary widely from 'direct management' by Council staff or by a Committee under the local Government Act, to 'independent management' by commercial service providers, community association or user group committees, and a range of hybrid, 'arm's length management' approaches. These are described in the table below.

Table 3: Common Sports Facility Management Structures (Tredwell Management Services, 2015)

Direct Management 'in house'	Indirect Management 'arm's length'	Independent Management 'outside'
A. Managed and operated directly by local government employees	D. Managed by an incorporated association (or a Company Limited by Guarantee) comprising representatives of the City and user groups	G. Managed by private (commercial) individual or organisation through a lease
B. Managed by a Committee under the Local Government Act using employees	E. Managed in partnership with the local government via an incorporated association (or a Company Limited by Guarantee) comprising representatives of the City and specialist management agency	H. Managed by single or composite user group (sporting or community organisation) through a lease
C. Managed by a Committee under Local Government Act using contract labour and support services	F. Managed by specialist management agency which has a management services agreement with the local government.	I. Managed by specialist management agency through a lease

The current management structure in place at the Goolwa Oval Precinct is Model H – Managed by composite user group, through a lease.

The Goolwa Oval Sporting Precinct will be undergoing a great deal of change during the coming two years, making operational and financial modelling very complex if multiple models are to be compared and assessed.

Council must fulfil statutory responsibilities including the Local Government Act, Liquor Licensing Act, Retail and Commercial Leases Act. Any leases developed for the site require public consultation. Council will also have significant new reporting obligations as a result of the Australian Government grant and there will be a need to manage the new built form effectively to ensure that any warranty provisions can be accessed during the guarantee period.

With consideration to all of these factors, Administration recommend a period of direct Council operation of the Goolwa Oval Sporting Precinct, for up to two years. During that time a longer term model for precinct management will be developed with the stakeholders.

The benefits of this 'interim solution' for precinct management include:

- Setting the Precinct up for success with a period of active support by Council;
- Gathering information on actual income and operating costs in order to have better informed discussion and consultation on a long term management model;
- Providing time for Oval Committee and user groups to understand the facility operating costs and how they will meet them;
- User groups can focus on developing their club/sport/activities during the 2 year period;
- Satisfying the additional government funding and reporting requirements
- Covers the defects period of new community building

- Covers major changes from the next stages of the Master Plan
- Council can explore other uses and activation (eg when current groups not using new building) opportunities;
- Remain flexible and work collaboratively with the user groups on a longer term management model.

This approach has the following implications for Council, Goolwa Recreation Ground Committee and the user groups:

- Council will appoint staff with the right skillset to provide facility coordination and management;
- Council can gauge and forecast a budget for maintenance and operations. More work will be done on this in preparation for the 2021/22 draft budget;
- New licence and hire agreements will be developed for user groups for the period, to replace lease and sub-lease agreements used in the current model;
- A profit share model for hospitality services (bar, canteen/ kitchen) will also be developed with input from the relevant Clubs. There are a range of profit sharing models operating in other facilities that Council can consider. It is recognised that this income is very important to sporting Club operations.

Importantly, Council would not seek to replace volunteering in the precinct with paid staff time. The role of volunteers in maintaining the facility is crucial and to be valued and continued where possible. Not only does volunteering by Club members help to keep operating costs low for the Clubs, it provides meaningful activity and connections with benefits for the volunteers.

The Council-operated model for a limited period has been presented to the Goolwa Recreation Ground Committee and all eight of its member Clubs have responded with feedback and questions of clarification regarding the facility management function, operating budget, grounds maintenance, hire agreements, outgoings/utilities, profit share model etc.

The overall response has been positive, and there appears to be goodwill to work with Administration on the finer details of this 'interim solution'. The Goolwa Recreation Ground Committee decided to provide 'in principle' support to a period of council operation of the oval precinct and facilities at its meeting of 2 March.

Council staff currently manage the Goolwa Stadium directly, as well as the Strathalbyn Pool (with YMCA providing contracted services). The Manager Community Wellbeing has tertiary sport and recreation management qualifications and considerable experience managing recreation facilities in two states. Other staff have facility operations, property management, asset maintenance, lease/license and bookings experience. It is considered that there is sufficient experience with council staff for this facility to be operated effectively for this period.

A re-engineered role (currently titled 'Facilities Activation Coordinator') will commence in July 2021 in the Wellbeing team structure and will report to Manager, Community Wellbeing. This position is being created as part of the new Wellbeing team structure, post the transition out of direct aged care service provision. A person with relevant skills and experience will be appointed to this role to provide facility

coordination and management; and will also provide support to Clubs and volunteers.

If the Recommendations of this report are adopted by Council, Administration will work with the stakeholders to develop a more detailed model and set of agreements, for Council authorisation in July 2021.

Comparative Analysis

Comparative analysis was undertaken for nine possible approaches as part of the development of the recommended approach. Discussion with other LGA staff, a literature review (by City of Onkaparinga) and relevant reports on shared sport and recreation facilities management from SA and interstate also informed the recommended approach.

Financial and Economic Implications

The additional cost to Council for asset maintenance and operational budget will be estimated and included in the draft 2021/22 budget. Opportunities for grants, income generation and hire fees to offset the costs will also be considered.

Although a staff resource will be required to manage the Goolwa Oval precinct, this is able to be done within a new role already identified in the organisational structure of the Community Wellbeing team from July 2021. No additional budget for staff is required.

Risk Management

In accordance with the Alexandrina Risk Management Policy and Matrix, the risk of adopting this recommendation is considered low as this is an interim model that has in-principle support from the Goolwa Recreation Ground Committee. Moving forward there will still be an opportunity to further evaluate the feasibility of this or any future model.

10.2 Alexandrina Arts and Cultural Advisory Committee - Minutes 21 January 2021

File Ref: 9.24.003

Responsible Officer: Kathryn Gallina (General Manager Wellbeing)

Report Author: Linda Scholz (Manager Community Wellbeing)

Elected Member Reps: Cr Bronwyn Lewis, Cr Margaret Gardner

Report Objective

To receive the Minutes of the Alexandrina Arts and Cultural Advisory Committee meeting held 21 January 2021.

REFER ATTACHMENT 10.2 (page 69)

Recommendation

That the minutes of the Alexandrina Arts and Cultural Advisory Committee meeting held on 21 January 2021 be received.

Discussion

Highlights of the meeting held on 21 January 2021 included:

- The Committee received an update on the seating capacity and hall space available at Centenary Hall in accordance with the new COVID Safe Plan relevant for cinemas and theatres;
- Information was provided to the Committee regarding a new Creative Cultural Strategist role that has been appointed to work closely with staff and the community over an 18 month period. The role will involve the review of existing activity, research, mapping, master-classes, public forums, report writing as well as creative artefacts and the development of a succinct final report of recommendations intended to influence investment, policy, program and project planning. This will include reviewing, renewing and revitalizing the JAW (Just Add Water) arts and culture program; and
- The Committee were formally informed that Cr Stewart has resigned from the Arts and Cultural Committee and Cr Gardner will be the new elected member representative for the Committee. The Committee also moved to acknowledge Cr Stewart for his ongoing support and assistance on the Arts and Cultural Committee.

11. RESOURCES - REPORTS FOR COUNCIL DECISION

11.1 Audit Committee Minutes 22 February 2021

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

Purpose

To receive the minutes of the Alexandrina Council Audit Committee meeting held on 22 February 2021.

REFER ATTACHMENT 11.1 (page 72)

Recommendation

That the minutes of the Audit Committee meeting held on 22 February 2021 be received.

“Update from the Chair Audit Committee, 22 February 2021 Audit Committee meeting:

*The main item discussed at the meeting was the draft Employee Entertainment and Hospitality Policy. The draft policy was developed from an amalgam of sources, including the **updated** policies of those Councils which have been subject to recent adverse findings on entertainment by the Auditor General and Ombudsmen. The policy will apply to employees only.*

Entertainment and hospitality by Council staff carries a high reputational risk for Council. By its nature it occurs in public places, and/or involves members of the public - many of whom are ratepayers. Where alcohol is involved, behaviour can be more uninhibited than it otherwise would be, with possible legal or reputational consequences. Entertainment is also one of the most publicly visible expenditures of Council monies, which inevitably can give rise to criticism simply because the activity is occurring at all. Hospitality - in particular when provided to Council employees - carries the risk of undue pressure being placed on employees by third parties, and there are WHS issues with entertainment and hospitality, as demonstrated amply this week in the Federal Government arena.

The Committee discussed the draft policy at length, and with some minor amendments to aid clarity, recommends that Council adopt the draft policy. The Mayor advised that the LGA policy on this topic is likely to be finalised in the next few weeks, and Alexandrina can consider that policy at a future time. However, the LGA policy is for its own use, rather than providing a template for councils - so is

unlikely to cover the myriad of entertainment and hospitality issues faced by Council employees.

*The coverage of the policy - to employees only - was also discussed. Elected Members entertainment and hospitality would need to be explicitly covered by the **Elected Member Allowances, Benefits, Support and Facilities Policy**. At present I understand that very limited entertainment is being undertaken by Elected Members, and revisiting that policy at this time may not be warranted.*

The Committee also considered the results of its recent self-review survey, and some minor improvements to our processes were agreed. The usual reports were reviewed and the Committee is satisfied that Council's financial and risk processes are operating as intended."

