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Contact number for meeting venue: 8384 0614

10 October 2019

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN in accordance with Section 83 of the *Local Government Act 1999* that an **Ordinary meeting of Council** of the City of Onkaparinga will be held on **Tuesday 15 October 2019 at 6.30pm** at the Council Chamber at the Civic Centre, Ramsay Place, Noarlunga Centre for the purpose of considering the items included on the attached agenda.

We recognise that the land on which we meet has considerable natural and cultural heritage, including thousands of years of traditional ownership by Kaurna.

A handwritten signature in black ink, appearing to read "Mark Dowd".

Mark Dowd
Chief Executive Officer

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



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City of Onkaparinga
Agenda for the Council meeting
to be held on 15 October 2019

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced:

Present:

Apologies: Cr Brown
Cr Cowan
Cr Peat

Leave of absence:

Absent:

Pledge:

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

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1. Opening of meeting

2. Confirmation of minutes

Recommendation

That the minutes of the proceedings of the Council meeting held on 17 September 2019 be received and confirmed as an accurate record of those proceedings.

3. Adjourned business

Nil.

4. Leave of absence

4.1 Leave of absence request – Cr Peat

Cr Peat has requested leave of absence from 15/10/19 to 31/12/19 inclusive.

4.1 Leave of absence request – Cr Cowan

Cr Cowan has requested leave of absence from 15/10/19 to 31/12/19 inclusive.

5. Mayor's Communication

5.1 Mayors Report

Citizenship Ceremony

On 16 September 2019 we held a citizenship ceremony and welcomed 176 new Australian citizens to our city from 29 different countries at the Hopgood Theatre, Noarlunga Centre. Special guest speaker, Richard Schirmer, an active resident of the Hackham West area, welcomed our new Citizens and an incredible performance was given by Garry Stillwell. Special thanks go to the TS Noarlunga Cadets who assisted me in handing out gifts to our new citizens on the night. It was fantastic to be able to welcome such a large number of citizens into our community.

Hopgood Theatre

The Hopgood Theatre is currently managed by Country Arts SA, with funding from the state government, however that funding is about to end. Next week I will be meeting the Premier to again raise this matter.

The Hopgood Theatre has brought to our city some of the most extraordinary national and international performances of theatre, music and dance. While the City of Onkaparinga continues negotiations about its future, we need to keep the Hopgood Theatre in the limelight!

Show your support at the City of Onkaparinga's Save the Hopgood Theatre
Fundraising event to be held on Saturday 2 November featuring an evening concert

by Australian singer-songwriter Wes Carr and a family fun day in Ramsay Place. Together we can ensure this great venue stays open and brings the arts to our communities for decades to come.

The family fun day will run from 2-5pm in Ramsay Place, right outside the theatre. A great range of activities will be on offer in return for gold coin donations that will go to the Theatre. Then from 7pm, Australian singer-songwriter Wes Carr will perform.

Concert tickets are \$50 each with proceeds also going to the Theatre.

Book now: [Save Hopgood Theatre Fundraising Event](#)

Honouring Helen Oxenham

86-year old Helen Oxenham is an Adelaide resident who has fought for many years against family and domestic violence. When Helen was a child in Ireland, she **witnessed her father's abuse of her mother time and again. After emigrating to Australia, Helen became passionate about creating systemic change and the importance of providing a safe haven for those affected, working with a group of local women to set up the first women's shelter at Christies Beach in February 1977.**

What began as a **drop-in centre in an old shop on Beach Road became a women's shelter** that offered emergency accommodation to women and children who needed to escape from the violence in their own homes. To raise money, the women of Christies Beach rallied together to bake lamingtons and cakes, running social activities at a grass roots level. The community donated blankets, sheets and clothing and the shelter got its furniture from the dump. The Christies Beach **women's shelter grew and flourished for many years, offering** a safe haven to hundreds of women and children since its inception.

More recently, Helen heard the statistic that in Australia one woman loses her life each week to domestic violence and that many more women and children still live in daily fear. This brought home to her how little had changed since the 1970s and **sparked a vision of creating Australia's first ever commemorative public artwork** dedicated to the victims and survivors of domestic violence in Adelaide.

Helen brought together a group of like-minded women who were committed to fighting the traumatic impact of domestic violence on individuals, families and communities, and the Spirit of Woman (SoW) was formed.

In honour of Helen's achievements, I, along with Zonta International and Ms Katrine Hildyard MP, are requesting a plaque be installed in the garden bed at the base of the tree closest to 73 Beach Road, where Helen set up the first **Women's** shelter in the south. The site has been identified by council staff as an appropriate location as it would be installed in its own protected garden bed adjacent to the tree, see attached photos, Attachment 5.

Installation and maintenance of the plaque for Helen Oxenham is proposed to be in line with our current Plaques, Memorials and Military Memorials Procedure, however the procedure only deals with commemorating deceased persons on Community Land.

For information the application fee is \$96 and the plaque fee ranges from \$160-\$240 depending on the size.

I have included a motion in relation to the plaque in my report.

A Mayoral civic reception is also being held in November 2019 to honour Helen Oxenham.

Australia Day Award nominations

Nominations are open for the City of Onkaparinga's Australia Day awards. These annual awards recognise people who are making a meaningful difference in our community.

There are five event categories: citizen of the year, young citizen of the year, little hero of the year, sportsperson of the year and community event of the year.

So, if you have a friend, relative or neighbour, or know a teacher or community group making positive impact, then nominate them for an Australia Day award.

Nomination forms can be downloaded from our website – Onkaparinga.sa.gov.au – or call our team on 8384 0666.

Nominations close on Friday 22 November.

Aldinga Bay Surf Life Saving Club

Over the last four years the club has been focussed on delivering a state of the art Operations Facility which opened on 21 September, with the primary purpose of providing life-saving services to our community and beaches.

I acknowledge the club's strength and resilience after losing the club house unexpectedly, and the impact on their main source of revenue from the restaurant, bar and function centre. There would have been many challenges to face and the **club's volunteers are to** be commended.

We look forward to continuing our strong relationship and working with the club in realising the replacement of the club house over the next 12 months.

Hooded Plovers breeding season

August to March is breeding season for the nationally vulnerable bird species, Hooded Plovers.

We are urging beachgoers to keep their dogs on a lead around nesting sites. Hooded plover chicks have a low chance of survival because they cannot fly for the first month, they become easily frightened by human activity, which can lead to feeding difficulties and starvation, and are susceptible to dog attacks.

Last breeding season on the entire Fleurieu Peninsula region, 33 breeding pairs attempted to nest at 50 different sites with 86 attempts at a nest. Of those nests, there were only 223 eggs, 46 chicks and 10 fledged plovers (learned to fly). There were no surviving chicks fledging from the Onkaparinga region.

Council's Nature Conservation team helps protect hooded plovers through exclusion zones, monitoring and community education, and through its partnership with passionate local Hoodie Helper volunteers, BirdLife Australia and Natural Resources Adelaide and Mt Lofty Ranges.

If you see council's temporary beach restrictions at the birds' regular nesting sites – such as Moana Beach, Ochre Cove Beach, Maslin Beach, Port Willunga Beach, Snapper Point and Aldinga Beach – we encourage you to leash your dogs, as the Hoodies send their chicks into hiding as soon as they see a dog running around on the beach. We really hope this will be a better season for them.

Representation at events

I would like to thank Councillor Simon McMahon for representing me at the opening of the Aldinga Bay Surf Life Saving Club operations facility on Saturday 21 September.

Correspondence received

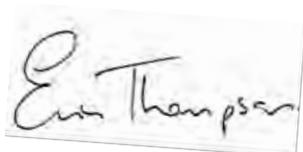
The following correspondence is attached for your information.

1	Hon Stephan Knoll MP	Landscaping at the McLaren Vale Overpass
2	Mount Lofty Ranges World Heritage Bid Project	Annual Report and Independent Review
3	Newscorp	My letter regarding delivery of Southern Times Messenger
4	ExxonMobil	My letter regarding the future of Port Stanvac

Mayor's calendar

My activities between 14 September and 11 October 2019 are reflected in Attachment 6.

Thank you.



Erin Thompson
Mayor

Recommendation

1. **That Council note the 15 October 2019 Mayor's report.**
 2. **That Council approve a plaque honouring Helen Oxenham as applied by the applicant Zonta International in line with the Plaques, Memorials and Military Memorials Administration Procedure, and that:**
 - a. **the plaque is to be placed at the base of the tree closest to 73 Beach Road as identified as a suitable location by council staff;**
 - b. **the application fee be waived and the plaque fee be paid for by the Mayoral Civic budget**
- OR**
- the application fee be waived with the applicant meeting the cost of the plaque fee**
- OR**
- that the applicant pays the application fee and the plaque fee in line with the Plaques, Memorials and Military Memorials Administration Procedure**

Attachment 1

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SCANNED
Registration Date
Doc Set ID



**Government
of South Australia**

**The Hon Stephan Knoll MP
Member for Schubert**

Ms Erin Thompson
Mayor
City of Onkaparinga
PO Box 1
NOARLUNGA CENTRE SA 5168

Dear ^{Erin} Mayor

Thank you for your letter regarding the landscaping at the McLaren Vale Overpass.

I am advised that routine maintenance activities, mowing, brush cutting and weed spraying, are undertaken at this location.

The Department of Planning, Transport and Infrastructure (DPTI) has confirmed that further mowing of this area is scheduled to be completed by the end of September 2019. In addition, weed spraying for the road shoulders is scheduled to be undertaken by mid-October 2019, weather permitting.

It should be noted, dependant on vegetation growth throughout the year and funding availability, additional maintenance may be programmed for this area. DPTI's budget allocations do not extend to beautification works at this location. However, Council may choose to undertake beautification works at their discretion and cost.

I appreciate the time taken to bring this matter to my attention and trust this information is of assistance.

Yours sincerely

**HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING**

13/10/2019

**Minister for Transport, Infrastructure and Local Government
Minister for Planning**

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171
Tel 08 7109 8430 | Email ministerknoll@sa.gov.au



Attachment 2



PO Box 44
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Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0438
File Ref: 05.85.20

27 September 2019

Erin Thompson
Mayor
City of Onkaparinga
PO Box 1
NOARLUNGA CENTRE SA 5168

Dear Mayor Thompson

RE: Update on the Mount Lofty Ranges Agrarian Landscape World Heritage Listing Bid Project

It is with great pleasure that I write to you to provide an update with regard to the World Heritage Listing Bid Project for our region and present to you our Annual Report for 2018/19 (refer to the attached copy). I note that we have not had a Project Steering Group (PSG) meeting since May 2018. However, I am pleased to advise that since then, the Project Management Group (PMG) has been undertaking the following two key projects as resolved by the PSG at the aforementioned meeting:

1. The Digital Knowledge Bank Project
2. Independent Expert Review of our World Heritage Listing Bid Project

Below please find a summary of the status of each of the above key projects.

1. Digital Knowledge Bank (DKB) Project

In early 2018 the project team successfully applied for a \$40,000 Building Better Regions Fund (BBRF) matched grant to establish a digital knowledge platform (a website based central repository of project information) for strategic planning and knowledge sharing of the World Heritage bid project. Note that the PSG agreed to allocate \$20,000 of consortium funds to the DKB project, and the balance was received from the University of Adelaide, Light Regional, Clare and Gilbert Valleys and Mid Murray Councils, which enabled the consortium councils to match the \$40,000 BBRF grant funding.

Adelaide Hills Council took the lead on this project and assumed full responsibility for the execution and delivery of the project on behalf of the Consortium. An external IT consultancy was engaged in August 2018 to build the DKB and I am pleased to advise that they completed their work in March this year. The PMG members have since been populating the DKB with all the historical information about the project including research reports, agendas, minutes and information papers. Note that the DKB functionality will allow relevant content to be published to the website/portal to promote interaction and public participation with the bid.

It was noted during the development of the DKB that the current project website does not provide the necessary functionality for this project. The PMG therefore engaged a website development consultancy, Freerange Future, to build a new front end website to host the DKB, using the balance of

the matched grant funds available. The website platform has since been completed and a copywriter is currently developing suitable content for the website. The new website and associated DKB will be launched towards the end of the year (or early in the new year).

2. Independent Expert Review of the World Heritage Listing Bid Project

In February 2019 Duncan Marshall and Dr Jane Lennon AM, both of whom are renowned World Heritage experts, were awarded the contract to undertake an independent review of the Mount Lofty Ranges World Heritage proposal. This included reviewing the rationale behind the bid and providing a report which outlines the work required to progress the project to the level necessary to be considered by the State and Federal Government for Tentative Listing (the key step towards achieving World Heritage listing).

The consultants presented their final report to the PMG in June 2019, concluding that the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound, and importantly that there is a **good case** for seeking World Heritage listing. However, a number of issues and research gaps were identified that requires further work to be undertaken.