11.2 Adelaide Hills Region Waste Management Authority Second Quarter Budget Review

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

Strategic Plan Impact:

ACTIVATE Livability of Townships & Rural Areas

PARTICIPATE Collaborative Community Ventures

THRIVE Protection of Water Resources

INNOVATE Proactive Leadership and Accountability

Report Objective

To review and endorse the Adelaide Hills Regional Waste Management Authority (AHRWMA) 2020-21 Second Quarter Budget Review as at 31 December 2020.

Executive Summary

The AHRWMA second quarter budget review, as at 31 December 2020 recommends no net change to the end of year position despite some adjustments to income and expenditure. It is noted all financial indicators are tracking in accordance with targets.

REFER ATTACHMENT Item 11.2 (page 78)

Recommendation

That Council receives and endorses the Adelaide Hills Regional Waste Management Authority Second Quarter Budget Review for the period ending 31 December 2021 with Operating Expenses of \$7,582,000, an operating surplus of \$515,000 and estimated cash at end of reporting period of \$331,000; noting no amendments to council contributions are proposed at this stage.

Context

At the Authority's Board Meeting on 18 February 2021, the Board endorsed the Authority's second quarter budget review as at 31 December 2020.

The budget review contains year to date actuals to 31 December 2020, with forecast estimates for the period January to June 2021, so as to estimate the year-end financial outcome.

General Analysis

The following key budget adjustments represent the overall increase to the surplus:

Operating Budget

- User charges remain ahead of budget at the end of the second quarter. Waste received has increased by 7% on the same period last year.
- Savings attributable to the landfill supervisor position being vacant for the first six months of the year and savings associated with the WHS, Risk and Project Officer (filled) and Waste to Resource Officer (vacant) positions.
- Increased costs at Heathfield RRC, movement in materials, contracts & other expenses including staffing requirements resulting from additional services, such as the chemical facility, polystyrene processing and an increase in customers, likely due to COVID-19.

Comparative Analysis

Nil

Financial and Economic Implications

There is no change to Council's contribution forecast for 2020-21 at the second budget review, this will be reviewed as the financial year progresses.

Risk Management

When referencing the Alexandrina Council's Risk Management Matrix and Policy, the risk rating associated with the recommendations contained in this report are considered to be low.

Compliance risk is reduced by Council receiving and endorsing budget amendments for the Authority in line with its Charter.

11.3 Fleurieu Regional Waste Authority Second Quarter Budget Review

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

Strategic Plan Impact:

ACTIVATE Livability of Townships & Rural Areas

PARTICIPATE Collaborative Community Ventures

THRIVE Protection of Water Resources

INNOVATE Proactive Leadership and Accountability

Report Objective

To review the Fleurieu Regional Waste Authority (FRWA) 2020-21 Second Quarter Budget Review, as at 31 December 2020.

Executive Summary

The FRWA Second Quarter Budget Review, identifies a projected surplus of \$109,612 at year end as at 31 December 2020, an increase of \$71,598 from the first quarter review. From the Authority's perspective, no changes to Council contributions are proposed at this stage.

REFER ATTACHMENT Item 11.3 (page 83)

Recommendation

That Council receives and endorses the Fleurieu Regional Waste Authority Second Quarter Budget Review for the period ending 31 December 2020 with Operating Expenses of \$9,392,615, an operating surplus of \$109,612 and estimated cash at end of reporting period of \$922,959; noting no amendments are proposed to council contributions at this stage.

Context

At the Authority's meeting on 24 February 2020 the Board endorsed the Authority's second quarter budget review and results as at 31 December 2020.

The budget review contains year to date actuals to 31 December 2020, with forecast estimates for the period January to June 2021, so as to estimate the year-end financial outcome.

General Analysis

FRWA reported that as at the end of December 2020; all cost centres are in a surplus position with an increase in income and a reduction in expenditure against the year to date budget; in some areas this reduction relates to variances in timing of expenditure.

Overall the financial indicators for FRWA are positive, with a small surplus projected for the end of the year. It is anticipated that all Councils will finish in surplus at the end of the year with the additional revenue and grant income yet to be realized.

Due to the surplus, council contributions retained from 2019/20 and an increase in revenue from user charges and scrap steel, there is no change to council contributions forecast for the 2020/21 year as at the first budget review.

The following budget adjustments represent the overall increase to the net surplus:

Operating Budget

- Increase in additional collection service income, with a 31% increase in these services year to date.
- Increase in user charge income at all FRWA WRD's due to increased activity.
- An expected net gain on the sale of corporate vehicles, KI plant and estimated loss on sale of 3 x kerbside RACV's.
- Staff vacancies in the FRWA Administration team partly offsetting an increase in employment costs at the Goolwa WRD and KIRRC due to increased activity.
- Increased cost of recycling processing (83%) and increased council contributions; offset by revenue received in advance.
- Increased cost of kerbside green waste processing, with a 14% increase in this waste stream year to date.
- Reduction in kerbside plant fuel costs due to lower than anticipated fuel prices.
- Decrease in depreciation due to timing of asset purchases.
- An overall increase in corporate costs is due to redevelopment of the FRWA website, competitive neutrality consultancy and 3Logix software changes and report setup.
- Corporate cost centre expenditure is forecast to finish the year in line with the original FRWA budget due to a reduction in employment costs offsetting the cost of the above projects.
- An increase in other expenses including site works / maintenance and development of a landscaping supplies yard at the Goolwa WRD; installation of the point of sale system on KI; an increase in waste transport cost for KI due to an increase in MSW tonnages, up 11% year to date.

Capital Budget

- Reduction in purchase price for corporate assets.
- Retiming of replacement of the KI bobcat, now scheduled for February/ March 2021.
- Major repairs to the Strathalbyn WRD Loader.

Comparative Analysis

Nil

Financial and Economic Implications

There is no change to Council's contribution forecast for 2020-21 at the second budget review, this will continue to be reviewed as the financial year progresses.

Risk Management

When referencing the Alexandrina Council's Risk Management Matrix and Policy, the risk rating associated with the recommendations contained in this report are considered to be moderate.

Compliance risk is reduced by Council receiving and endorsing budget amendments for the Authority in line with its Charter.

12. OFFICE OF THE CHIEF EXECUTIVE OFFICER - REPORTS FOR COUNCIL DECISION

12.1 Chief Executive Officer's Report

File Ref: 9.24.003

Responsible Officer: Glenn Rappensberg (Chief Executive Officer)

Report Author: Glenn Rappensberg (Chief Executive Officer)

Purpose

To receive the report from the Chief Executive Officer on activities undertaken during the month of February (2021) and to note the incumbent's planned Annual Leave from Monday 10 May to Friday 21 May 2021 inclusive, as well as recommended replacement.

Recommendation

- 1. That the Chief Executive Officer's report be received.**
- 2. That Mark van der Pennen, General Manager Environment, be appointed Acting Chief Executive Officer for a period of two weeks from Monday 10 May to Friday 21 May 2021 inclusive, being for the purposes of annual leave coverage for the incumbent Chief Executive Officer.**

February 2021, represents the summer season coming to a close and subsequent reduction in visitor numbers however weekend 'foot-traffic' remains strong with local business reporting (anecdotally) their 'best-ever' holiday period.

The endorsement of the A2040 suite of Strategic Management Plans at the Special Council Meeting on 22 February represents the culmination of nearly two years of strategic thinking and planning to deliver a framework that truly puts community at the heart of ensuring Alexandrina achieves its vision – 'To Thrive'.

Whilst the A2040 framework introduces a new way of working with community via the annual village conversations and resultant Village Innovation Plans, the Executive and I are now focussed on the important task of demonstrating 'delivery' of the various outcomes outlined in the suite of documents. Critical to that delivery is the right organisational structure moving forward and finalisation of the Executive team and respective portfolios given recent movements.

Of note was the very successful test Village Innovation Conversation/Planning session conducted at Milang with positive feedback received from community present at the session, highlighting that the data snapshot provided to facilitate discussion and assist in priority recommendations was relevant to the topic.

Various opportunities have existed this month to touch base with community either individually or as a collective per the statement of meetings contained within this report.

I note that our direct and indirect advocacy efforts continue to yield benefit with Alexandrina Council mentioned thirty-six (36) times in the media this month, coupled with regular posting of relevant stories via social media across Council multiple website and other platforms.

Significant progress continues on a number of large scale infrastructure works namely the Strathalbyn Streetscape Revitalisation Project Stages 1 and 2 as well the Goolwa Sporting Precinct Upgrade – per the recent Elected Member portal update in relation to Major Project reporting – regular updates with regard to relevant projects will be provided via this mechanism into the future.

In relation to the Goolwa Wharf Revitalisation Project (as highlighted in a recent portal update), a comprehensive outward facing communication strategy has been developed and will roll-out by the end of March to ensure all stakeholders have input to the ‘look and feel’ of the future precinct.

The table below highlights a snapshot of relevant external (in-attendance) contacts:

February	
1	Public hearing – inquiry into the Climate Change Bills via videoconference
1	Meeting with Bill Nehmy, Tourism Development Manager, Murray River, Lakes and Coorong
5	Murray Darling Region 6 Executive Meeting, Annual General Meeting and Ordinary Meeting held at Coorong District Council
5	Attended the Langhorne Creek Photography Competition Awards Night
5	Attended and spoke at the Goolwa Neighbourhood Watch AGM and 30 Year celebration
9	Southern & Hills LGA Special Meeting via videoconference
10	Attended the Lake Breeze Barrel Room Official Opening
12	Meeting with John Dawkins MLC
17	Milang Village Innovation Plan – Test Session
18	Strathalbyn Community Consultative Committee, Angus Zinc Mine Tour
22	Alexandrina Council Audit Committee meeting
24	Regional Development Adelaide Hills, Fleurieu & Kangaroo Island Board meeting
24	Meeting with Goolwa High School Principal
26	Southern & Hills Local Government Association Board Meeting on Kangaroo Island.

12.2 Section 270 Review - Removal of Hedge at Milang Soldiers Memorial Gardens

File Ref: 9.24.003

Responsible Officer: Glenn Rappensberg (Chief Executive Officer)

Report Author: Elizabeth Williams (General Manager Resources)

Community Strategic Plan Impact:

ACTIVATE	Nil
PARTICIPATE	Nil
THRIVE	Nil
INNOVATE	Strong governance practices allow for re-consideration of decisions.

Report Objective

To provide the independent report prepared by Norman Waterhouse Lawyers on the Section 270 Review into the removal of the hedge at the Milang Soldiers Memorial Gardens.

Executive Summary

In accordance with Alexandrina’s Internal Review of Council Decisions Procedure, Administration sought an independent review of the decision to remove the hedge at the Milang Soldiers Memorial Gardens given the significant community interest in the decision.

The report has noted that while the decision is final i.e. the hedge cannot be reinstated, a number of associated recommendations have been made for consideration. Implementation of the recommendations will further inform and improve operational processes as they pertain to decision making into the future.

REFER ATTACHMENT Item 12.2 (page 87)

Recommendation

That Council receive and note the independent Section 270 Review Report into the removal of the hedge at Milang Soldiers Memorial Gardens.

Context

A request was received from Ms Elaine Bell for a review of a Council decision (S270 Review) with regard to the administrative steps taken for the removal of a portion of the Milang Soldiers Memorial Garden on 7 July 2020.

In accordance with Council's Internal Review of Council Decisions Procedure, Dale Mazzachi, a Principal at Norman Waterhouse Lawyers was engaged to prepare a report for consideration and determination.

Given the outcome of the initial decision making process, it was determined that engaging Mr Mazzachi would provide a level of independence consistent with the five key principles set out in Alexandrina's Internal Review of Council Decisions Procedure being fair treatment, accessibility, responsiveness, efficiency and integration.

General Analysis

In accordance with Alexandrina's Internal Review of Council Decision's Procedure, the Section 270 Report has been provided to Council for information.

The author of the Section 270 Review Report considers that the decision to remove the hedge 'was not the correct or preferable decision', as 'the Council failed before making the decision to' consider all relevant information, as further detailed on page 25 of the Report.

Recommendations from the report include:

That Council:

- consider the information within this report and determines whether the decision to remove the hedge was the correct and/or preferable decision;
- ensures that the heritage architect it has already engaged will provide an opinion to determine whether the removal of the hedge constitutes development for the purposes of the Development Act 1993 and, if so, whether an application for retrospective approval for the removal of the hedge ought to be lodged with the relevant authority;
- develop and/or refine its risk assessment processes and the awareness of the processes within the organisation to ensure:
 - It appropriately assesses and applies the relevant provisions of the Council's community land management plans when maintaining or developing community land;
 - Changes proposed to be made to Contributory Items, Local and State Heritage Places and other protected places/matters within the Council recognise the significance of such items/places/matters and align with community expectations and other relevant factors (such as heritage requirements);
 - Appropriate regard is had to the provisions of its Public Consultation Policy, in accordance with its terms where relevant; and

- Traffic engineering expertise is sought in respect of vegetation clearance proposals which are likely to have particularly significant traffic impact or community importance.

Retrospectively Administration has sought the advice of traffic engineering and heritage experts.

MFY PTD LTD (Traffic Engineering Consultants) were engaged to conduct a desktop review of the traffic impact of the hedge on the safety of road users. MFY PTY LTD have advised that the pruning of the hedge was warranted on safety and access grounds. They found that the hedge, prior to being cut back, was obstructing sight lines for vehicular traffic. Further they also found it restricted access passed the pedestrian ramp for people with disabilities.

Heritage South Australia have confirmed that the removal of the hedge would not materially impact on the context of the State Heritage place as the State Heritage listing relates to the cannon that fired the royal salute in 1867 at the Soldiers Memorial Park. However, Heritage South Australia consider it prudent to seek advice about future developments at this site.

After considering the information within the Report and advice from MFY PTY LTD and Heritage South Australia, the CEO has determined that the decision to remove the hedge was the 'correct and /or preferable' decision at the time to mitigate a localised public safety and accessibility issue. However, it is acknowledged that communication and engagement externally and internally during the process was lacking and processes are being established to ensure improved stakeholder communication into the future.

As Section 270 reviews are administrative in their form and function, the CEO will take steps to enact relevant recommendations and improvements to policies and processes as appropriate.

Implementation of Report Recommendations

Corrective actions implemented since the recommendations of the report have included:

- A complete review of the current process for recreational services project work is currently being undertaken. This included meetings with key staff and any work beyond general maintenance detailed within current service levels such as pruning and mowing. This work must now be referred to management for consideration prior to any further progression. This is an interim measure until the complete process review has been finalised;
- Initial outcomes of the process review also includes an audit and identification of all heritage, memorial and highly valued community assets and areas within the Alexandrina Council district. These assets are to be captured and clearly identified within the new Corporate system's GIS spacial data, being accessible and available to all relevant staff;

- A review and enhancement of maintenance standards to give Field and key Staff clear definition between programmed maintenance, projects and enhancement work; and
- A new procedure is being developed for all work that is identified as being outside the scope of general maintenance and will address consultation, communication, planning, design including traffic consideration, heritage, Land Management plans, scoping, budget etc; and
- Reviewing resources to include technical and specialist expertise within the organisation such as Traffic and Infrastructure Engineering.

Further work to address the remaining recommendations is progressing.

Comparative Analysis

Nil

Financial and Economic Implications

The independent Section 270 report cost in the vicinity of \$4,200 plus GST and disbursements and was accommodated within existing budget.

Risk Management

When referencing Alexandrina Council's Risk Management Matrix and Policy, the risk rating associated with the implementation of the recommendations contained in this report is considered to be low as the correct review process has been followed, an independent expert undertook the review and the report has been made publically available.

12.3 Draft Employee Entertainment and Hospitality Policy

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

Strategic Plan Impact:

ACTIVATE Maintain a high performing, dynamic organisation responsive to community interests.

PARTICIPATE Develop resources to promote a common understanding.

THRIVE Nil

INNOVATE Proactive Leadership and Accountability

Report Objective

For Council to consider the adoption of an Employee Entertainment and Hospitality Policy.

Executive Summary

Local government expenditure has been the focus of both the Auditor General and the SA Ombudsman in recent times with both agencies publishing reports into the perceived inappropriate use of public funds with regard to hospitality and entertainment.

In order to ensure probity and accountability with regard to expenditure of public funds it was determined that an Employee Entertainment and Hospitality Policy would enhance existing employee code of conduct guidelines. The policy will provide a framework for employees as to the approved expenditure of public monies on hospitality and entertainment. It will also promote accountability and transparency to the community with regard to the expenditure of public funds.

The draft Employee Entertainment and Hospitality Policy was considered by the Audit Committee at its meeting of 22 February 2021.

REFER ATTACHMENT Item 12.3 (page 113)

Recommendation

1. **That Council adopt the draft Employee Entertainment and Hospitality Policy per attachment 12.3, noting the scope is for employees only.**
2. **That Administration be authorised to make changes of a minor technical or formatting nature to the Employee Entertainment and Hospitality Policy.**

Context

In developing the draft Entertainment and Hospitality Policy, Administration has been mindful of the Auditor General's findings in relation to the examination of credit use and management at the City of Playford, City of Charles Sturt and Coorong District Council.

The findings of the SA Ombudsman's investigations into the use of credit cards at the City of Burnside (December 2020); the acceptance of gifts by employees at the City of Onkaparinga (December 2019) and the use of corporate credit cards at the City of Onkaparinga (November 2019) were used to inform policy content as well.

The Employee Code of Conduct (Code), under the Local Government Act 1999 (LG Act), was amended in 2018. At this time, specific provisions relating to employee's acceptance of hospitality and entertainment were removed from the Code.

The draft Employee Entertainment and Hospitality Policy outlines what are deemed to be appropriate entertainment and hospitality expenses associated with work events or on Council premises, and aims to promote a greater understanding of where hospitality is permissible (this is set out in a table in the draft Employee Entertainment and Hospitality Policy).