The report also considered the question of the possible name for the 'property' (i.e. the region to be listed), and proposed the following - "Systematic Colonisation Settlement Landscape of South Australia." The report noted that it is not yet clear whether the property is best presented as a single component (i.e. the entire region) or serial property (i.e. exemplary sites within the region), and the scale of the property is also yet to be established. The consultants advised that once the values and attributes are clear, then these can be mapped, their integrity and authenticity assessed, and boundaries developed. They further advised that the scale and character of the property will then emerge.

The report outlines a work plan to support the development of the Tentative List submission, including further required research to:

- strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier
- refine the understanding of attributes
- further clarify and give some indication of possible boundaries (noting the previous work undertaken in this regard), which are subject to further refinement, and
- develop initial information about likely management implications.

For further details in this regard, please refer to the copy of the Expert Review Report which is attached to this letter. Note that the report will be presented to the PSG at a forthcoming meeting later this year in order to discuss the next steps. Further, note that a copy of the report has already been provided to the Hon. David Spiers, the Minister for Environment and Water, who requested a copy. Note that critical to progression of our bid is the Minister's support and we will meet with him shortly to further discuss opportunities in this regard.

Next steps

In terms of progressing our iconic project, the following key tasks need to be undertaken:

1. Hold a meeting with Minister Spiers in order to brief him on the Expert Review Report and seek to identify ongoing collaboration opportunities to progress the bid. At the meeting we will also seek to understand what the pathway might look like to obtain his support to put the bid forward at a future COAG Meeting of Environment Ministers (MEM) for tentative listing to UNESCO.

2. Undertake the additional research work identified in the Expert Review Report and any other matters raised by the Minister in order to obtain his support.
3. Undertake a governance review to identify the best model for the next phase of the bid process which will include input from Mayors and CEOs. This will be discussed further at our forthcoming PSG meeting, the date and time of which will be confirmed with you in the next few weeks.
4. Explore possible collaboration with the City of Adelaide's World Heritage bid announced in the press today, which is something that the Expert Review Report also identified, noting that the City is part of the early systematic colonisation story. This will also be further discussed at the forthcoming PSG meeting.

In conclusion

It is considered that with the Independent Expert Review having identified that our bid has merit, the project should be progressed as it will not only tell South Australia's ground-breaking early history, including that of our Aboriginal communities, but also put the region on the world stage. This will enable us to reap additional economic development opportunities therefrom, including in the area of Heritage Tourism which is one of the State Government's recent economic development initiatives. Noting we are to discuss the future governance arrangements at the next PSG meeting, it is not certain what ongoing in-kind and/or financial support from the Collaborating Councils and other project partners will be required at this stage. However, in the interim, I do hope that your Council will continue to be a partner in this regard and look forward to your participation at the forthcoming PSG meeting.

Lastly, should you wish to discuss anything further or have any questions in relation to the project, then please do not hesitate to contact either myself or Marc Salver, Director Development & Regulatory Services of our Council, and Chair of the PMG on 8408 0522.

Yours sincerely



Dr Jan-Claire Wisdom
Mayor
Chair Project Steering Group

mount
lofty
ranges

Attachment 2.1

WORLD
HERITAGE
BID



ANNUAL REPORT

April 2018 to June 2019

www.mountloftyranges.org

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PARTICIPATING COUNCILS



PROJECT SPONSORS



THE UNIVERSITY
of ADELAIDE

The images in this report have been provided by Christo Reid, Leeo Photography, The Barossa Council, City of Onkaparinga, Adelaide Hills Council, District Council of Mount Barker and the McLaren Vale Grape Wine and Tourism Association

FOREWORD

The key focus for the year was an external expert review of the work undertaken to date to inform the next steps, the strength of the bid and future project stakeholders (with whom to engage). The review confirmed that a potential case for World Heritage listing exists, however, further research and analysis is required.

The expert review also considered the Federal Government's feedback on the National Heritage listing nomination, which acknowledged the depth of the research undertaken for the bid and extent of community support, but noted concerns about the size of the area being nominated and the lack of clear State Government support for the bid.

In response there has been increased focus on engaging with the State Government and specifically the Department of Environment and Water (DEW). Encouragingly, DEW have actively participated in the expert review which has assisted with building mutual understanding and identifying opportunities to refine the bid's value proposition, or in world heritage terms, the strength and clarity of the 'statement of significance'. It is anticipated that this will enhance understanding and provide a strong foundation for ongoing engagement with the next goal being to seek the Minister for Environment and Water's support to put the bid forward for World Heritage listing at a future Council of Australian Governments (COAG) Meeting of Environment Ministers.

This annual report period saw the first full year of the newly elected State Government and changes at key government agencies and departments. Local government elections were also held resulting in some new Mayors and elected members. A federal election was also held with changes ensuing to Federal Government Ministers and departments. The significant political changes are both a challenge and opportunity which will require new relationships to be formed and education on the bid's rationale and potential benefits to occur.

In conclusion I wish to acknowledge the ongoing support to date of the partnering Councils through the combined efforts of the Project Steering and Management Groups, as well as the efforts of our Project Consultant (whose contract ended in June 2018). It is however noted that the Project governance arrangements will be reviewed in 2019/20. Next year provides an exciting opportunity to take the findings of the expert review forward and to collaborate with the State Government in progressing our bid. In this regard it is noted that DEW is pursuing a new Heritage Tourism agenda to which the World Heritage bid could be a major contributor in attracting tourists to Adelaide and our region. Lastly I wish to acknowledge the community's increasing appreciation for the outstanding and universal values of the cultural landscape of our Mount Lofty Ranges region and I look forward to progressing our bid in 2019/20.

Mayor Jan-Claire Wisdom

Chair - Project Steering Group

ABOUT THE BID



INTRODUCTION

Mount Lofty Ranges World Heritage Bid spans the renowned food, wine and tourism regions of the Barossa Valley, the Adelaide Hills, McLaren Vale, the Clare Valley, and the Fleurieu Peninsula. The Adelaide Hills, Alexandrina, Barossa, Mt Barker, Onkaparinga, Yankalilla, Clare and Gilbert Valleys, Light Regional, Mid Murray and Mitcham councils are collaborating with Regional Development Australia Barossa and Global Food Studies at the University of Adelaide to pursue World Heritage listing with the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

The bid for World Heritage listing seeks to encourage the identification, protection, preservation and promotion of cultural and natural heritage around the world that is considered to be of outstanding value to humanity. Our bid process has a core ambition to promote collaboration between all tiers of government and the private sector

to deliver real and lasting cultural, environmental and economic benefits to the region.

We are pursuing listing for the heritage values associated with a ground-breaking 19th century model of colonisation. South Australia was the first place in Australia to be planned and developed by free settlers without the use of convict labour, and possibly the first place in the world to apply the 'systematic colonisation' model developed by Edward Gibbon Wakefield, John Stuart Mill, Jeremy Bentham and members of the British-based 'National Colonisation Society'.

According to Wakefield, it was 'the first attempt since the time of the ancient Greeks to colonise systematically'. The region's links to this unique philosophical movement of universal significance, and the continuing reflection of utopian ideals in the contemporary landscape form the basis of the World Heritage bid. It is acknowledged that the

colonisation story is not one which sits comfortably with the region's Aboriginal groups and to date the Project Management Group has engaged with some of them in order to explore the opportunity to tell their side of the colonisation story. It is noted that on 30 November 2017 representatives of the three Kurna Aboriginal Groups signed a Statement of Support for the World Heritage Project. As Lynette Crocker, a Kurna Aboriginal Elder stated at the aforementioned event, "This project enables truth telling and provides an opportunity for us to tell our side of the colonisation story." "We are putting our signature on this document so that we can walk this journey together. This becomes part of the healing of our community and helps us understand our place and where we belong." The potential World Heritage area is yet to be defined and could include exemplary sites within the region stretching from the Fleurieu Peninsula in the south to the Clare Valley in the north.

ABOUT THE BID

NATIONAL HERITAGE LIST NOMINATION

As previously reported the nomination for the National Heritage List (NHL) was submitted in February 2017. Unfortunately the nomination was not included on the list of new places for the Australian Heritage Council (AHC) to assess in the 2017-18 assessment period.

The nomination was automatically reconsidered in the 2018 round but regrettably was again unsuccessful with only two bids selected for progression. This decision does not prevent the same or an amended nomination being made again in the future.

As reported in the last annual report Federal heritage staff see merit in the proposal and have indicated that work on the World Heritage bid can continue and run concurrently with any NHL bid. In fact, to facilitate a faster World Heritage nomination research process the Federal government now promotes a 'partnership' approach with proponents themselves encouraged to assist with research and documentation, a task previously the sole responsibility of the government.

Accordingly, work on the World Heritage bid continues including

ongoing advocacy (in particular with the State government), community engagement where appropriate and specialist research. This process will also require consideration of longer term governance arrangements and potential corporate involvement.



GOVERNANCE

MEMORANDUM OF UNDERSTANDING

An initial step in the World Heritage Bid project was the creation of a Memorandum of Understanding (MoU) which confirmed the support/buy-in from those Councils that supported the project. The initial MoU between Adelaide Hills, Barossa, Mount Barker and Onkaparinga councils was subsequently amended to include Alexandrina and Yankalilla councils.

In broad terms the MoU addressed project ownership and objectives; project deliverables, timelines, roles and responsibilities; budget, financial administration, project partners, reporting arrangements; and operational issues such as media management, releases and interactions between partners and stakeholders.

The MOU contained no provision for extension and therefore expired on 13 June 2018, five years after coming into effect.

The MOU also established a specific project oriented governance structure. Despite the MOU expiring, project management and activities continued during 2018/19 as indicated below. Note that a new governance arrangement will be explored in order to progress this iconic project.

PROJECT STEERING GROUP

The Project Steering Group (PSG) which comprised Mayors and CEOs of the participating Councils met once, in May 2018. At that meeting the PSG discussed future resourcing and management options for the project, acknowledging the imminent expiry of the MOU; the expiry of the contractual arrangement with the then Project Consultant on 30 June 2018; and also the fact that the Feasibility Study (2012) did not envisage council funding being required beyond Stage 1.

The PSG agreed that an external review of the project be undertaken to refine the project 'narrative', to validate the work undertaken to date, and to confirm that a strong case for listing exists. In addition the PSG resolved to pursue further discussions with the State Government to jointly manage a resource to progress the project to the next level.

PROJECT MANAGEMENT GROUP

The Project Management Group (PMG) was responsible for governance, management and progression of the project bids. This group is comprised of nominated staff representatives of each council, a representative of RDA Barossa, Adelaide University and, until end June 2018, the Project Manager.

Despite the expiry of the MOU members of the PMG continued to meet as required to monitor and manage ongoing projects and actions, and to ensure ongoing advocacy with State government officials in particular. Meetings were held as follows:

- 27 August 2018
- 5 November 2018
- 6 March 2019
- 24 May 2019
- 24 June 2019



GOVERNANCE

PROJECT MANAGER/CONSULTANT

Given the current status of the project it was determined that the contractual arrangement with the Project Consultant, Stephanie Johnston, was no longer required and came to an end on 30 June 2018. The PMG and representatives of non-member Councils expressed their appreciation and gratitude to Stephanie for her commitment and dedication to the project including many pro-bono hours that she committed to the World Heritage Bid project over the previous seven years, including prior to the formal bid project being instigated.

ADVISORY GROUP

The six advisory groups established in April 2014 did not meet during the reporting period. The future role and function of the groups will be reviewed in the context of any future governance structure review.



ENGAGEMENT, COMMUNICATIONS AND ADVOCACY

EVENTS

- Attendance at ICOMOS networking drinks which were attended by the Australia ICOMOS executive committee, SA ICOMOS members and Adelaide heritage networks including Department of Environment and Water staff from the heritage section and South Australian Heritage Council members
- Joint sponsorship (in conjunction with Jacob's Creek) of "Jeremy Bentham, New South Wales and the South Australian experiment" presented by The Selden Society at the Hetzel Theatre, State Library of South Australia on 10 July 2018
- In-kind support for "The radical ideas that created South Australia", Tim Causer in conversation with Stephanie Johnston, presented by Adelaide Festival of Ideas, at Bradley Forum, Hawke Building, UniSA City West Campus on 13 July 2018

PRESENTATIONS

- Stephanie Johnston presentation to the national Australia ICOMOS executive committee in Adelaide, 18 May 2018
- Stephanie Johnston presentation of paper titled 'History at the landscape scale: Building the case for world heritage listing of the Mount Lofty Ranges' at the Australian Historical Association's Conference, 2 - 6 July 2018.

ADVOCACY

Meetings

Project Management Group members continued to advocate for the project during informal discussions with members of various stakeholder groups but no formal advocacy meetings were held during the reporting period.