General Analysis

The draft Employee Entertainment and Hospitality Policy will be a new public policy for Council and the scope is for employees only. The policy will supplement the follow list of Council Policies and Procedures:

- Procurement Policy;
- Code of Conduct for Employees; and
- Reward and Recognition Internal Policy.

Should Elected Members wish to consider entertainment and hospitality charges relevant to Elected Members only, Administration can facilitate a workshop and briefing process to identify the preferred policy position and review the Elected Member Allowances, Benefits, Support and Facilities Policy as deemed appropriate.

The Audit Committee considered the draft Employee Entertainment and Hospitality Policy at its meeting of 22 February 2021 and resolved as follows:

ACAC223 Moved Cr Keily seconded Cr Farrier:

That the Audit Committee recommends to Council the adoption of the draft Employee Entertainment and Hospitality Policy per Attachment 4.4, with the amendments as noted and noting the scope is for employees only.

CARRIED

The amendments, as suggested by the Audit Committee, have been included in the draft Employee Entertainment and Hospitality Policy as presented at Attachment 12.3.

It is requested that Council authorise Administration to make formatting and minor technical changes to the Employee Entertainment and Hospitality Policy. This prevents the need for inconsequential changes to the policy content to be considered by Council and thus unduly burden the Council with minor administrative matters. Minor technical changes are deemed as changes that do not materially impact the form, fit or process of the policy and include such items as:

- changes in the titles of officers;
- the renaming of government departments;
- minor legislative change e.g. matters to be considered by the District Court are now to be considered by the South Australian Civil and Administrative Tribunal; and
- increases in statutory fees and charges.

Comparative Analysis

The draft Employee Entertainment and Hospitality Policy is a discretionary policy. The Local Government Association released a draft model Entertainment and Hospitality Policy for feedback in September 2018 as a result of the amendments to the Employee Code of Conduct. The LGA have advised Administration that due to the diverse nature of the responses received and the impending changes to the LG Act via the Statutes Amendment (Local Government Review Bill) 2020, the LGA will release a 'new' model Entertainment and Hospitality Policy for comment from the sector at the conclusion of the reform process.

In considering the development of the draft Employee Entertainment and Hospitality Policy, Administration have reviewed similar policies across the local government sector. Particular scrutiny was paid to the City of Burnside's 'new' Entertainment and Hospitality Policy which was amended as a result of the Ombudsman's investigation into the use of credit cards at this council.

Financial and Economic Implications

There are no adverse financial implications associated with this report. Future budget reviews will enable the identification of potential savings resulting from the introduction of this policy.

Risk Management

When referencing Alexandrina Council's Risk Management Matrix and Policy, the risk rating associated with the adoption of the recommendation contained in this report is considered to be low as the draft policy provides a clear framework to employees on the expenditure of public funds and promotes transparency and accountability for such matters to the community.

12.4 Murray Darling Association Region 6 - Minutes 5 February 2021

File Ref: 9.24.003

Responsible Officer: Glenn Rappensberg (Chief Executive Officer)

Report Author: Nathan Bicknell (Executive Officer Murray Darling Association Region 6)

Elected Member Reps: Cr Melissa Rebbeck, Cr Michael Scott

Report Objective

To receive and note the Minutes of the Murray Darling Association (MDA) Region 6 meeting and Annual General Meeting held on 5 February 2021.

REFER ATTACHMENT 12.4 (a) (page 121)
REFER ATTACHMENT 12.4 (b) (page 129)

Recommendation

That Council receive and note the minutes of the Murray Darling Association Region 6 meeting and AGM held on 5 February 2021.

Discussion

Highlights of the meetings held on 5 February 2021 include:

MDA Region 6 - Annual General Meeting	
7.1	The re-election of Cr Rebbeck as Chair of Region 6
7.2	The re-election of CEO Glenn Rappensberg to the Executive Committee

MDA Region 6 - Ordinary Meeting	
7.1	Confirmation of the Annual Stakeholder Symposium in October 13-14 Murray Bridge (Bridgeport Hotel)
8.3	Initial discussion on Regional Motions to the forthcoming MDA AGM.

Subsequent to the Ordinary Meeting held on 5 February 2021, a Motions Workshop was held at the Rural City of Murray Bridge Council offices on the 26 February 2021.

Draft Motions to be short listed include (but not limited to):

1	MDBA Deliverability Risk Report 2020 (MDA to endorse outcomes)
2	A Basin Wide Approach (MDA to endorse a no-blame policy)
3	Carbon Neutrality Targets (Government support, not exemptions)
4	Equitable Water Markets (Government support for diversity and food security)
5	Carp Harvest (Government to investigate circular economies)

6	Bank Stabilisation (Government to support remediation)
7	Sustainable Diversion Limits (Climate options in Basin Plan 2)

12.5 **Murray Darling Association's National Conference and Annual General Meeting**

File Ref: 9.24.003

Responsible Officer: Glenn Rappenberg (Chief Executive Officer)

Report Author: Nathan Bicknell (Executive Officer Murray Darling Association, Region 6)

Community Strategic Plan Impact:

ACTIVATE

A healthy Murray Darling Basin is essential for vibrant communities, memorable experiences and the liveability of our townships and rural areas.

PARTICIPATE

The health of the Murray Darling basin has a direct impact on the quality of life enjoyed by our community.

THRIVE

Council participation in the Murray Darling Association provides an advocacy mechanism in support of the ecological health of the Lower Murray, Lakes and Coorong region.

INNOVATE

Council participation in the Murray Darling Association provides a mechanism to promote the voice of community at State and Federal level with respect to the management of Basin water resources.

Report Objective

To seek approval for Cr Melissa Rebbeck and Cr Michael Scott to attend the Murray Darling Association's 77th National Conference and Annual General Meeting to be held in Wentworth, New South Wales from 16 to 19 May 2021.

Executive Summary

Administration has received correspondence from the Murray Darling Association (MDA) advising that they will be holding their 77th National Conference and Annual General Meeting in Wentworth, New South Wales from 16 – 19 May 2021. The theme for the event is '*Connectivity; Connecting Councils and Community*'.

Alexandrina Council is a member of Murray Darling Association Region 6 (MDA-R6). The MDA is a membership based peak-representative body representing local government and communities across the Murray-Darling Basin.

Council has three representatives who attend and vote at MDA Region 6 meetings being, Cr Melissa Rebbeck (who holds the office of MDA-R6 Chair), Cr Michael Scott and CEO Glenn Rappenberg (who holds the office of Executive).

The MDA have advised that Council is entitled to appoint two (2) Delegates to vote at the Murray Darling Association's 2021 Annual General Meeting (MDA AGM). Recent updates to the MDA's Constitution 2019, also allow for attendance and voting by virtual means.

As Cr Rebbeck and Cr Scott currently represent Council on the MDA Region 6 it is recommended that they represent Council at the 2021 MDA AGM.

Recommendation

- 1. Council approves the attendance of Cr Rebbeck and Cr Scott at the Murray Darling Association's 77th National Conference and Annual General Meeting to be held in Wentworth, New South Wales from 16 to 19 May 2021.**
- 2. Council notes that expenses will be paid and / or reimbursed in accordance with the Elected Member's Allowances, Benefits, Support and Facilities Policy and the Income Tax Assessment Act 1997 of the Commonwealth.**

Context

The MDA is a membership based peak-representative body representing local government and communities across the Murray-Darling Basin. The purpose of the MDA is to provide effective representation of local government and communities at a state and federal level in the management of Basin resources by providing information, facilitating debate and seeking to influence government policy.

The MDA comprises 12 regions across Queensland, New South Wales, the Australian Capital Territory, Victoria and South Australia. Alexandrina Council is a member of MDA Region 6, along with Coorong District Council, Rural City of Murray Bridge, Southern Mallee District Council, Tatiara District Council and the City of Victor Harbor. The national MDA body along with the 12 regions are all governed by the MDA Constitution adopted in 2019.

The Murray Darling Association have advised that the 77th National Conference and Annual General Meeting (AGM) of the MDA is being held in Wentworth, NSW from the 16-19 May 2021. Motions resolved at the National Conference and AGM form the foundations of the MDA's leadership and advocacy work for the year and years ahead.

Pursuant to Clause 17 of the MDA Constitution, Alexandrina Council may appoint two Member Council Delegates entitled to vote at the MDA AGM (to be held concurrently with the MDA National Conference).

A Member Council Delegate may be a Councillor or Council officer of the member Council, or another person selected and supported by the Member Council.

General Analysis

The Elected Member Training and Development Policy seeks to ensure that Elected Members are offered opportunities to undertake appropriate training and development activities relevant to their roles and functions.

Accordingly, as Cr Rebbeck and Cr Scott currently represent Council on the MDA Region 6, it is recommended that they perform the role of Council's voting delegates at the 2021 MDA AGM.

It should be noted that travel to Wentworth may be undertaken via the following (best case) options:

- Travel by car to Wentworth via Renmark is approximately 5 hours non-stop; or
- Travel by aeroplane to Wentworth (Adelaide via Melbourne to Mildura), plus bus transfers to Wentworth is four and a half hours.

Comparative Analysis

Each year, the MDA National Conference and Annual General Meeting is attended by hundreds of local government delegates from all four Basin States. Therefore, strong collective attendance (in person) at the MDA National Conference is an important way for the organisation to establish its credibility with State and Federal Government agencies and political representatives.

In September 2019, Cr Rebbeck and Cr Scott attended and represented Region 6 and Alexandrina Council at the 75th National Conference and AGM in Toowoomba.

In 2020 Council delegates attended the 76th National Conference and AGM which was held in Shepparton on 14th - 16th September 2020, virtually due to COVID-19 restrictions.

Delegates are also able to vote virtually at the MDA AGM in accordance with Part 6 s17 (12) of the Constitution of the Marling Darling Association - *'A MDA Meeting may be held with use of technology that allows a delegate using the technology and the delegates present at the meeting to clearly and simultaneously communicate with each other. A delegate in attendance using that technology will be deemed to be physically present at the meeting'*.

It has been 18 months since the Council Delegates have had the opportunity to network in person with regional Delegates from across the Basin.

Financial and Economic Implications

A budget is available for Elected Member Training and Conferences and can be utilised for expenses related to attending the 2021 MDA National Conference.

Full registration cost for the conference is **\$699** which includes meals and the conference dinner. Administration have been advised by the MDA that as Cr Rebbeck is a Board Member her registration fee will be waived.

The MDA has reserved rooms for Regional Chair's at the Wentworth Grande Resort with four night's accommodation costing **\$500**. It is recommended that Councillor/s attending the conference also stay at this location.

The cost of virtual registration amounts to **\$175**.

Due to potential disruptions to interstate travel caused by COVID-19, a range of alternatives have been explored with costs ranging depending on transport mode and route in accordance with the Elected Members Allowances, Benefits, Support and Facility Policy. It is noted this policy specifies transport via Council vehicle in the first instance.

Administration suggests that Council's Delegates may prefer to travel to Wentworth, via Renmark by car.

Risk Management

In accordance with the Alexandrina Risk Management Policy and Matrix, the risk of adopting this recommendation is considered low.

Despite the roll out of a vaccine, the likelihood of a COVID-19 specific disruption is considered a medium risk. However, virtual attendance is available if required.

12.6 Delegations for the Planning, Development and Infrastructure Act 2016 - Instrument B

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

Strategic Plan Impact:

ACTIVATE Strong governance practices, including efficiencies gained in providing delegations to the CEO and qualified staff to enact Council business, support the management of active spaces.

PARTICIPATE Strong governance practices, including efficiencies gained in providing delegations to the CEO and qualified staff to enact Council business, support the provision of wellbeing in the community.

THRIVE Strong governance practices, including efficiencies gained in providing delegations to the CEO and qualified staff to enact Council business, support the management of our environment.

INNOVATE Strong governance practices, including efficiencies gained in providing delegations to the CEO and qualified staff to enact Council business, support the activities underpinning this aspiration.

Report Objective

To seek Council's endorsement of delegations proposed in accordance with powers and functions contained in Instrument B of Delegations under the Planning, Development and Infrastructure Act 2016.

Executive Summary

Council has previously considered the delegation of powers and functions contained within Instrument B, of the Instruments of Delegations under the Planning, Development and Infrastructure Act 2016 (Instrument B) at its ordinary meeting of 16 November 2020.

On 18 February 2021, the Local Government Association advised Administration that Instrument B had been updated to incorporate legislative amendments to the Planning, Development and Infrastructure Act 2016. Therefore it is necessary for Council to reconsider the delegation of powers and functions under (the revised) Instrument B.

REFER ATTACHMENT Item 12.6 (page 134)

Recommendation

That Council:

- 1. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made there under contained in the proposed Instrument B of the Instruments of Delegation under the Planning, Development and Infrastructure Act 2016 (Attachment 12.6) are hereby delegated this 15 day of March 2021 to the person(s) in the position(s) specified in the instruments (under the 'delegate heading') and to anyone acting in the positions specified in the Instrument.**
- 2. Such powers and functions may be further delegated by the person(s) as named in Instrument B in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the person(s) sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**

Context

The Planning, Development and Infrastructure Act 2016 (PDI Act) was assented by the South Australian Governor on 21 April 2020. It is anticipated that the PDI Act will be fully implemented in 2021. As different parts of the PDI Act are 'switched on' it is likely that the powers and functions contained within the PDI Act may need to be further revised, as has recently occurred with Instrument B.

The PDI Act affords Council different roles according to the functions it is performing; and as a consequence, instruments of delegation have been developed accordingly.

Within the PDI Act, Council is described as a:

- council;
- designated authority;
- designated entity; and
- relevant authority.

Powers contained within Instrument B, of the Instruments of Delegation under the PDI Act relate to Council's role as a relevant authority and are able to be delegated using the provisions of s100 of the PDI Act.

Relevant authorities include:

- the Minister;
- the Planning Commission;
- an assessment panel;
- an assessment manager; and
- an accredited professional.

Section 44 of the Local Government Act requires all delegations, issued by Council to be kept in a register which to be made publically available.

General Analysis

Elected Members have received information previously regarding the new planning system in South Australia going through a period of transition which will see the Planning, Development and Infrastructure Act 2016 and associated Regulations eventually replace the Development Act 1993 and its Regulations

The new provisions of the Planning, Development and Infrastructure Act 2016 will become effective at Alexandrina Council on 19 March 2021.

With the new planning system becoming effective, Council will no longer be the relevant authority for planning consent but will remain the relevant authority for building consent and full development approval. Council's Assessment Manager, Mr Matt Atkinson (Manager Development Assessment) will be the relevant authority for planning consent.

Delegation and sub-delegation processes are necessary to ensure that employees are provided with the legal authority to undertake various duties and exercise powers and functions in accordance with legislation. They promote accountability and are considered a proactive risk management tool.

Administration have analysed the revised Instrument B and haven taken into account legislative requirements, appropriateness and the effectiveness of the delegation, and recommend to Council that the powers and functions detailed in the attached Instrument B be delegated accordingly.

As a result of the professional accreditation requirements under the PDI Act, Council will note that it is recommended that certain powers and functions be delegated directly to an appropriately qualified officer (i.e. planning or building qualifications) rather than being delegated to the Chief Executive Officer.

Comparative Analysis

The proposed Instrument B of Instruments of Delegation under the Planning Development and Infrastructure Act 2016 has been developed on behalf of the Local Government Association by Norman Waterhouse Lawyers and will be used by local governments across South Australia.

Financial and Economic Implications

There are no financial implications as a result of assigning delegations. Costs associated with the implementation of the Planning Development and Infrastructure Act 2016 have been included in Council's Budget.

Risk Management

In referencing the Alexandrina Council Risk Management Matrix and Policy, the risk of adopting the recommendation is considered low as the delegations of powers and function ensures that officers with appropriate qualifications and skills are performing the powers and functions as detailed in Instrument B of the Instruments of Delegation under the PDI Act. Instrument B has been prepared by Norman Waterhouse Lawyers.

Furthermore, without appropriate delegations in place the ability to process development applications and other requests may be delayed, as all requests would be required to be presented to the Regional Assessment Panel or Council for consideration.

12.7 Elected Member Policy for Management of Bullying and Harassment

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

Community Strategic Plan Impact:

ACTIVATE Proactive leadership and accountability

PARTICIPATE Advocate in good leadership.

THRIVE Support and promote wellbeing.

INNOVATE Supports Elected Members with the duties of public office.

Report Objective

To present Council with definitions of 'bullying' and harassment' with regard to Elected Member conduct.

Executive Summary

At the ordinary Council meeting of 19 October 2020, Council requested that Administration investigate appropriate policy coverage of Elected Members for the management of bullying and harassment.

The Statutes Amendment (Local Government Review Bill) 2020 (Bill), which will amend the Local Government Act 1999, introduces a new behavioural framework for Elected Members. Should this pass Parliament, the behavioural framework will be underpinned by standards which will be developed by the Minister of Local Government in consultation with the Local Government Association of South Australia. The proposed framework supports the development of behavioural support policies which would be developed by individual councils.

Consequently, it is proposed that Council consider the adoption of an Elected Member Bullying and Harassment Policy once the outcome of the Bill is known.

In accordance with Council's resolution of 19 October 2020 (ACM20725) definitions of bullying and harassment are provided for Member's information.

Recommendation

1. That Council reconsider the adoption of an Elected Member Bullying and Harassment Policy once the Statutes Amendment (Local Government Review Bill) 2020 has assented and the requirements of the (amended) Local Government Act 1999 are known.
2. That Council endorse the following definition of 'bullying' to complement the Elected Members Code of Conduct:

Bullying means any behaviour that is repeated, systematic and directed towards a person or group of people that a reasonable person, having regard to the circumstances, would expect to feel victimised, humiliated, undermined or threatened and which creates a risk to health and safety. If an individual or group of individuals are intimidated, put down or humiliated on a regular basis, this may constitute bullying. In many cases bullying involves such treatment as verbal abuse, 'nit-picking', threats, sarcasm or ostracism.