Letters

- Submission on Environment Resources and Development Committee's Inquiry to the Heritage System (Note: Mr Adrian Pederick MP, Presiding Member subsequently acknowledged receipt of the submission, extending best wishes for the project endeavours)
- Letter was received from Minister for Environment and Water, the Honourable David Spiers, which was a letter of encouragement for the progression of the bid and undertaking of the independent expert review.

Aboriginal Group Agreement

Engagement with the Aboriginal peoples and nations within the project region is very important for the progression of the bid and is one of the requirements of the UNESCO World Heritage Convention. It also presents an opportunity for these Aboriginal groups to tell their side of the colonisation story and move towards reconciliation and healing for these groups. As previously reported a Statement of Support was signed by the three Kurna groups (the Kurna Nations Cultural Heritage Association Inc., the Kurna Yerta Aboriginal

Corporation and the Kurna Warra Karrpanthi Aboriginal Corporation) on 30 November 2017. Engagement with the other Aboriginal groups within the project region is required to hopefully achieve the same outcome and to help secure benefits from the project for these groups.

Corporate Sponsorship

A sponsorship agreement was previously prepared to enable appropriate transparency and governance in the event of corporate sponsorship being offered, and an agreement to provide in kind support of \$10,000 over the 2017/2018 financial year was signed with Pernod Ricard Winemakers. This was extended through to the end of the 2018 calendar year, and subsequently extended to June 2019.

Newsletters

No newsletters were sent out during the reporting period. However, a Summer newsletter will be distributed to the project's database in late 2019.

PROJECTS

Digital Knowledge Bank

In early 2018 the project team successfully applied for a \$40,000 Building Better Regions Fund (BBRF) matched grant to establish a digital knowledge platform (a website based central repository of project information) for strategic planning and knowledge sharing of the World Heritage bid project. At its meeting in February 2018 the PSG agreed to allocate \$20,000 of consortium funds to the DKB project. Subsequently

ENGAGEMENT, COMMUNICATIONS AND ADVOCACY

the Centre for Global Food Studies at the University of Adelaide, Light Regional, Clare and Gilbert Valleys and Mid Murray Councils all agreed to financially contribute to the project, enabling the consortium councils to match the \$40,000 BBRF grant funding.

Adelaide Hills Council as the eligible Grantee took the lead and assumed full responsibility for the execution and delivery of the project on behalf of the other funding parties. The project formally commenced in April 2018 with Dialog Information Technology engaged in August 2018 to undertake the project. The project was completed in March 2019 and the DKB website/portal will be accessible by the public in late 2019 when the front end website, which is currently under development, is completed.

Independent Student Review

Simon Marek, a student at the University of Adelaide, assisted with the Digital Knowledge Bank project as part of his university internship. In association with this he undertook a review of the World Heritage bid project itself. His report, based on conversations with key people and a review of the data around national and world heritage bids, will be used to inform further development of the bid. His key findings were as follows:

- The National Heritage bid document is very detailed and would benefit from additional refinement
- Geographical area is large and needs further boundary definition

- Identifying and describing the uniqueness of the story is key
- Boundaries – guidelines have changed in this regard and the boundary becomes less important if you have a clear set of values
- Comparative Analysis – not many around, however there are similar examples in New Zealand which should be looked at to prove whether we are exemplary, and
- Prioritise consultation with the State Government

Independent World Heritage Expert Review

Following receipt of advice that the nomination for National Heritage listing had not been shortlisted for further consideration, the PSG in May 2018 recognised that the development of both National and World Heritage listing nominations is an iterative process of debate, research and refinement with input and guidance from heritage experts. However, the PSG also noted that the project has always been funded on the basis that there is a World Heritage case and after seven years of research and discussion, it was time to assess the strength of that case. The PSG determined that the project had reached a point where an independent review and consolidation of where the project 'sat' would greatly assist in informing both the next steps and who the future project stakeholders are.

In February 2019 a contract was awarded to Duncan Marshall (B.Arch (Hons) BA MICOMOS) and Dr Jane Lennon AM (MICOMOS) to undertake

the review and to present a report that clearly communicates the rationale for the Mount Lofty Ranges World Heritage proposal and to outline the work required to progress the project to the level required to be considered by the State and Federal Government for Tentative Listing.

In particular the expectation was for the report to assist with:

- the preparation of a clear narrative and core message for the bid
- clarifying which National Heritage criteria the nomination should focus on
- identifying which World Heritage criteria are best addressed to match that narrative
- identifying research gaps, potential comparative sites and key exemplar sites within the nomination area
- refine and confirm the Mount Lofty Ranges NHL bid boundary

The consultants presented their final report in June 2019, concluding that the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears sound at this stage and importantly that there is a good case for seeking World Heritage listing. However, a number of issues were identified that will need to be addressed.

ENGAGEMENT, COMMUNICATIONS AND ADVOCACY

The report concludes that the core narrative previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. It notes that while at this stage such text looks promising, again much depends on the supporting and detailed justification that needs to be provided.

The report also considered the question of the possible name for the 'property', and proposed the "Systematic Colonisation Settlement Landscape of South Australia". The report noted that it is not yet clear whether the property (i.e. the region) is best presented as a single component or serial property (i.e. exemplary sites within the region), and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided below, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (i.e. single component or serial) will then emerge.

The report advises that with regard to what further research is needed to support the development of the Tentative List submission, in one sense it might be possible to proceed with a submission based on current information. However, in practical terms stakeholders and the local community will probably be keen to know the likely boundaries and management implications, and the submission may trigger criticism if these matters are not outlined, even in a draft form.



A detailed suggested work plan was included in the report including further required research to:

- strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier
- refine the understanding of attributes

- give some indication of possible draft boundaries, noting these are subject to further refinement, and
- develop initial information about likely management implications.

The report will be presented to project partners in late 2019 to determine the next steps. The report will also be presented to the State Minister for Environment and Water seeking a letter of support and collaboration to progress the World Heritage bid.

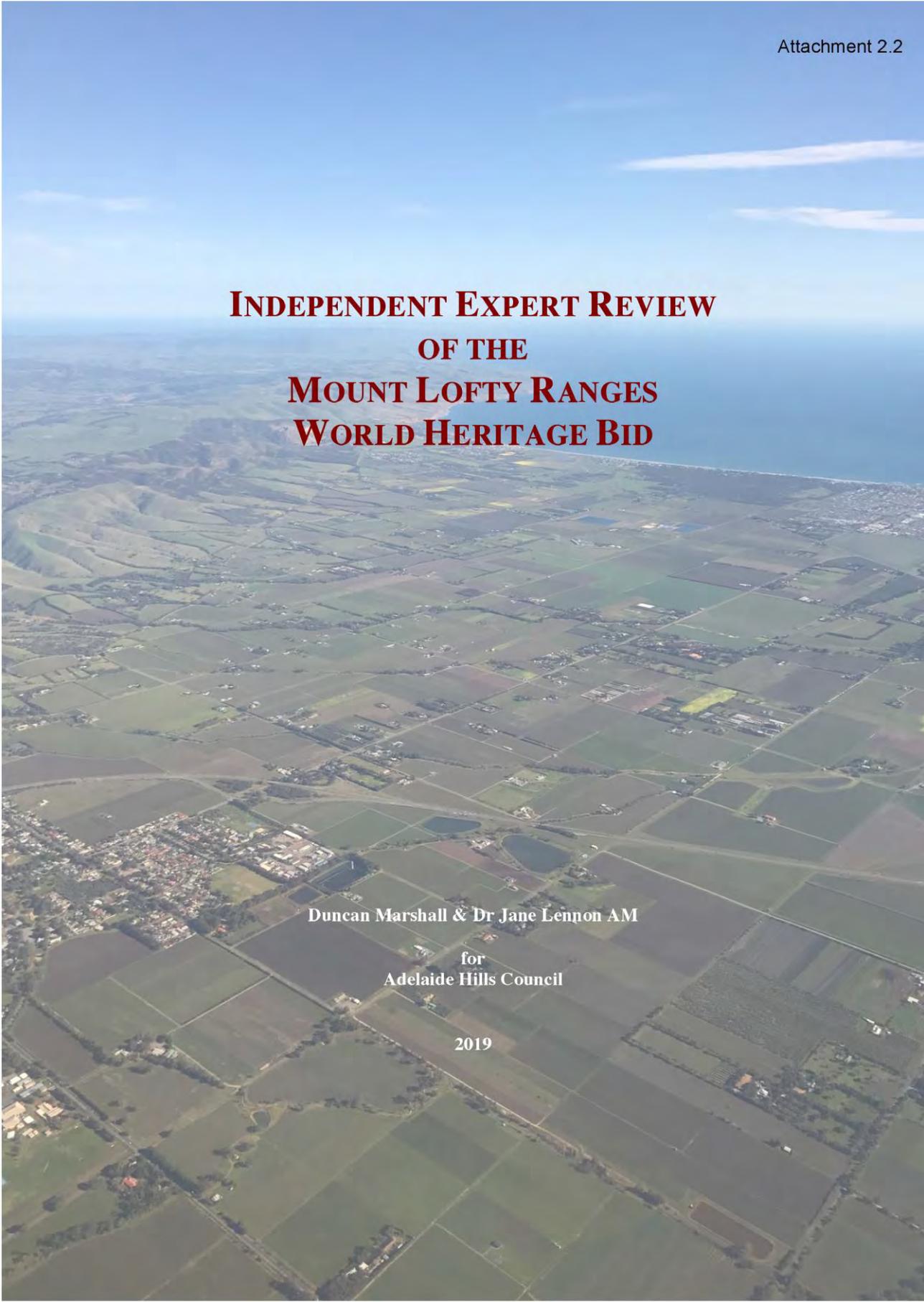
CONCLUSION

The bid process is at a crucial point in terms of State and Federal Government advocacy, planning for Stage 2, investigating governance arrangements, potentially seeking external funding and establishing new alliances and partnerships.

A key conclusion drawn by the project partners, in consideration of the independent review and government feedback, is that State Government support is now critical if the bid is to progress. Gaining this support will be a key focus in 2019/20.



www.mountloftyranges.org



**INDEPENDENT EXPERT REVIEW
OF THE
MOUNT LOFTY RANGES
WORLD HERITAGE BID**

Duncan Marshall & Dr Jane Lennon AM

for
Adelaide Hills Council

2019

EXECUTIVE SUMMARY

Since 2011-12 a consortium of Councils across the Mount Lofty Ranges has been exploring the potential for World Heritage listing of the agrarian and cultural landscapes of the region. This independent expert review has been commissioned to consider the work undertaken to date to achieve World Heritage listing, to inform the next steps, the strength of the bid and future project stakeholders.

The review has considered a range of issues including the:

- existing rationale for seeking World Heritage listing;
- the current draft Outstanding Universal Value (OUV), proposed criteria, and criteria statements;
- attributes and areas that most strongly reflect the potential OUV in the landscape; and
- research gaps and additional work required.

The review was to involve consultation with other recognised and respected experts as necessary.

Perhaps the key question underlying this independent expert review is whether there is a good case for seeking World Heritage listing for the Mount Lofty Ranges? The brief answer is – yes, there is a good case. However, to realise this potential, a number of issues will need to be addressed.

With regard to the **rationale** text, this begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value.

Importantly, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound at this stage.

The core **narrative** previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, again much depends on the supporting and detailed justification that can be provided. For example, there is a need to develop text on:

- the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised;
- the character of non-systematic colonisation;
- the Enlightenment/post-Enlightenment, and the impact on the development of model societies;
- a refined description of the characteristics of systematic colonisation;
- an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance;



- the comparative analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence survives of these; and
- the analysis related to agricultural innovation.

Brief draft text for two of these aspects is included in the body of the report below.

While the analysis and commentary undertaken presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting there are potential weaknesses and difficulties that may be encountered.

A review of the potential **World Heritage criteria** found:

- the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);
- weaker or more difficult criteria are (iii) and (v), or at least parts of claims that could be made under criterion (v). In the case of (ii), one aspect of the use of this criterion might also be weak – related to the influence on non-British immigrant communities; and
- the criterion which is clearly not relevant is (i).

The report considered the question of the possible **name for the property**, and proposes the Systematic Colonisation Settlement Landscape of South Australia.

Previously, brief draft **justification text** or criteria text had been developed against four criteria – (ii), (iv), (v) and (vi). Based on further analysis, this justification text has been revised and is the core of the current draft Outstanding Universal Value for the property. Based on this draft OUV, related attributes have been identified. However, refining the mapping of attributes beyond a broad scale becomes difficult because of the lack of detail about the exact location of attributes. Some general comments about the qualities present in the landscape of the likely property area are provided.

One of the project tasks related to the question of whether the property should be considered a **historic site or cultural landscape**. The technical context is that:

- sites and cultural landscapes can both be large or small in area;
- sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
- in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

In this case, the Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays the interaction of humans with the environment – an Aboriginal landscape evolved from the natural environment which was then modified by European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a simple if clear example of this interaction.

However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided below, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.

Initial work was undertaken regarding the **comparative analysis** for the property. Four suggested contexts for the comparative analysis were identified:

- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Using this framework, an initial list of potentially comparable properties was identified and analysed, based on a limited review and research.

The **development of the nomination** may be broadly divided into the following stages:

- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and
- other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

A preliminary **workplan** is presented structured according to these stages. Additional comments are also provided regarding the development of a Tentative List submission.



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1. INTRODUCTION

Since 2011-12 a consortium of Councils across the Mount Lofty Ranges has been exploring the potential for World Heritage listing of the agrarian and cultural landscapes of the region. The basis of the bid is the region's association with a transformational shift in the four-hundred-year history of modern European colonisation. The project to date has been funded on the basis that there is a World Heritage case.

After seven years of research and discussion, the consortium considers it is time to assess the strength of that case, particularly as a related National Heritage nomination has so far been unsuccessful in being accepted by the Commonwealth for evaluation. The project has therefore reached a point where an independent expert report with a considered review, and consolidation of where the project bid is at, would greatly assist in informing both the next steps, the strength of the bid and future project stakeholders.

On behalf of the consortium, the Adelaide Hills Council has commissioned this review project to undertake the following tasks:

- Review of existing rationale for seeking World Heritage listing.
- Assessment and comparison of the strength in progressing a nomination as either a historical site or cultural landscape listing, including initial assessment against comparative sites.
- Review of the current draft Outstanding Universal Value (OUV), proposed criteria, and criteria statements and suggest refinement of the statements including the identification of both the strong and weak criteria.
- Identification of the attributes and areas that most strongly reflect the potential OUV in the landscape.
- Identification of research gaps and additional work required to develop the draft OUV, criteria statements and development of World Heritage nomination, including recommended processes and realistic timeframes for preparing Tentative Listing documentation and a nomination document.
- Consultation, discussion and review with other recognised and respected World Heritage experts.

This review was constrained by a number of factors including modest resourcing, the available research and access to certain expertise. None the less, where further research or expertise is needed, this is identified in the body of the report below as part of future work planning.

The consultants for the review project are Duncan Marshall B.Arch(Hons) BA MICOMOS and Dr Jane Lennon AM MICOMOS.

The consultants are grateful to the following people for their assistance.

Melissa Bright	Adelaide Hills Council
Divya Bali Dogra	City of Onkaparinga
Dr Douglas Bardsley	University of Adelaide
Kristal Buckley AM	World Heritage expert
Stephanie Johnston	Urban and Rural Planning Consultant

Paul Mahoney Department of Conservation (NZ)
Dr Susan Marsden Historian
Emeritus Professor Erik Olssen ONZM University of Otago
Dr Elisa Palazzo University of NSW

2. RATIONALE AND CORE NARRATIVE FOR WORLD HERITAGE

2.1 REVIEW OF EXISTING RATIONALE FOR SEEKING WORLD HERITAGE LISTING

World Heritage listing is a wonderfully ambitious objective for any community. It brings global recognition for the listed property and represents an offering and a commitment by a local community to protect and present a property of World Heritage value, or formally, of Outstanding Universal Value. But it is also the most difficult listing to achieve, requiring sound research, considerable time and effort, and persistence.

In the case of the Mount Lofty Ranges, the current summary rationale for seeking World Heritage listing is as follows.

What is the Mount Lofty Ranges World Heritage Bid?

The Mount Lofty Ranges World Heritage Bid spans the world-renowned food, wine and tourism regions of the Clare and Barossa Valleys, the Adelaide Hills, McLaren Vale and the Fleurieu Peninsula. The Adelaide Hills, Alexandrina, Mount Barker, Barossa, Clare and Gilbert Valleys, Mid-Murray, Mitcham, Onkaparinga and Yankalilla councils are collaborating with Regional Development Australia Barossa and the Centre for Global Food Studies and Resources at the University of Adelaide to pursue National Heritage listing of the region's agricultural landscapes as a precursor to World Heritage nomination. The council consortium are in ongoing discussions with the South Australian government and the Australian federal government around developing a nomination for World Heritage listing in tandem with the National Heritage Listing nomination.

The World Heritage list seeks to encourage the identification, protection, preservation and promotion of cultural and natural heritage around the world considered to be of outstanding value to humanity.

What are the grounds for World Heritage listing of the agricultural landscapes of the Mount Lofty Ranges?

We are pursuing listing for the heritage values associated with a ground-breaking 19th century model of colonisation. South Australia was the first place in Australia to be planned and developed by free settlers without the use of convict labour, and the first place in the world to apply the 'systematic colonisation' model developed by Edward Gibbon Wakefield, John Stuart Mill, Jeremy Bentham and members of the British-based 'National Colonization Society.' According to Wakefield, it was 'the first attempt since the time of the ancient Greeks to colonise systematically'.

The region's links to this unique philosophical movement of universal significance, and the continuing reflection of those original utopian ideals in the contemporary landscape and contemporary land management practice form the basis of the World Heritage bid.

The potential World Heritage area is yet to be defined but is based on the early South Australian survey areas in a series of landscapes stretching from the Fleurieu Peninsula in the south to the Clare Valley in the north. A feasibility report and economic impact study presenting the argument and rationale for World Heritage listing can be accessed at the link below while an interactive online map and original survey map can be found at the Maps section of this website. (www.mountloftyranges.org/about.html, accessed 28 March 2019)

The crucial parts of this rationale are:

- the presence of heritage values associated with a ground-breaking 19th century model of colonisation or systematic colonisation; and

- the links to a philosophical movement of universal significance, and the continuing reflection of those original utopian ideals in the contemporary landscape and land management practices.

This text begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. There is reference to a ground-breaking model of colonisation, and to a philosophical movement of universal significance. This initial conclusion is informed by the authoritative views of the late Professor Eric Richards in his earlier contributions to the overall World Heritage bid project (for example, Richards 2017).

But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value. Other chapters of this report will consider in more detail issues related to the justification.

The rationale also notes that the likely boundary for a World Heritage property is yet to be defined however, the early survey areas are a likely starting point. These seems a reasonable conclusion at this stage. Many factors will be taken into account in finally determining boundaries, including the proposed Outstanding Universal Value, attributes which convey this value, their authenticity, integrity, protection and management.

Other parts of the rationale are background information or descriptive, but are not part of the core argument. For example, the reference to the ‘world-renowned food, wine and tourism regions’. While such text sounds impressive, it is not, as yet, clear that such statements are part of the World Heritage justification, although they do provide background to the continuity of farming and viticulture in the region.

The rationale also notes the link to the National Heritage nomination submission. It is important to note that governments in Australia have made a procedural link between National Heritage and World Heritage. That is, National Heritage should be achieved before World Heritage is attempted. However, given the quite different criteria for National Heritage and World Heritage, it is not necessarily a helpful link in terms of justifying World Heritage. There is also the problem of the different provisions regarding the possibility of serial nominations – they are possible under World Heritage but not currently under National Heritage. Accordingly, the National Heritage step is worth noting in terms of the ideal process, but ultimately it may not prove helpful in framing the World Heritage justification and nomination.

In summary, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound. If it continues to be useful, this rationale should be revised in the light of continuing research and analysis, and its strength or weakness may change as a result.

2.2 THE CORE NARRATIVE FOR THE MOUNT LOFTY RANGES WORLD HERITAGE PROPOSAL

The current core narrative is defined in the following table, along with an analysis of the narrative. Concluding comments are offered at the end of the section.

Table 1. Analysis of Core Narrative	
Current Core Narrative	Analysis/Commentary
NARRATIVE UNDERPINNING THE NATIONAL AND GLOBAL SIGNIFICANCE OF THE AGRO-PASTORAL SETTLEMENT LANDSCAPES OF THE MOUNT LOFTY RANGES (Version of 28 February 2018)	The purpose of this narrative is understood, encompassing National Heritage as well as World Heritage. This current review is focused only on World Heritage. It is also worth being very clear that World Heritage is not the same as global or international significance. Many places might be of international significance in some way, but World Heritage has a higher threshold of Outstanding Universal Value, and World Heritage places will be a small subset of places of international significance.
National and global themes: Migration; The Enlightenment; Planned settlement; Multiculturalism; Agriculture and Viticulture	These themes flow from the proposed heritage values.
WHC = World Heritage Criterion NHC = National Heritage Criterion	
WHC 6: Associations with events and ideas of universal significance NHC a: Events and processes; NHC h: Significant people	
The agro-pastoral settlement landscapes of the Mount Lofty Ranges are the tangible product of a transformational shift in European migration history in the second half of the second millennium. Purposefully linked to the sale of the town surveys of colonial Adelaide, the rural surveys and settlements established in the ranges between 1836 and 1856 correspond with the second main wave of Australia's settlement history, when the focus shifted from penal colonies to agricultural development through free settlers. In a global context the Preliminary District and Special Survey areas represent the earliest and most outstanding manifestation of Edward Gibbon Wakefield's inspired contribution to the systematic colonisation movement of the 1820s.	Two parts of this text speak clearly to possible Outstanding Universal Value: <ul style="list-style-type: none"> the transformational shift in European migration history in the second half of the second millennium; and the earliest and most outstanding manifestation of Wakefield's inspired contribution to the systematic colonisation movement of the 1820s. The transformational shift idea has a grand breadth, focused on a major theme in world history (European migration), across a major period of time, and representing an important change (Richards 2017). If this can be fully justified and demonstrated by attributes, then it is a powerful argument for World Heritage. Migration is already a theme recognised in various ways in the World Heritage List (eg. the Statue of Liberty, Colonial City of Santo Domingo, Melaka and Georgetown, indeed all colonial settlements probably have a degree of migration, the Island of Gorée (related to slavery – unfree migration) and the Australian Convict Sites (related to convictism – unfree migration)). The early and outstanding manifestation of systematic colonisation is the important detail supporting the transformational shift.

Table 1. Analysis of Core Narrative	
Current Core Narrative	Analysis/Commentary
	This text also starts to identify possible attributes: agro-pastoral landscapes, town and rural surveys, and settlements.
The Wakefield model rejected prevailing colonisation strategies involving prisoners and low-income, mostly unemployed male settlers with a revolutionary approach that aimed for the establishment of a self-sustaining, prosperous agricultural economy settled by young, middle-class couples operating commercially viable farms concentrated close to urban markets. The model was debated, shaped, influenced and promoted by the Philosophical Radicals, an enormously influential group of nineteenth century politicians, social scientists and philosophers. Through the London-based “National Colonization Society” they articulated a progressive political economy model for the South Australian province that became known as the “Wakefield Plan”. The model encompassed Jeremy Bentham’s utilitarianism, Adam Smith’s economics, John Austin’s jurisprudence and John Stuart Mill’s rationale for democracy and universal suffrage, ideas that evolved from the Enlightenment and that are central to the concept of modern democratic societies. The same group championed gender equality, the secret ballot, Aboriginal rights and the abolition of slavery.	This text really just expands upon the first paragraph and provides more detail. However, it does introduce the link to the Enlightenment, which was a major intellectual and philosophical movement in the 18 th century. This is important for World Heritage criterion (vi). The link to the Enlightenment also adds substantial weight to the claim for OUV, because of the importance of this movement at that time and through to the present day. Attributes that demonstrate the application of the Wakefield model will be important for this part of the core narrative.
WHC 2: Important interchange of values (Influences) NHC b: Rarity; NHC h: Significant people	
The Wakefield Plan for South Australia advocated an agriculture-based, unregulated market economy founded on the planned migration of free settlers selected according to demographic profile, and the carefully managed survey and sale of town and country landholdings. The model was developed on principles of a secular, self-governing democratic society that recognised the legal rights of Aboriginal people and purposefully designed policies to encourage long-term income equality.	This text is background.
The implementation of the Wakefield Plan established a historical inflection point nationally and globally. The successful adoption and subsequent adaption of the model to the South Australian landscape can be measured in the spectacular diversion of thousands of young, free emigrants in a way that appeared inconceivable in prior decades. It engineered a revolution in human capital, as the new colony received extraordinarily high-quality migrants, and in the process designed its own demography as no other society had ever done before. In addition, the settlement process, religious freedom and social ideals associated with the colonisation system fostered the establishment of culturally distinct townships and rural communities of British, German and Polish origin that are seminal and enduring elements of today’s multicultural Australian society, and of our globally	This text is background.