For the purposes of defining bullying the following definitions apply:

Repeated

Persistent or ongoing nature of the behaviour and can refer to a range of different types of behaviour over time.

Systematic

Showing or involving a method or plan. Whether behaviour is systematic or not will depend on an analysis of the circumstances of each individual case with the general guideline in mind.

Risk to health and safety

Includes the risk to the emotional, mental or physical health of the person(s) in the workplace.

Bullying behaviour includes but is not limited to:

- Physical or verbal abuse - including behaviour or language that frightens, humiliates, belittles or degrades including criticism that is delivered with yelling and screaming
- Violence, assault and stalking including harmful or unlawful threats
- Spreading gossip or rumours
- Unreasonably criticising peoples' performance
- Withholding information to undermine performance
- Teasing or regularly making someone the brunt of practical jokes
- Displaying material that is degrading or offending
- Physical assault or unlawful threats
- Deliberately excluding, isolating or marginalising a person from normal council activities
- Deliberately denying access to information, consultation or resources

- Psychological harassment, eg, playing mind games, ganging up, providing false sense of security and undermining at a later date
- Suppression of ideas

What is not bullying behaviour includes:

- Giving feedback and constructive criticism, raising concerns about performance or disciplining which are not bullying if they are done in a reasonable way.
- Reasonable action taken in reasonable manner by the CEO or Elected Member of council to correct or discipline an Elected Member.
- Reasonable action taken in a reasonable manner under an Act affecting an Elected Member.

Context

At the ordinary Council meeting of 19 October 2020, Council resolved as follows:

ACM20725 That Administration bring a report back to Council at the January 2021 meeting following investigation of appropriate policy coverage of Elected Members for management of bullying and harassment. That the Administration also bring a draft policy for endorsement to that meeting based on their research.

A division was requested by Cr Lewis.

The Mayor declared the vote set aside.

Voting in the AFFIRMATIVE: Crs Bradford, Scott, Keily, Maidment, Lewis, Carter, Stewart, Coomans, Farrier, Rebbeck and Gardner

Voting in the NEGATIVE: Nil

The Mayor declared the motion CARRIED UNANIMOUSLY.

CARRIED

At the Elected Member Briefing held on 8 February 2021, Michael Kelledy of Kelledy Jones Lawyers discussed the merits of Council adopting an Elected Member Bullying and Harassment Policy. Mr Kelledy advised Councillors that there is no statutory requirement for the Council to adopt an Elected Member Bullying and Harassment Policy as these actions and behaviours already fall for consideration under the *Code of Conduct for Council Members (Code)*.

Mr Kelledy considered that the Council's consideration of such a policy is premature, at least until the State Government has considered the amendments proposed under the Statutes Amendment (Local Government Review) Bill 2020.

General Analysis

Under the proposals contained in the Bill, the Code of Conduct for Council Members will be abolished. The Minister may then, by notice published in the Gazette and on a website, establish Behavioural Standards (Standards), specifying the expected behaviours to be observed by a council member, as well as the requirements that are to apply to the Council's behavioural support policies and behavioural management policy.

The reforms propose that the Council may prepare and adopt policies (plural) designed to support 'appropriate behavior' by members. Such policies may contain directions relating to behaviours that must be observed by a Member and set out guidelines relating to compliance. However, the policies must not be inconsistent with the Standards and, before a Council can adopt, alter or substitute a policy, it must undertake public consultation.

The Bill is currently being considered by the Legislative Assembly and is anticipated to pass Parliament in April 2021.

Administration and legal advice is of the view that that should Council adopt an Elected Member Bullying and Harassment Policy now it may be inconsistent with the Standards, policies and procedures, which the Council will be required to adopt in any event, if the reform proposals are passed in their current form.

However, as discussed at the Briefing of 8 February 2021, Council could endorse definitions for 'bullying and harassment' to complement the Elected Members Code of Conduct if immediate action is sought.

It is noted that further definitions of, discrimination, harassment and victimisation exist in various legislation and the following definition covers behaviour related to bullying only.

Administration has consulted SafeWork SA and the Fair Work Act 2009 and propose the following definition of 'bullying including harassment' for consideration:

Bullying means any behaviour that is repeated, systematic and directed towards a person or group of people that a reasonable person, having regard to the circumstances, would expect to feel victimised, humiliated, undermined or threatened and which creates a risk to health and safety. If an individual or group of individuals are intimidated, put down or humiliated on a regular basis, this may constitute bullying. In many cases bullying involves such treatment as verbal abuse, 'nit-picking', threats, sarcasm or ostracism.

For the purposes of defining bullying the following definitions apply:

<i>Repeated</i>	<i>Persistent or ongoing nature of the behaviour and can refer to a range of different types of behaviour over time.</i>
<i>Systematic</i>	<i>Showing or involving a method or plan. Whether behaviour is systematic or not will depend on an analysis of the circumstances of each individual case with the general guideline in mind.</i>
<i>Risk to health and safety</i>	<i>Includes the risk to the emotional, mental or physical health of the person(s) in the workplace.</i>

Bullying behaviour includes but is not limited to:

- Physical or verbal abuse – including behaviour or language that frightens, humiliates, belittles or degrades including criticism that is delivered with yelling and screaming*
- Violence, assault and stalking including harmful or unlawful threats*
- Spreading gossip or rumours*
- Unreasonably criticising peoples' performance*
- Withholding information to undermine performance*
- Teasing or regularly making someone the brunt of practical jokes*
- Displaying material that is degrading or offending*
- Physical assault or unlawful threats*
- Deliberately excluding, isolating or marginalising a person from normal council activities*
- Deliberately denying access to information, consultation or resources*
- Psychological harassment, eg, playing mind games, ganging up, providing false sense of security and undermining at a later date*
- Suppression of ideas*

*What is **not** bullying behaviour includes:*

- Giving feedback and constructive criticism, raising concerns about performance or disciplining which are not bullying if they are done in a reasonable way.*
- Reasonable action taken in reasonable manner by the CEO or Elected Member of council to correct or discipline an Elected Member.*
- Reasonable action taken in a reasonable manner under an Act affecting an Elected Member.*

Comparative Analysis

Nil.

Financial and Economic Implications

There are no known financial and economic implications associated with Council adopting the recommendation.

Risk Management

In accordance with the Alexandrina Risk Management Policy and Matrix, the risk of adopting this recommendation is considered low as the recommendation proposes an Elected Member Bullying and Harassment Policy be further considered after the outcome of the amendments to the Local Government Act 1999. Therefore, any future policy will be in line with legislative requirements.

12.8 Elector Representation Review 2020-21 - Representation Review Paper - Public Consultation

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

Community Strategic Plan Impact:

ACTIVATE A key statutory governance process that enables the community to contribute feedback on the future representation structure that can support active spaces.

PARTICIPATE A key statutory governance process that enables the community to contribute feedback on the future representation structure that can support wellbeing.

THRIVE A key statutory governance process that enables the community to contribute feedback on the future representation structure that can support environmental outcomes.

INNOVATE A key statutory governance process that enables the community to contribute feedback on the future representation structure that can support a resilient local economy.

Report Objective

For Council to progress its statutory Representation Review by considering community submissions in response to the Representation Options Paper and determining Council's preferred composition and ward structure in order for a Representation Review Paper to be developed.

Executive Summary

Section 12 of the Local Government Act 1999 (Act) requires Council to undertake an 'elector representation review' (Review) at least once in every eight years to determine whether its community would benefit from an alteration to Council's composition or ward structure.

Further, Council cannot retain its current ward structure as the elector ratios in the Strathalbyn and Port Elliot/Middleton Wards breach the specified 10% quota tolerance as prescribed under section 33(2) of the Act.

Council commenced its Review in August 2020 and two workshops have been conducted to provide relevant information and obtain feedback regarding key issues relating to the potential future composition of the elected body and the division of the council area into wards.

A 'Representation Options Paper' was prepared in accordance with the requirements of the Act. This document was endorsed by Council on 19 October 2020 and went out for the prescribed six week public consultation period. Following the conclusion of the public consultation period, a briefing session was held 1 February 2021 to inform Elected Members of the community feedback on the Representation Options Paper.

Having considered all the options and issues presented in the Representation Options Paper and the written responses received, Council must now prepare a report on its deliberations and endorsed proposal for the future composition and structure of the local government area. A decision on Council's preferred future composition and ward structure is required so that the 'Representation Review Paper' may be prepared.

Pursuant to Sections 12(7) and (8) of the Act, the 'Representation Review Paper' will be presented to Council for endorsement prior to being released for a three week public consultation period.

At the conclusion of the consultation period, persons who have submitted written submissions, may, should they so choose, make a representation to Council regarding their submission. The Representation Report will then be finalised and presented to Council for adoption prior to being referred to the Electoral Commissioner for certification.