Table 1. Analysis of Core Narrative	
Current Core Narrative	Analysis/Commentary
<p>significant food and wine industries. These include the Barossa family dynasties of Gramp and Sons (Jacob's Creek), the Seppelts family (Seppeltsfield), the Henschkes (Hill of Grace), the Paech family of Hahndorf (Beerenberg) and Thomas Hardy and Sons in McLaren Vale.</p>	
<p>Wakefield's innovative model for providing access to agricultural land and regulating land markets influenced global debates and global practice for more than a century. Chapter 33 of Karl Marx's <i>Das Kapital</i> focuses on Wakefield's colonisation theory. The Wakefield model was a direct and powerful influence on new societies in Darwin, New Zealand and Canada and shaped land laws and development policies elsewhere in Australia, Brazil, Canada, France, India, New Zealand, South Africa, Sri Lanka, and the United States. The central role played by land administrators in the new colony led to the innovation of the Torrens Title, a land registration system adopted in countries across Asia, North America, Russia and Europe, while the practice of assisted migration endured in Australia and New Zealand through to the late 19th century.</p>	<p>This text presents the core argument for the important interchange of human values – which must be in terms of landscape design given the character of the property.</p> <p>The criterion does not explicitly relate to the influence on creating new societies or land registration systems – it must be tied back to an influence in the landscape and be demonstrated by specific attributes. The geographic scope of influence also appears impressive enough, but this needs to be tested. What was the actual influence on the ground in these other places? Was it a landscape influence? Was it an important and lasting influence, or just a minor and short-term influence?</p> <p>By way of example, the rural landscape around Christchurch in New Zealand strongly reflects the influence of the 80 acre farms (sections) as found in South Australia.</p> <p>There is also the suggestion, made in the context of the New Zealand examples of systematic colonisation, that they were precursors of the Garden City movement (Olssen 1997, p. 207).</p> <p>There is also another form of interchange not explicitly referred to in this text although it is obliquely mentioned above. This is the influence of systematic colonisation on non-British immigrant communities, who adapted their settlements within the overall colonisation model. It is not yet clear how important such an interchange would be within the context of Outstanding Universal Value.</p> <p>There is the outline of a possible justification in this text, but it needs to be tied closely to the actual criterion, and as with all criteria, it also needs to go beyond apparently persuasive words to be supported by solid justification text.</p>
<p>WHC 4: Outstanding example of a type of landscape which illustrates (a) significant stage(s) in human history (Typology)</p>	
<p>The radical principles on which the Mount Lofty Ranges agro-pastoral landscapes were settled are evident in the founding documents of the Province of South Australia, including King William the Fourth's Letters Patent recognizing Aboriginal rights; in 80-acre rural sections that were originally allocated to Aboriginal ownership; in the continuing agro-pastoral and viticultural land uses; in the autonomous adaptation, innovation and creative</p>	<p>This text is more descriptive rather than clearly explaining what type of landscape is involved, why it is outstanding, and what significant stage in human history is illustrated. It hints at why it might be outstanding (eg. radical principles) but goes no further. The text is helpful in terms of identifying potential attributes.</p>

Table 1. Analysis of Core Narrative	
Current Core Narrative	Analysis/Commentary
<p>achievements of generations of family farming enterprise; in the enduring success of the 80-acre section proposed by Wakefield; in the survey markers, grid patterns, section boundaries and minor road systems; in the early survey maps and title descriptions still in existence in the South Australian land title system; in the location, layout and extraordinary diversity of religious and cultural infrastructure of the numerous colonial villages and townships augmented by mining and secondary industry; in the connecting cultural and historic routes; in surveys adapted to water courses in ways that ensured equal access for all; in surviving and revitalized rural estates and agricultural infrastructure; in heritage vineyards (amongst the oldest in the world) that predate Europe's phylloxera epidemic of the late 19th century; and in Aboriginal and European archaeological sites.</p>	<p>This part of the narrative needs to be re-focused to present a summary justification against the actual criterion, which can then be embellished with such descriptive text if needed.</p> <p>The justification needs to make clear why the property is the/an outstanding example, and this might be framed in terms of it being the first, the fullest and the most intact of the Wakefield settlement landscapes, assuming such qualities can actually be demonstrated. In addition, the justification needs to make clear why such landscapes as a category are of Outstanding Universal Value. In relative terms, the size of the migration to South Australia does not seem sufficient justification, as noted below, and the question of its wider influence is dealt with under criterion (ii).</p> <p>Instead, the justification might rest on the property reflecting a substantially different settlement system from that which prevailed at the time, that it was a successful system (if this can be supported, noting such problems as the 1841 land sales collapse and resulting bankruptcy, and doubts about the viability of 80 acre farms (sections)), and that it reflected the Enlightenment ideals of the period.</p> <p>One particular point deserves comment. The recognition of Aboriginal rights was an important aspiration expressed through the Letters Patent, and reflects progressive social ideals related to the Enlightenment. However, it is understood there was little real impact from the aspiration. While some reserves were created, this stands for little given the widespread dispossession which took place. The recognition of Aboriginal rights should be part of the systematic colonisation story, but it requires a balanced treatment and the positive aspects should not be over-stated.</p>
<p>WHC 5: Outstanding example of a land use representative of human interaction with the environment under threat (Land use)</p> <p>NHC d: Principal characteristics of a class of places or environments</p>	
<p>The agro-pastoral landscapes, built environment, social attributes, economic activities and land policy processes of the Mount Lofty Ranges are inextricably linked to the core ideas and founding principles of their radical settlement plan, which in turn took advantage of the pre-existing Aboriginal-managed landscape. Like many other Australian settlement landscapes, the Mount Lofty Ranges are filled with Aboriginal peoples' sacred sites and their ancestral connections to creation stories, oral histories and pre-colonisation memories, and present a shared post-colonisation history filled with broken promises, missed opportunities and evolving reconciliation.</p>	<p>This is largely background text, introducing the radical settlement plan related to land use.</p>

Table 1. Analysis of Core Narrative	
Current Core Narrative	Analysis/Commentary
<p>Today the agro-pastoral settlement landscapes of the Mount Lofty Ranges continue to be shaped by their intimate and dynamic relationship with the city of Adelaide, and export markets. Rising as a well-watered “green island” from a largely flat and arid continent, they remain a bio-culturally diverse and highly productive landscape of ongoing importance to Australia and the world. This is evident in the diversity of primary production and in the use and appreciation of the landscape’s natural resources, including the innovative ongoing management of its water resources and nationally significant biodiversity. One of 15 national biodiversity hotspots, the ranges are a site of convergence for animal and plant species from Australia’s east and west coasts, and from xeric and mesic environments.</p>	<p>This text is also background. It introduces the relationship to the city of Adelaide, which is a reminder that attributes might be found in the city itself.</p> <p>Some parts of the text introduce ideas that do not look closely related to the criterion – the ‘productive landscape of ongoing importance to Australia and the world’ and the biodiversity aspect.</p>
<p>The level of legislative protection afforded to the cultural landscape’s primary production values and environmental values is unique in a national and global context in terms of the size of the area protected (984,009 hectares), and the nature of the protection. In a framework of global uncertainty, the agro-pastoral and viticultural attributes of the protected landscape and its primary production components remain largely intact, despite their close proximity to an urban centre. A 175-year-old heritage of forward planning, adaption to new conditions, agricultural experimentation and innovative farming practice is enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial volatility, agricultural intensification and accelerating urbanisation.</p>	<p>The strongest part of this text relevant to the criterion seems to be the ‘heritage of forward planning, adaption to new conditions, agricultural experimentation and innovative farming practice is enabling a process of effective adaptation to a future’ (drawing on ideas from Bardsley & Palazzo 2018). In terms of the criterion, this would be best characterised as a human interaction with the environment.</p> <p>As with the stronger looking statements under other criteria, while at this stage such claims may hold some promise, much depends on the supporting and detailed justification that can be provided. The doubt is that it may be very hard to prove that the property is an outstanding example of such land use, given the evolution in agriculture has presumably occurred for thousands of years and in most inhabited parts of the world.</p> <p>There is also the possibility of justifying value in terms of a traditional land-use related to systematic colonisation, although this is not raised in the narrative text.</p> <p>The unique protection system does not seem to be an aspect relevant to the criterion, unless the argument is turned around to stress the vulnerability of the landscape. If so, the sense of vulnerability does not come through clearly. Rather, planning and adaptation make it seem like vulnerability has been avoided.</p>

In summary, the core narrative is helpfully structured according to the World Heritage criteria and contains key text which speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, much depends on the supporting and detailed justification that can be provided, and the identification of relevant attributes.

However, the narrative for World Heritage becomes a little obscured by aspects more

strongly related to National Heritage, realising the narrative was an earlier attempt to address both. One aspect that could be strengthened is to tie the text closely to the World Heritage criteria – assuming a single focus for this narrative. In particular, the text against criterion (iv) needs revision to present a summary justification against the criterion. In addition, perhaps not all of the background or descriptive text is needed in the overall narrative. The purpose of the narrative needs to be clear, and would guide such decisions.

If this narrative is to have a future role in the bid project, consideration should be given to tying the text more closely to the short criteria statements considered in the next chapter. While these short statements were used in the development of the narrative, their strength may have been reduced by the dual-purpose of the narrative, and the length of some of the background text.

The narrative might also benefit from some additional contextual information to place the European settlement of South Australia in the broader picture of migration, such as the following text.

Migration is a major and enduring theme through much of world history from ancient times to the present day. European emigration coupled with colonisation from about 1500 CE was itself of great historical importance marking the beginning of globalisation, and it arose as a result of the explorations in the Age of Discovery. From 1500-1783 CE there were 1.4 million migrants, and from 1815-1930 CE there were 60 million migrants. The Americas were the major destination, with 32 million people travelling to the USA in 1821-1932 CE. In the same period, Australia received 2.9 million migrants. These migrants could be either free or indentured (contracted).

The systematic colonisation of South Australia saw the arrival of 110,000 people [to be updated – this is a population figure not arrivals] in the initial period of the settlement scheme from 1836-1857 CE.

The migrations to other places prior to South Australia tended to involve a number of problems related to land acquisition, labour shortages and the consequent reliance on unfree labour such as convicts or indentured labour. Previous Australian colonisation efforts were characterised by an unstructured approach. Wakefield's systematic colonisation was informed by Enlightenment ideals and was designed to avoid these problems and result in a superior colony based on free settlement, the sale of land at a sufficient price, funding to assist emigration, and the careful selection of migrants to create a viable colony. (Wikipedia, 'European migration', https://en.wikipedia.org/wiki/European_emigration and 'European colonization of the Americas', https://en.wikipedia.org/wiki/European_colonization_of_the_Americas, accessed 8 April 2019; 'Migration', <http://sahistoryhub.com.au/subjects/migration-0>, accessed 8 April 2019; Richards 2017)

This text relies on a range of readily available secondary sources, some of which may not be entirely reliable, and it needs to be more closely checked and better referenced to ensure accuracy.

The text also highlights one of the challenges for the justification of the property for World Heritage – how can the property be of Outstanding Universal Value in the overall migration theme when the number of migrants was very small compared to other European emigration such as to the Americas.

A longer though still brief description of the Wakefield system might also be helpful to include or append. For example,

The central features of Wakefield systematic colonisation were related to activating free emigration to Australia:

- the commitment by the colony to massive financing to generate migrant inflows; and
- the recruitment and selection of specific immigrants for a very long-distance destination.

It aimed for long-term sustainability and resilience, rather than a short-term profit for its founders, and the colony was to be self-funding from the sale of land.

Detailed aspects included:

- minimum land pricing to concentrate settlement, and not land grants;
- use of funds from land sales which were synchronised to subsidise immigration of free settlers/labour for the colony, avoiding the need for government support;
- the transfer of colonial labour supply from the private sector to the government;
- prescribing the composition of the population according to age and gender – meaning the recruitment of younger families, to ensure a balance of sexes, and from the lowest occupational strata but still a more literate population than the average;
- recruitment of free rather than indentured labour, that is free settlement, and certainly no convict labour;
- detailed surveying of town and country landholdings ahead of sale;
- containing urban and rural settlement within surveyed districts;
- town acres within the city of Adelaide and a framework of Preliminary Districts and Special Surveys (the latter criticised by Wakefield himself) in the rural areas with 80 acre farm units (sections) in order to promote intensive forms of farming rather than pastoral activities;
- linking 1 acre town block and 80 acre rural land purchases as part of the preliminary land order system;
- generally locating towns near the middle of hundreds (a land area initially of 100 sections), with smaller sections closer to the township;
- settlement policies to avoid unemployment; and
- an Arcadian ideal of a self-supporting society of agriculturists, as well as the founders' utopian principles including egalitarianism, religious freedom and a recognition of Indigenous rights.

The initial system contained aspects which were not supported by Wakefield, such as the Special Surveys, although it has been argued that in reality these also helped achieve the social goals and aspiration of the system. There were also changes made during the implementation of the system which departed from the original intentions (ie. a temporary lowering of the minimum price of country land, and developing land remote from the capital in the southern Preliminary Districts). (Richards 2017; 'Systematic colonisation', <http://boundforsouthaustralia.com.au/historical-background.html>, accessed 8 April 2019; Pretty 1967, <http://adb.anu.edu.au/biography/wakefield-edward-gibbon-2763>, accessed 8 April 2019; Wikipedia, 'Land administrative divisions of South Australia', https://en.wikipedia.org/wiki/Lands_administrative_divisions_of_South_Australia, accessed 18 April 2019; Mount Lofty Ranges National Heritage nomination, Appendix 3, National Heritage values analysis; Herraman 2017).