REFER ATTACHMENT Item 12.8 (page 157)

Recommendation

- 1. That the 'Submissions Report' at Attachment 12.8 be received by Council.**
- 2. That Council endorse the following options for inclusion in the Alexandrina Council Representation Report:**

2.1 The principal member of Council:

- a. continue to be a Mayor elected by the community;**

OR

- b. be a Chairperson selected by and from amongst the Elected Members.**

2.2 The future Elected Body of Council comprise:

a. Mayor/Chairperson and nine councillors;

OR

b. Mayor/Chairperson and eleven councillors;

OR

c. Mayor/Chairperson and ten councillors.

3. That Council:

a. retain a ward structure;

OR

b. abolish the ward structure

4. The Council area be divided into:

a. three wards (Option 3 in the Representation Options Paper), with the each of the future proposed wards being represented by three councillors

OR

b. five wards (Option 1 in the Representation Options Paper), with each of the future proposed wards being represented by eleven councillors

OR

c. four wards (Option 2 in the Representation Options Paper), with each of the future proposed wards being represented by ten councillors

OR

d. a variation thereof

5. That Council determine appropriate titles/names for the proposed wards.

6. That, based on recommendations 1 - 5, a draft Representation Review Report be prepared for consideration by Council pursuant to the provisions of Section 12(8a) of the Local Government Act 1999.

Context

In accordance with the requirements of the Act, Council is required to undertake an 'Elector Representation Review' (Review) during the period June 2020 – October 2021.

C L Rowe and Associates Pty Ltd, being considered qualified to undertake the review, have been engaged to assist Council with the review process. To date a number of workshops have been conducted so as to present Council with relevant information and discuss options in respect to the possible future composition and structure of Council. Council has also completed the first round of public consultation requirements with the outcomes of the consultation period outlined in the Submissions Report appearing as Attachment 12.8 to this report. Any changes in the current elector representation arrangements that Council may pursue as a consequence of the review will, if certified by the Electoral Commissioner of South Australia (Commissioner), come into effect at the next periodic Local Government election in November 2022. In effect, the review will establish the composition and structure of Council for the eight year period leading up to the scheduled periodic election in 2030.

In summary, the Act requires Council to review its composition (i.e. the number of elected members to provide fair and adequate elector representation whilst avoiding over-representation when compared to other councils of a similar size and type); to determine whether the council area should continue to be divided into wards or whether wards should be abolished; and identify (if required) an appropriate ward structure (including ward names/titles) which has an equitable distribution of elector numbers between wards and allows for any anticipated population growth.

Section 12(8a) of the Act states: *"The Council must, at the conclusions of the public consultation undertaken under subsection (7)(a), prepare a report that –*

- (a) provides information on the public consultation and the council's response to the issues arising from the submissions made as part of that process; and*
- (b) sets out-*
 - (i) any proposal that the council considers should be carried into effect under this section; and*
 - (ii) in respect of any such proposal – an analysis of how the proposal relates to the principles under section 26(1)(c) and the matters referred to in section 33 (to the extent that may be relevant); and*
- (c) insofar as a decision of the council is not to adopt any change under consideration as part of the representation options paper or the public consultation process – sets out the reasons for the council's decision.*

In addition, the *Statutes Amendment (Local Government Review) Bill 2020*, which was presented into parliament in June 2020, has the potential to impact upon the current elector review. More specifically, the provisions thereof seek to cap the maximum number of Elected Members in any council (including the elected Mayor) at twelve; abolish the office of chairperson (being the principal member of council selected by and from amongst the Elected Members); and introduce an abridged review process. Whilst the timing and outcome of the Bill is unknown, it is prudent to take these matters into consideration at this time.

General Analysis

An Elected Member Briefing session was conducted on 1 February 2021 where the outcomes of the public consultation on the Representation Options Paper were presented. With this information, Council needs to arrive at decisions with regard to the key issues, including the identification of a ward structure (based on varying levels of representation) which they consider to be appropriate for the community.

These decisions will be used to inform draft Representation Review Paper; keeping in mind that a final decision on the composition of the Council will not be determined until after Council has considered all submissions and representations in response to the Representation Review Paper and the commissioner has certified Council's representation review report.

Pursuant to Sections 12(7) and (8) of the Local Government Act 1999, the Representation Review Paper will be presented to Council for endorsement at the ordinary Council meeting to be held on 18 April 2021 prior to being released for a three week public consultation period.

In determining the preferred ward structure, Council needs to be mindful that the current ward structure cannot be retained as the elector ratios in the Strathalbyn and Port Elliot/Middleton Wards breach the specified 10% quota tolerance as prescribed under section 33(2) of the Act.

If the Representation Review Paper is endorsed by Council at the April 2021 meeting, a public consultation period will be undertaken for three weeks from 22 April to 14 May 2021. Consultation will include notices in the Gazette and local papers, with the opportunity to upload a submission to My Say Alexandrina or via hard copy at Council offices. The consultation will be promoted in Council's newsletter, website, social media and via posters on local community notice boards and premises around Alexandrina.

Comparative Analysis

In considering options for the Representation Review Paper, Council is required to consider legislative requirements as prescribed in Sections 26(1)(c) and 32 of the Act and the results of the community consultation on the Representation Options Paper. Thirty-six (36) submissions were received during the community consultation period in relation to the Representation Options Paper. A summary of the submission is included below with copies of the full submissions included at Attachment 12.8 to this report.

Summary of submissions received in order of community preference.

Option	Description	Number of people supporting	%
Option 3	Three wards, nine councillors	15	41.67%
Option 1	Five wards, eleven councillors	11	30.56%

No stated position	No wards	6	16.66%
Option 2	Four wards, ten councillors	3	8.33%
Other	Variation of Option 1 (Five wards, ten councillors)	1	2.78%

Council may like to note that the Rural City of Murray Bridge advised in the South Australian Government Gazette of 11 February 2021 that it has concluded its representation review and will retain the existing no ward structure and retain the existing representation levels of an elected Mayor and nine elected members.

If Council's preference is to retain the status quo of 5 wards and 11 Elected Members and a Mayor, the ward boundaries would need to be adjusted in order to eliminate the current representation quota imbalance.

Members may also be aware that the Mount Barker District Council have released their Representation Options Paper for public consultation with submissions closing on Wednesday 31 March 2021.

Financial and Economic Implications

Costs associated with development of the Representation review and associated public consultation are included in Council's 2020/2021 annual budget.

Risk Management

In accordance with the Alexandrina Risk Management Policy and Matrix, the risk of adopting this recommendation is considered low as it supports compliance with statutory requirements.

13. ELECTED MEMBERS' REPORTS (INCLUDING VERBAL UPDATES)

13.1 Mayor's Report

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

ACTIVATE Liveability of townships and rural areas

PARTICIPATE Collaborative ventures

THRIVE Enhanced Biodiversity

INNOVATE Proactive leadership and accountability

Purpose

To receive the report from the Mayor on meetings and functions attended for the month of February 2021.

Recommendation

That the Mayor's Report for February 2021 be received.

February	
1	Goolwa Sporting Precinct Governance Model Briefing Informal meeting of the CEO Performance Management Panel Council Briefing
2	SA Coastal Councils Alliance meeting via Zoom Goolwa Sporting Precinct Governance Model meeting
3	Meeting with General Manager Environment and Manager Projects Briefing Review The New Planning System – Regional Planning and Joint Planning Boards webinar
4	Coorong Partnership meeting, Tailem Bend Meeting with constituent Briefing Review Local Government House Opening & Awards Ceremony, Adelaide
5	The Langhorne Creek Photography Competition Awards Night, Bremerton Wines, Langhorne Creek
7	Exhibition Launch – Peter McLachlan, Casting Shadows, Signal Point Gallery
8	Australian Coastal Councils Association meeting via Zoom Meeting with Elected Members Council Briefing

9	Southern & Hills LGA Special Meeting via Zoom
10	Meeting regarding ticketing arrangements for the 817 Squadron Reunion Lake Breeze Wines Barrel Opening, Langhorne Creek Goolwa to Wellington Local Action Planning meeting
11	Review of Sugars Beach presentation – Coorong Partnership Board meeting to be hosted by Council on 25 March 2021
12	Meeting with John Dawkins MLC
13	Coorong Quays Boat Shed Inc – Opening of new community shed
14	Goolwa District Pony Club Gymkhana
15	Council Meeting Agenda Review Guest speaker at Goolwa Ladies Probus Club Birthday lunch Introduction to the Project Manager of the Goolwa Wharf Redevelopment Council Meeting
16	Council Meeting review with CEO Discussion regarding 817 Squadron Reunion arrangements via telephone conference Meeting with Manager Field Services
17	Radio Interview 5MU Meeting with Cr Rebbeck Village Innovation Plan and Special Council Meeting Agenda Briefing Milang Village Innovation Plan Test Session, Milang
18	SA Regional Organisation of Councils Committee meeting, Adelaide LGA Board of Directors meeting, Adelaide Cittaslow Goolwa AGM
19	Radio Interview Fleurieu FM Radio Interview Happy FM National Servicemen’s Day, Port Elliot Meeting with Crs Keily and Maidment Meeting regarding Lot 10 Langhorne Creek Road Goolwa RSL Committee meeting
21	Book launch to commemorate 70 th Anniversary of PS Renmark, Goolwa Wharf
22	Audit Committee meeting Special Council Meeting Agenda Review Special Council Meeting
23	Radio Interview Alex FM SA Coastal Councils Alliance discussion via Zoom Meeting with constituent, Strathalbyn
24	Meeting with Goolwa High School Principal, Ms Rebecca Moore Meeting with General Manager Resources Harcourts South Coast Associate Night, Hayborough
25	Meeting with General Manager Growth Meeting with Manager Sustainable Resources Meeting with General Manager Wellbeing Goolwa Vintage Boat meeting
26	Southern & Hills LGA Board meeting, Kingscote

13.2 Elected Members' Reports

File Ref: 9.24.003

Responsible Officer: Elizabeth Williams (General Manager Resources)

Report Author: Elizabeth Williams (General Manager Resources)

Community Strategic Plan:

ACTIVATE Liveability of townships and rural areas

PARTICIPATE Collaborative ventures

THRIVE Enhanced Biodiversity

INNOVATE Proactive leadership and accountability

Report Objective

To provide the community with information regarding the relevant activities of Elected Members.