As above, this text relies on a range of readily available secondary sources, some of which may not be entirely reliable, and this brief description should be confirmed with scholars of systematic colonisation. In addition, the concept of utopianism deserves further scrutiny or contextualisation. At least one scholar portrays Wakefield's scheme as partly a rejection of utopianism, presumably in the sense of it being naïve and unrealistic (Olssen 1997, p. 201).

The story of the size of sections (or farm units) needs further clarification. While 80 acre sections are commonly referenced, it is understood that other sizes were also used, perhaps more commonly (eg. 134 and 200 acre sections).

As part of any nomination dossier, a glossary would also assist to understand some specific terms.

While the above analysis and commentary presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting some of the potential weaknesses or difficulties that may be encountered:

- the colonial settlement theme may broadly be considered problematic, although there does not seem to have been a general antipathy to such properties in the World

Heritage system to date;

- the historical assessments of the importance of Wakefield's systematic colonisation have been mixed with some positive and others negative (see for example Olssen 1997; Woollacott 2015; Ballantyne 2014). There is also a related question about the extent to which Wakefield should be the sole focus of attention, and how much the contributions of others such as Bentham, Mill and Owen should be acknowledged;
- there are inconsistencies between the theory and the practice of the system in the range of countries, such as regarding free settlement yet the involvement of indentured labour in some cases, and the formal recognition of indigenous rights yet the actual dispossession of indigenous peoples, and their exploitation, including open warfare in New Zealand (Woollacott 2015; Ballantyne 2014);
- the difficulty in applying the theory of systematic colonisation in Australian landscapes that varied greatly in productive capacity;
- suggestions that the South Australian experiment failed or at least displayed significant difficulties (Woollacott 2015); and
- suggestions that some parts of South Australian settlement were underpinned by British financiers with links to the slave trade (Wikipedia, 'History of South Australia', https://en.wikipedia.org/wiki/History_of_South_Australia, accessed 8 April 2019; 'Slavery in Australia', https://en.wikipedia.org/wiki/Slavery_in_Australia, accessed 2 May 2019).

Some of these points may lead to criticism of any nomination, especially if there is any sense of glossing over aspects now viewed as important or important to recognise as part of the overall history. Key responses to such points include:

- any portrayal of Wakefield's systematic colonisation and the history of the South Australian property should be a balanced and contextual portrayal, recognising the characteristics of the period, the positive and negative aspects of the story, the strengths and the weaknesses of systematic colonisation, and the differences between theory and practice; and
- the range of authoritative views about Wakefield's systematic colonisation should be presented, but with a focus on the prevailing consensus, if one exists.

3. STRENGTH OF THE NARRATIVE AND ASSOCIATED WORLD HERITAGE ATTRIBUTES

3.1 REVIEW OF THE CURRENT DRAFT OUTSTANDING UNIVERSAL VALUE, PROPOSED CRITERIA AND CRITERIA STATEMENTS

To achieve World Heritage, a property needs to meet at least one of the criteria defined in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017). The summary justification against any criteria which are met can be referred to as criteria statements, and these statements form a core part of the Outstanding Universal Value.

One of the outcomes of a workshop in November 2017 was the identification of four World Heritage criteria, (ii), (iv), (v) and (vi), along with draft justification text for each.

In terms of the criteria identified, and other possible criteria, the following table presents a brief updated analysis of each of the World Heritage cultural criteria and their possible relevance for the Mount Lofty Ranges proposal. While such an analysis has been undertaken previously, such as at the 2017 workshop, an updated review at this stage seems worthwhile.

No.	Criteria	Analysis/Comments
(i)	represent a masterpiece of human creative genius	This criterion is not relevant to the Mount Lofty Ranges proposal. There is no apparent sense of any creative genius within the meaning of the criterion, which is often applied to great works of architecture and the like.
(ii)	exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design	<p>This criterion is relevant to the proposed property. As noted in the narrative above, the systematic colonisation first developed in South Australia appears to have been influential in other parts of the world. This is exactly the kind of influence or interchange which is found on the World Heritage List in many different forms.</p> <p>The possible influence on the Garden City movement might be another dimension to consider, although it would need to be an important or indeed outstanding influence.</p> <p>The other use of this criterion relates to the influence on non-British immigrant communities in South Australia. As noted in the preceding chapter, it is not clear whether this would be regarded as an important interchange within the context of Outstanding Universal Value.</p>
(iii)	bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared	This criterion is not strongly relevant to the Mount Lofty Ranges proposal. The systematic colonisation is not a cultural tradition within the meaning of the criterion, and it is highly unlikely

Table 2. Analysis of World Heritage Cultural Criteria and their possible application to the Mount Lofty Ranges Proposal		
No.	Criteria	Analysis/Comments
		<p>that it would be regarded as exceptional testimony of British civilisation. There are many possible examples of such testimony, and it is by no means clear that systematic colonisation would be regarded as exceptional in this context.</p> <p>Further exploration of this criterion is not recommended because of the apparent weakness.</p>
(iv)	be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history	<p>This criterion is relevant to the proposed property. As noted in the narrative above, the property is an outstanding example of a landscape reflecting a new type of settlement illustrating a significant stage in human history – the transformational period in European migrations.</p>
(v)	be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change	<p>This criterion does appear relevant to the proposed property in two ways: because it is a human interaction with the environment and it might now be regarded as a traditional land-use. As noted in the previous chapter, it is suspected that it may be very hard to prove that the property is an outstanding example of such human interaction, given the evolution in agriculture has presumably occurred for thousands of years and in most inhabited parts of the world.</p> <p>In addition, the current landscape might now be considered a traditional land use related to systematic colonisation. However, the property would not be regarded as a traditional land use at the time of settlement, given it was an innovation at the time rather than part of a continuing and longstanding land use practice. Previous World Heritage nominations which have sought to use this criterion for the first or innovative example which went on to become a tradition have not generally been successful.</p> <p>The possible weaknesses are that the tradition might be considered relatively short-lived and limited to a small number of examples worldwide.</p> <p>This criterion could be further explored however, there are doubts about parts of the justification.</p>
(vi)	be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)	<p>This criterion is strongly relevant to the proposed property. The strong link to the Enlightenment and broad progressive social ideas, leading to systematic colonisation, provides a sound basis for continuing to develop its use. Although it is noted that Enlightenment influences are many throughout the world and the key will be demonstrating the outstanding qualities in this case.</p>

Accordingly:

- the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);

- weaker or more difficult criteria are (iii) and (v), or at least parts of claims that could be made under criterion (v). In the case of (ii), one aspect of the use of this criterion might also be weak – related to the influence on non-British immigrant communities; and
- the criterion which is clearly not relevant is (i).

The remainder of this section considers the draft justification text or criteria statements developed at the November 2017 workshop.

In all of the following text, the question of the name of the property to be nominated needs to be decided. As suggested in the existing draft justification text, and otherwise, there are various options:

- Mount Lofty Ranges;
- Colonial Settlement Landscape of South Australia;
- Wakefield Settlement Landscape of South Australia; and
- Systematic Colonisation Settlement Landscape of South Australia.

The last two options would seem the most appropriate in terms of providing a descriptive characterisation of the property, with the latter being the most clear and recommended. Shorter versions of the last option might also be suitable, for example either Systematic Colonisation Landscape of South Australia or Settlement Landscape of South Australia.

Criterion (ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design

The draft justification text previously developed for this criterion is as follows.

The Mount Lofty Ranges (Colonial [or Wakefield] Settlement Landscape of South Australia [might be a better name]) is the outstanding example of the 19th century Wakefield systematic settlement model for a progressive society and free migration. Within the context of the major European migrations in the second half of the second millennium, it was a radical and influential departure from the prevailing Atlantic and forced migrations.

The Colonial [or Wakefield] Settlement Landscape of South Australia was the powerful model for the development of new colonial societies in many other countries from the 19th century. Based on an ideal model developed in the United Kingdom, the landscape also demonstrates the vital adaptation of the model to the real and local conditions of South Australia, including significant adaptation by immigrants of different cultural groups within the overall settlement enterprise.

Based on the analysis and comments provided above, this justification text has been revised.

The Systematic Colonisation Settlement Landscape of South Australia is the outstanding example of the 19th century Wakefield systematic colonisation model for the creation of a viable settler community based on free migration and a progressive society. Within the context of the major European migrations from about 1500 CE to 1914 CE, it was a radical and influential departure from the prevailing Atlantic and forced migrations, and was the first example of systematic colonisation.

The Systematic Colonisation Settlement Landscape of South Australia was the powerful model for the development of new colonial societies in several other countries from the 19th century. Based on an ideal model developed in the United Kingdom, the landscape also demonstrates the vital adaptation of the model to the real and local conditions of the recipient colony, including significant adaptation by immigrants of different cultural groups within the overall settlement enterprise.

Criterion (iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history

The draft justification text previously developed for this criterion is as follows.

The Colonial [or Wakefield] Settlement Landscape of South Australia is the outstanding example of the implementation of the 19th century Wakefield systematic settlement model, which in part took advantage of the pre-existing Aboriginal managed landscape. This model marked a major change in European colonisation towards a progressive society and free migration to the far-distant lands of Australia.

Based on the analysis and comments provided above, this justification text has been revised.

The Systematic Colonisation Settlement Landscape of South Australia is the outstanding example of the implementation of the 19th century Wakefield systematic colonisation model, which in part took advantage of the pre-existing Aboriginal managed landscape. Key features of the model included land sales synchronised to subsidise immigration of free settlers/labour for the colony, the recruitment of younger families as ideal settlers, concentrated settlement, 80 acre farm units (sections), and broader utopian principles such as religious freedom.

This model is reflected in the landscape and marks an important change in the period of major European migrations and associated colonisation towards a progressive society and free migration to the far-distant lands of Australia. The property is the original and most enduring expression of systematic colonisation.

Criterion (v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change

The draft justification text previously developed for this criterion is as follows.

The cultural landscapes are novel agricultural ecosystems that demonstrate the heritage of innovation which is both colonial and modern in adaption to irreversible change. Initially the Wakefield system was constantly being adapted by emigrant communities in responses to the environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish colonising, expressed in the land use and township patterns that included the 80-acre sections and 45 towns.

Modern farming practices are enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial unpredictability, agricultural intensification and urbanisation.

The autonomous adaptation by farmers and latterly by vigneron continues to be assisted by the types of planned adaptation that has led to the region being an outstanding example of agrarian learning and experimentation.

Based on the analysis and comments provided above, this justification text has been revised.

The cultural landscapes of the Systematic Colonisation Settlement Landscape of South Australia are novel agricultural ecosystems that demonstrate the heritage of innovation which is both colonial and modern in adaption to irreversible change. Initially the Wakefield system was constantly being adapted by immigrant communities in response to environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish colonists, expressed in the land use and township patterns that included the 80 acre farms (sections).

Modern farming practices are enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial unpredictability, agricultural intensification and urbanisation.

The autonomous adaptation by farmers and latterly by vigneron continues to be assisted by the types of planned adaptation that has led to the region being an outstanding example of agrarian learning and experimentation.

The Systematic Colonisation Settlement Landscape of South Australia is also the outstanding example of a traditional land-use expressing the Wakefield systematic settlement model, representing an important change in European colonisation during the period of major migrations. Taking advantage of Aboriginal managed lands, European colonists settled on systematically surveyed land based around 80 acre farms (sections). The history of settlement is still reflected in the landscape and its land use patterns, and in the presence of early surviving land uses including vineyards and orchards.

Criterion (vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)

The draft justification text previously developed for this criterion is as follows.

The Colonial [or Wakefield] Settlement Landscape of South Australia is the supreme realisation of the transformational shift in European colonisation in the second half of the second millennium. The unprecedented colonisation strategy was based on a progressive political/economic model which evolved from the Enlightenment and championed free settlement and the abolition of slavery, assisted free migration, free markets, gender equality, the secret ballot and Aboriginal rights, in order to create a secular, self-governing, democratic and modern society. The Colonial [or Wakefield] Settlement Landscape of South Australia and its associated ideas were highly influential in the creation of other new colonial societies in the period, and these ideas have become central to the concept of modern democratic societies.

Based on the analysis and comments provided above, this justification text has been revised.

The Systematic Colonisation Settlement Landscape of South Australia is the supreme realisation of the transformational shift in European colonisation in the period from about 1500 CE to 1914 CE. The unprecedented colonisation strategy was based on a progressive political/economic model which evolved from the Enlightenment and championed free settlement and the abolition of slavery, assisted free migration, free markets, gender equality, the secret ballot, religious tolerance and Indigenous rights, in order to create a secular, self-governing, democratic and modern society. However, in practice these utopian ideals were in some cases not fully realised, and some proved a failure, especially in the case of Aboriginal rights.

The Systematic Colonisation Settlement Landscape of South Australia and its associated ideas were highly influential in the creation of other new colonial societies in the period, and these ideas have become central to the concept of modern democratic societies.

3.2 IDENTIFICATION OF THE ATTRIBUTES AND AREAS THAT MOST STRONGLY REFLECT THE POTENTIAL OUV IN THE LANDSCAPE

Attributes are those tangible or intangibles aspects of a place that embody or convey heritage values, including Outstanding Universal Value in the case of World Heritage. Tangible aspects might include buildings, land patterns or plantings, whereas intangible aspects might be uses and activities associated with the place.

The starting point to identify attributes is the proposed Outstanding Universal Value, as presented in the previous section. In the following table, key text from the draft Outstanding Universal Value is presented along with the related attributes.

Draft Outstanding Universal Value	Attributes
Wakefield systematic colonisation... key features of the model included land sales synchronised to subsidise immigration of free settlers/labour for the colony, the recruitment of younger families as ideal settlers, concentrated settlement, 80 acre farm units (sections), and broader utopian principles such as religious freedom	<ul style="list-style-type: none"> • Surveyed town and country landholdings – town acres within the city of Adelaide and a framework of Preliminary Districts and Special Surveys in the rural areas with 80 acre farm units (sections) • Concentrated settlement – contained urban and rural settlement within surveyed districts • Surveyed towns and villages generally located near the middle of rural hundreds, with smaller sections closer to the township • Linked 1 acre town block and 80 acre rural land purchases as part of the preliminary land order system • Survey markers, roads, fences and other markers of section, hundred, county, Preliminary District and Special Survey boundaries • 80 acre farm units (sections), including those with surviving original farmhouses and rural buildings • An area of McLaren Vale representing the purest grid form of the Wakefieldian survey system • Original rural land uses • The diversity of places of religious worship and other cultural places reflecting religious/cultural freedom (eg. related to German, Austrian and Polish Lutherans, Jesuits and Catholic migrants) • Aboriginal reserves reflecting the early but practically limited recognition of Indigenous rights
Vital adaptation of the model to the real and local conditions of the recipient colony, including significant adaptation by immigrants of different cultural groups within the overall settlement enterprise	<ul style="list-style-type: none"> • Examples of adaptation of the land settlement to environmental conditions • Examples of adaptation of the land settlement to different cultural groups, and the religious and cultural places associated with such groups
Heritage of innovation... adapted by immigrant communities in response to environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish	<ul style="list-style-type: none"> • Examples of adaptation of the land settlement to environmental conditions • Examples of adaptation of the land settlement to different cultural groups

Draft Outstanding Universal Value	Attributes
colonists, expressed in the land use and township patterns that included the 80 acre farms (sections)	
Autonomous adaptation by farmers and latterly by vigneron continues to be assisted by the types of planned adaptation that has led to the region	<ul style="list-style-type: none"> • Examples of adaptation by farmers and latterly by vigneron
History of settlement is still reflected in the landscape and its land use patterns, and in the presence of early surviving land uses including vineyards and orchards	<ul style="list-style-type: none"> • Examples of early surviving land uses including vineyards and orchards

The project was intended to identify areas which strongly reflect the potential OUV in the landscape. Such areas will be those which contain the attributes noted above. At the broadest scale, the maximum possible extent of the potential World Heritage property is known, corresponding to the extent of the Preliminary Districts and Special Surveys. As part of the process of refining the area for the property, there is also the suggestion above that an area of McLaren Vale represents the purest grid form of the Wakefieldian survey system.

However, refining the mapping of attributes beyond this point becomes difficult because of the lack of detail about the exact location of attributes. A review of the previous work by the University of Adelaide to map a variety of qualities in the Mount Lofty Ranges found it only of limited assistance for this task, and more detailed mapping of a range of specific attributes would still appear to be needed.

Some general comments about the qualities present in the landscape of the likely property area are possible though. This area:

- will reflect the best surviving evidence of Wakefield systematic colonisation;
- this will include rural area/s with 80 acre farm units (sections), especially those with surviving original farmhouses and rural buildings, and continuing rural land uses, as well as associated surveyed towns and villages, and associated survey markers;
- will include examples of original Aboriginal reserves;
- will include examples of adaptation of the land settlement to environmental conditions;
- will include examples of adaptation of the land settlement to different cultural groups, such as the hufendorf settlement patterns;
- will include examples of the diversity of places of religious worship and other cultural places reflecting religious/cultural freedom, probably usually associated with surveyed towns and villages;
- will include examples of adaptation by farmers and latterly by vigneron;
- will include examples of early surviving land uses including vineyards and orchards;
- will include representation from Preliminary Districts as well as Special Surveys;
- may include examples of town acres within the city of Adelaide, if the specific link to rural sections can be established; and
- may include the original surveyed city of Adelaide, though this requires further consideration.

3.3 ASSESSMENT AND COMPARISON OF THE STRENGTH IN PROGRESSING A NOMINATION AS EITHER A HISTORICAL SITE OR CULTURAL LANDSCAPE LISTING

Part of the context to this question might be a concern about the size of any possible World Heritage property focused on the evidence of systematic colonisation, and also whether a single component property is proposed or a serial property with more than one component. Before addressing these issues, it is worth considering the definitions provided in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017). Several key extracts are below.

‘For the purposes of this Convention, the following shall be considered as “cultural heritage”... sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.’ (Paragraph 45, quoting the World Heritage Convention)

‘Cultural landscapes are cultural properties and represent the ‘combined works of nature and man’ as designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.’ (Paragraph 47)

Three categories of cultural landscape are defined,

‘the clearly defined **landscape designed and created intentionally by man**. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles...

the **organically evolved landscape**. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two sub-categories:

- a relict (or fossil) landscape is one in which evolutionary process came to an end in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
- a continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time...

the **associative cultural landscape**. Such landscapes are included on the World Heritage List by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.’ (Annex 3, paragraph 10)

Importantly, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention, along with monuments and groups of buildings. None the less, many sites are generally small and proscribe a feature such as a building, rock art, garden or archaeological ruin. On the other hand, some sites can be quite extensive, such as large archaeological sites.

Cultural landscapes tend to be larger and contain features developed on the natural landform such as roads following contours or water courses, settlements at crossing points, community buildings, farm units and boundaries. They must include the geography of the landscape as the basis of the human interaction with it. On the other hand, designed landscapes, for example, can be quite small, although these are not relevant in this case.

Accordingly, the key issue is not to contrast sites and cultural landscapes as different categories, because sites include cultural landscapes. The key issue is whether the Outstanding Universal Value relates to a place being a combined work of nature and people. If it is not, then it will be a site, or monument or group of buildings being the other categories of cultural heritage. If it is a combined work, then it will be a site as well as a cultural landscape.

The Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays this interaction, this combination of a 'natural' environment, recognising this was in fact an Aboriginal landscape, with the work of people – European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a clear example of this interaction.

It is interesting to note that in a practical sense, a single World Heritage property can also include both sites, such as fragments of structures or non-building structures, and landscapes within the same property. An example is the Australian Convict Sites property which is a serial property of both sites in this sense (ie. Cascades Female Factory and Yard 4 North, and Coal Mines Historic Site) and larger cultural landscapes (ie. Brickendon Estate, Woolmers Estate, Port Arthur Historic Site, Old Government House and Government Domain, and Kingston and Arthurs Vale Historic Area). This property also has buildings or groups of buildings. However, in formal terms, the property is regarded as a serial of groups of buildings.

In summary:

- sites and cultural landscapes can both be large or small in area;
- sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
- in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

With regard to the Systematic Colonisation Settlement Landscape of South Australia, this is a cultural landscape because it is a combined work of nature and people. However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided above, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.

3.4 INITIAL ASSESSMENT AGAINST COMPARABLE SITES

Framework for the Comparative Analysis

The purpose of the comparative analysis is to identify whether there are other properties with the same values and attributes that are on the World Heritage List or which might be nominated in future. Being a highly selective list, in theory only one or a very few such properties can be included in the World Heritage List. The comparative analysis is a very important part of a nomination, and many nominations fail because of inadequacies with the analysis provided.

Identifying comparable properties requires defining the context for the analysis, which arises from the proposed Outstanding Universal Value and the related attributes. In this case, the core of the values relate to:

- Wakefield systematic colonisation, with higher-order themes being European free migration following the Age of Discovery, European free and un-free migration more broadly in this period, as well as post-Enlightenment attempts to create a model society; and
- agricultural innovation.

This formulation offers five potential contexts for the comparative analysis. At this stage, it seems likely that European free and un-free migration following the Age of Discovery would not need to be considered, as the lower-order theme of European free migration in the period would appear to be an important enough theme in World Heritage terms. Although the broad sweep of migration, both free and unfree would be addressed in the history chapter of a nomination.

On the other hand, limiting the analysis to just Wakefield systematic colonisation, while the obvious context and one that must be addressed, risks appearing too narrow. The purpose of considering a broader migration theme is to contrast Wakefield systematic colonisation with other forms of colonisation, to consider what might, in some instances, appear superficially similar properties, and to demonstrate significant differences, if any.

Accordingly, the suggested contexts for the comparative analysis are:

- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Potentially Comparable Properties

Using the framework above, the following table presents an initial list of potentially comparable properties with an initial analysis, based on a limited review and research.

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise			
Country	Name	Date inscribed on World Heritage List/Criteria/Size of property/ buffer zone	Initial Analysis
Wakefield Systematic Colonisation			
Australia	South Australia (1836)	Not listed/--/--	The original and best surviving example of systematic colonisation reflecting a post-Enlightenment attempt to create a model society focused on rural enterprise.
Australia	Australind (1840)	Not listed/--/--	Based on an area of 420 square kilometres, it was surveyed and included a detailed plan for a town. It included 100 acre farms. However, the settlement began to fail early, little of the town was developed, and settlement plans were officially abandoned in 1875. Now a dormitory suburb of Bunbury. A handful of historic buildings survive. (Woollacott 2015, pp. 51-2; Wikipedia, 'Australind, Western Australia', https://en.wikipedia.org/wiki/Australind,_Western_Australia , accessed 19 April 2019)
Australia	Darwin (1863)	Not listed/--/--	The implementation of Wakefield principles was attempted in the settlement after South Australia annexed its Northern Territory, but the settlement was a failure as an example of systematic colonisation. 'the soil was too poor and the climate too difficult for the port's few residents to replicate the kind of farming established in the hinterland of the southern city of Adelaide. The Territory's climate and remoteness generally defeated efforts by South Australians to recreate the closely settled and populous rural-and-town pattern so established on the Adelaide Plains and in the Ranges. Nor could the South Australian government foster private land development. As Powell concludes, 'the commercial-agricultural base of South Australia consistently failed to develop in the north'.' (Mount Lofty Ranges National Heritage nomination)
New Zealand	Wellington (1840)	Not listed/--/--	Few details about the New Zealand examples have been found so far. Wakefield came to disparage the Australian examples, and thought positively of the New Zealand colonies, at least for a period. While the other New Zealand colonies had problems, at least initially, Canterbury was regarded as a success due to its much higher rate of settlers compared to land speculators. This led to productive use of the land, and jobs for colonists who were not in a financial
New Zealand	Wanganui (1840)	Not listed/--/--	
New Zealand	New Plymouth/ Taranaki (1841)	Not listed/--/--	
New Zealand	Nelson(1841)	Not listed/--/--	
New Zealand	Otago (1848)	Not listed/--/--	
New Zealand	Canterbury (1850)	Not listed/--/--	

Country	Name	Date inscribed on World Heritage List/Criteria/Size of property/buffer zone	Initial Analysis
			<p>position to be able to buy land. However, the settlement of Otago and Canterbury gave greater prominence to religion, perhaps undermining the early ideal of religious freedom.</p> <p>An adequate supply of land proved difficult at Wellington. At Wanganui there were tensions with Maori about land acquisition, commercial development was slow and the town remained small and undeveloped. New Plymouth was also troubled by land conflicts, and the lack of a harbour until the 1880s.</p> <p>(Ballantyne 2015, pp. 96-97)</p>
Brazil	Not known		<p>Wakefield's ideas were influential in reframing the key land law in 1850. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)</p>
Canada	Not known		<p>Wakefield's ideas were influential in land policies from the 1840s. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 96)</p>
France	Not known		<p>Wakefield's ideas were influential on French reflections on the nature of colonial societies. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)</p>
India	Not known		<p>The details of influence in India has not yet been established.</p>
Jamaica	Not known		<p>Wakefield's ideas were influential in debates about providing immigrants to resolve a labour crisis. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)</p>
South Africa	Cape Colony and Natal		<p>Wakefield's ideas were influential on population movement to settler colonies. Colonial land sales funded transportation and accommodation for new colonists. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 95)</p>
Sri Lanka	Not known		<p>Wakefield's ideas were influential on land policies but it is not known if this resulted in a distinctive landscape similar to</p>