Recommendation

That the Elected Member Reports be received.

Cr Margaret Gardner

February	
1	Council Briefing
4	Community Wellbeing Advisory Forum, Strathalbyn
7	Exhibition opening 'Casting Shadows', Signal Point Gallery
8	Council Briefing
13	Coorong Quays Boat Shed Inc – Opening of new community shed
15	Meeting regarding Goolwa Sporting Precinct Management Model Council Meeting
	Heritage Advisory Committee meeting
18	Cittaslow Goolwa AGM
19	Meeting with Goolwa resident regarding verge garden
21	Volunteered at Signal Point Gallery
22	Special Council Meeting
24	Meeting with Cr Lewis
25	Meeting with Goolwa resident regarding footpath

Cr Rex Kelly

January	
11	Council Briefing
18	Council Meeting
February	
1	Informal meeting of the CEO Performance Management Panel Council Briefing
5	General Manager's liaison meeting
8	Elected Members meeting Council Briefing
15	General Manager's liaison meeting Council Briefing
18	Terramin Mine Consultative Committee
19	Meeting with the Mayor and CEO
22	Audit Committee meeting Special Council meeting
25	Meeting with Cr Maidment and Adrian Pederick MP
March	
2	Strathalbyn Tourist Association Meet and Greet and Town Map Brochure and Website Launch
4	General Manager's liaison meeting
9	Council Briefing
	Numerous ratepayer enquiries

Cr Craig Maidment

February	
1	Meeting with General Manager Growth Meeting with Manager Engineering Services Council Briefing
5	Executive liaison meeting with General Manager Wellbeing
8	Meeting with Mayor Parkes Council Briefing
9	Strathalbyn Op-Shop meeting
10	Meeting with Dawson Street Business Owner
12	Meeting with Caravan Park residents
15	Meeting with General Manager Growth Council Meeting
17	Meeting with contractor at Caravan Park Oval Controlling Committee meeting
18	Heritage Advisory Committee meeting Inspection of Milang Butter Factory Project
19	Meeting with Crs Carter and Keily Meeting with staff at Goolwa
22	Inspection of Harbour Masters Cottage at Goolwa Special Council meeting
23	Executive liaison meeting with General Manager Wellbeing

24	Fleurieu Regional Assessment Panel meeting via Zoom
25	Meeting with Adrian Pederick MP and Cr Keily
26	Meeting with Strathalbyn Op-Shop President Dinner with new staff at the Caravan Park
28	Meeting with building contractor at the Caravan Park

Cr Michael Scott

January	
8	Meeting with Port Elliot resident
11	Council Briefing
14	Riding for the Disabled (Community)
16	Currency Creek Cemetery working bee
18	Council Meeting
23	Rotary Scholarship Fundraising Dinner (Community)
25	Council Briefing
26	Lions Australia Day Breakfast (Community) Australia Day Awards, Centenary Hall, Goolwa
29	Meeting with Mayor and Cr Lewis
30	Riding for the Disabled (Community) Tooperang Hall BBQ (Community)
February	
1	Council Briefing
4	Tooperang Hall meeting (Community)
8	Council Briefing
9	Currency Creek Cemetery Advisory Committee meeting
11	Ratalang Bashams Beach Trust meeting Fleurieu Road Safety Group meeting (Community)
13	Riding for the Disabled (Community) Middleton/Port Elliot Cemetery working bee
15	Council meeting
18	Port Elliot Museum AGM
20	Riding for the Disabled launch of new name
22	Special Council meeting Tooperang Hall meeting (Community)
24	Fleurieu Regional Waste Authority Board meeting, Yankalilla
25	Port Elliot Show Society AGM
27	Riding for the Disabled (Community) Tooperang Hall Concert (Community)

14. CONFIDENTIAL REPORTS

14.1 Sugars Beach Murray Mouth Icon Project Update (Confidential)

Recommendation

Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public be excluded, with the exception of CEO, General Managers and Minute Taker, on the basis that it will receive and consider Item 14.1 Sugars Beach Murray Mouth Icon Project Update (Confidential).

The Council is satisfied, pursuant to section 90(3)(g) of the Act, that the matters must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

Recommendation

- 1. That having considered Agenda Item 14.1 Sugars Beach Murray Mouth Project in confidence under section 90(2) and (3)(g) of the Local Government Act 1999, the Council, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:**
 - 1.1 the minutes, report, and associated documents of the Council meeting held on 15 March 2021 in relation to Agenda Item 14.1 Sugars Beach Murray Mouth Icon Project are to remain confidential and will not be available for public inspection for the period of 12 months on the basis that disclosure of information may breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty**
 - 1.2 that this order be reviewed at least once every 12 months.**
- 2. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power revoke, in whole or in part, the order made in paragraph 1 of this resolution at any time.**

14.2 Flying Fish Cafe - Request for New Lease (Confidential)

Recommendation

Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public be excluded, with the exception of the CEO and General Managers, Minute Taker and the officer responsible for the report on the basis that it will receive and consider Item 14.2 Flying Fish Café – request for new lease (Confidential).

The Council is satisfied, pursuant to section 90(3)(b)(i)(ii) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which -

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

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because the information provided in this report contains information of which if disclosed, may result in damage to a party's commercial interests, intellectual property or trade secrets.

Recommendation

1. That having considered Agenda Item 14.2 Flying Fish Café – request for new lease (Confidential) in confidence under section 90(2) and (3) (b)(i)(ii) of the Local Government Act 1999, the Council, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:

- 1.1 the minutes, report, and associated documents of the Council meeting held on 15 March 2021 in relation to Agenda Item 14.2 Flying Fish Café – request for new lease (Confidential), are to remain confidential and will not be available for public inspection until lease and related arrangements have been finalised, on the basis that disclosure of information:

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

- (ii) would, on balance, be contrary to the public interest;

- 1.2 That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power revoke, in whole or in part, the order made in paragraph 1.1 of this resolution at any time.

14.3 Goolwa Wharf Recreational Boating Facility (Confidential)

In accordance with Alexandrina Council Code of Practice - Meeting Procedures this item will be supplied under separate cover.

14.4 Phase 2 Local Roads and Community Infrastructure Program Candidate Projects

Recommendation

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, General Managers, Minute Taker and the officer responsible for Agenda Item 14.4 Phase 2 Local Roads and Community Infrastructure Candidate Projects.

The Council is satisfied, pursuant to section 90(3)(b) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information that

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

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because the information provided in this report contains information that may prejudice the commercial position of the Council should Council proceed to tender on any of the projects detailed in the report.

Recommendation

1. That having considered Agenda Item 14.4 Phase 2 Local Roads and Community Infrastructure Program Candidate Projects in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to sections 91(7) and (9) of the Local Government Act 1999, orders that:
 - a. the minutes, report and attachments of the Council meeting held on 15 March 2021 in relation to Agenda Item 8.3 Phase 2 Local Roads and Community Infrastructure Program Candidate Projects, are to remain confidential and will not be available for public inspection until finalisation of the LRCI grant agreement, or for a period of twelve months, whichever is sooner, on the basis that disclosure of information would involve Section 90(3)(b)(i)(ii);
2. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power revoke, in whole or in part, the order made in paragraph 1 of this resolution at any time.

15. CONFIDENTIAL NOTICES OF MOTION

15.1 Cr Lewis - Museum at Port Elliot (Confidential)

Recommendation

Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public be excluded, with the exception of Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report, on the basis that it will receive and consider Item 15.1 Cr Lewis – Museum at Port Elliot.

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that 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 any person.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because this agenda item contains personal information relating to property ownership.

Recommendation

1. That having considered Agenda Item 15.1 Cr Lewis – Museum at Port Elliot in confidence under section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to sections 91(7) and (9) of the Local Government Act 1999, orders that:
 - a. the minutes and report of the Council meeting held on 15 March 2021 in relation to Agenda Item 15.1 Cr Lewis – Museum at Port Elliot, are to remain confidential and will not be available for public inspection for a period of twelve months, on the basis that the information relates to personal information on property ownership.
2. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power revoke, in whole or in part, the order made in paragraph 1 of this resolution at any time.

16. CLOSURE