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise			
Country	Name	Date inscribed on World Heritage List/Criteria/Size of property/ buffer zone	Initial Analysis
			systematic colonisation. (Ballantyne 2014, p. 98)
USA	Not known		Wakefield's ideas were influential in debates about land, markets and migration. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)
European Free Migration following the Age of Discovery			
Argentina and Brazil	Jesuit Missions of the Guaranis: San Ignacio Mini, Santa Ana, Nuestra Señora de Loreto and Santa Maria Mayor (Argentina), Ruins of São Miguel das Missões (Brazil) (17 th and 18 th centuries)	1983, extended 1984/iv/--/--	This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of buildings and architectural ensembles, it does not have a landscape dimension or embrace rural enterprise.
Bolivia	Jesuit Missions of the Chiquitos (1696-1760)	1990/iv, v/--/--	This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of buildings and architectural ensembles, it does not have a landscape dimension or embrace rural enterprise.
Canada	Landscape of Grand Pré (17 th century)	2012/v, vi/ 1,323.24 ha/buffer 5,865 ha	While an example of colonisation involving rural enterprise and a landscape, it is not clear what aspects might be regarded as systematic. The Acadians were also deportees, reflecting unfree migration. The theoretical basis for the colonisation seems to display significant differences to the South Australian example.
Denmark	Christiansfeld, Moravian Church Settlement (1773)	2015/iii, iv/21 ha/ buffer 385 ha	This is an example of systematic colonisation, related to Enlightenment ideals. However, this is a town without the associated rural/agricultural landscape. The theoretical basis for the colonisation also seems to display significant differences to the South Australian example, such as the religious basis of the settlement.
Dominican Republic	Colonial City of Santo Domingo (1498)	1990/ii, iv, vi/106 ha/--	This is an example of systematic colonisation in the sense of a planned colonial city which was very early in the history of European migrations to the New World. However, it does not include a landscape of rural enterprise. In addition, the theoretical basis for the colonisation

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise			
Country	Name	Date inscribed on World Heritage List/Criteria/Size of property/buffer zone	Initial Analysis
			seems to display significant differences to the South Australian example, it is well before the Enlightenment, and the settlement had an evangelising role.
Malaysia	Melaka and Georgetown (15 th century)	2008/ii, iii, iv/219 ha/buffer 393 ha	These are historic colonial trading towns. Their qualities related to systematic colonisation are not clear, and they do not include rural enterprise and associated landscapes.
Paraguay	Jesuit Missions of La Santísima Trinidad de Paraná and Jesús de Tavarangue (17 th and 18 th centuries)	1993/iv/28 ha/buffer 37 ha	This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of archaeological ruins of urban complexes, it does not have a landscape dimension or embrace rural enterprise.
USA	Statue of Liberty (1886)	1984/i, vi/6 ha/--	A powerful symbol of free migration but not related to a post-Enlightenment attempt to create a model society or rural enterprise.
Post-Enlightenment attempts to create a Model Society			
Germany	Garden Kingdom of Dessau-Wörlitz (18 th century)	2000/ii, iv/14,500 ha/--	Enlightenment era planned landscape expressing philosophical principles of the time, including agricultural lands. Not related to migration.
Netherlands and Belgium	Colonies of Benevolence (1818)	Nominated 2017, referral 2018/iii, v, vi/Not available	An example of a post-Enlightenment attempt to create a model society focused on rural enterprise. Included unfree labour and is not related to migration.
United Kingdom	New Lanark (1786)	2001/ii, iv, vi/146 ha/buffer 667 ha	An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not an example of rural enterprise or related to migration.
United Kingdom	Old and New Towns of Edinburgh (1767-1850)	1995/ii, iv/--/--	An example of a post-Enlightenment attempt to create a model society but focused on town planning. Not related to rural enterprise or migration.
United Kingdom	Saltaire (1853)	2001/ii, iv/20 ha/buffer 1,078 ha	An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not related to rural enterprise or migration.
United Kingdom	Port Sunlight (1888)	Not listed/--/--	An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not related to rural enterprise or migration.
Agricultural Innovation			
Germany	Garden Kingdom of Dessau-Wörlitz (18 th century)	2000/ii, iv/14,500 ha/--	Enlightenment era planned landscape expressing philosophical principles of the

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise

Country	Name	Date inscribed on World Heritage List/Criteria/Size of property/buffer zone	Initial Analysis
			time, including agricultural lands. Demonstrated new farming methods.
Spain	Cultural Landscape of the Serra de Tramuntana	2011/ii, iv, v/30,745 ha/buffer 78,617 ha.	The agricultural landscape demonstrates adaptation to difficult environmental conditions, and is testimony to the continuous evolution of human settlement.

Discussion of Certain Potentially Comparable Properties

In order to compare places of colonial settlement an understanding of previous types of migration is necessary. They were either forced as in slavery or convictism, or by indenture or contract, or unregulated. The theoretical Wakefield model for free migration was a revolutionary concept emerging from Enlightenment thinkers.

The Wakefield system was also used later in South Australia’s Northern Territory in Darwin, as well in New Zealand and the USA but there is little evidence of its use in rural areas. Darwin and its hinterland is of particular interest in a comparative analysis of regions surveyed and settled on the basis of Wakefield’s principles, as the South Australians themselves attempted to follow those principles in establishing the northern Australian settlement. South Australia annexed its ‘Northern Territory’ in 1863 for systematic colonization on the basis that the Territory must pay for itself, but the Territory’s sub-tropical climate and remoteness generally defeated constant efforts by South Australians to recreate the closely-settled and populous rural-and-town pattern so prevalent on the Adelaide Plains and in the adjacent ranges.

Edward Gibbon Wakefield emigrated to New Zealand in the early 1850s and although his ideas were the basis for six settlements there of which the last, Canterbury, has associated rural lands. Wakefield regarded these settlements positively although New Zealand historians of the 1940s and 1950s thought they were not successful. Nevertheless, his land settlement ideas were influential in British Empire settler societies – Australia, New Zealand, Lower Canada, Ceylon and Jamaica, and also in Brazil which was a Portuguese colony.

In settler societies and in Europe there were also planned settlements undertaken by religious or cultural groups wanting to establish a new way of life for both their adherents and for the Indigenous people they were usurping. In all these properties the ideas of the founders became realities in the landscapes. The following examples are inscribed on the World Heritage List.

The **Jesuit Missions of La Santísima Trinidad de Paraná and Jesús de Tavarangue** are part of a series of 30 missions in the Río de la Plata basin established by the Society of Jesus (the Jesuits) during the 17th and 18th centuries. Seven of these missions were located in Paraguay and the rest in the present-day countries of Argentina and Brazil. The mission complexes were attached to reducciones (settlements) and are evidence of a unique urban scheme.

In Argentina, the four **Jesuit-Guarani Missions**, located in the southern Misiones

province, provide an exceptional example of systematic and organized territorial occupation. The properties' surviving ruins depict the experience of the Society of Jesus in South America, where there emerged a singular system of spatial, economic, social, and cultural relations in 30 settlements – referred to as *reducciones* – that included ranches, mate plantations (mate is a species of holly used to make a beverage), and networks of trails and waterways extending across the Uruguay River and its tributaries. This particular model of the *reducciones* also included smaller structures and constructions designed to support the basic functions of the settlements. Together, these elements, each closely integrated within productive lands, and each manifesting the distinct potential and complementary traits of the various settlements and the other Jesuit provinces in the region, inform this underlying interpretation, reflected by the serial heritage property in a singular and specific fashion.

Unlike other Jesuit missions in South America, the **Jesuit Missions of the Chiquitos** in Bolivia survived the expulsion of the Society of Jesus in 1767, though by the 1850s the *reducciones* system of the missions had disappeared. These traditional architectural ensembles have more recently become vulnerable under the impact of changes following the agrarian reform of 1953 that threatened the local social and economic infrastructure.

By way of contrast, **Christiansfeld** founded in 1773 in South Jutland, Denmark, is an example of a planned settlement of the Moravian Church, a Lutheran free congregation centred in Herrnhut, Saxony. The town was planned to represent the Protestant urban ideal, constructed around a central Church square. The architecture is homogenous and unadorned, with one and two-storey buildings in yellow brick with red tile roofs. The democratic organization of the Moravian Church, with its pioneering egalitarian philosophy, is expressed in its humanistic town planning. The settlement's plan opens onto agricultural land and includes important buildings for the common welfare such as large communal houses for the congregation's widows and unmarried men and women. The buildings are still in use and many are still owned by the local Moravian Church community.

Situated in the southern Minas Basin of Nova Scotia, Canada, the **Grand Pré** marshland and the remains of the associated old villages constitute a cultural landscape bearing testimony to a remarkable effort, over many centuries, using the polder technique to develop agricultural farmland, in a maritime location with extreme tides. In particular, it demonstrates the permanency of its hydraulic drainage system using dykes and *aboiteaux*, and its agricultural use through a community-based management system established by the Acadians and then taken over by the Planters and their modern successors. Grand Pré is also testimony to the history of the Acadians in the 17th and 18th centuries and their deportation. The landscape is an exceptional example of the adaptation of the first European settlers to the conditions of the North American Atlantic coast.

The influence of the Enlightenment can be seen in many areas of urban planning and settlement, for example **Edinburgh New Town** and **New Lanark**. Inscribed in 1992 for its a dramatic reflection of significant changes in European urban planning, from the inward looking, defensive walled medieval city of royal palaces, abbeys and organically developed burgh plots in the Old Town, through the expansive formal Enlightenment planning of the 18th and 19th centuries in the New Town. While New Lanark in Scotland is a model industrial community based on textile production built by Utopian idealist Robert Owen (1771-1858) who formulated his Utopian vision of a society without crime, poverty and misery. New Lanark prospered under his enlightened management.

In the Netherlands, the **Colonies of Benevolence** have been nominated to the World Heritage List because of their design. Between 1818 and 1825, a series of seven colonies were built as a visionary solution that combined education, employment and land clearing, an approach in which relief for the poor and the prevention of crime more or less overlapped. Large areas of uncultivated heathland were systematically cleared to make way for the construction of agricultural colonies, and in addition to systematic land use planning there were consistent building styles.

Plantations may be another category of property worth considering in the comparative analysis. While there have been ‘plantations’ of settlers in Europe over time like the Moors in Spain and the English in Ireland, in the New World settlements there were plantations such as for cotton and sugar in the eastern USA, and tea plantations in India and Sri Lanka. Plantations were large-scale estates which usually had a planned form. The scale of these estates therefore compares with planned settlements involving a collection of smaller-scale farms and towns.

4. RESEARCH GAPS, ADDITIONAL WORK & WORK PLAN

4.1 RESEARCH GAPS AND ADDITIONAL WORK REQUIRED TO DEVELOP THE PROPOSAL

There are several initial points to recall in the development of a World Heritage nomination:

- such nominations are the largest and most complex tasks in the heritage sector, usually taking many years, requiring resourcing and persistence, and resulting in a substantial document of many hundreds of pages. There is a set format for the contents of a nomination provided in Annex 5 of the *Operational Guidelines*;
- a carefully planned approach is essential, usually involving a team and a lead author, and supported by other experts, stakeholders and political leaders, often structured into groups or committees;
- developing a nomination is invariably an iterative process. For example, Outstanding Universal Value may be drafted, tested, revised, tested, informed by the comparative analysis, revised, informed by issues of integrity, authenticity, protection and management, revised, peer reviewed, and so on. This is normal and part of the strength of the process;
- while the task is large it is commensurate with the rewards of World Heritage listing;
- successful nominations are usually the result of a body of expert work coupled with a campaign to develop a broader international body of expert opinion in favour of the nomination – a critical mass of supportive expert opinion. There are various ways of encouraging such support, and the efforts of other countries provide a range of examples in achieving this;
- successful nominations are also the result of ensuring or developing support within governments and the local community; and
- in the case of the Mount Lofty Ranges, the Councils and others supporting the process realise the challenges, the process has been underway for many years, a large body of work has been developed, and expert, stakeholder, community and political support has already been encouraged.

The development of the nomination may be broadly divided into the following stages:

- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and
- other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

In the case of the Tentative List submission, the connection between this step and National Heritage listing should be clarified. While previously the policy has been to require National Heritage listing before inclusion on the Tentative List, recent developments suggest this is not strictly always the case.

The following table presents an overall preliminary workplan for these stages. Initial tasks are highlighted in green. To some extent, there is some potential or real overlap between the Tentative List tasks and the nomination tasks. Hopefully, many of the proposed tasks may be able to build upon the previous work undertaken on the World Heritage project, and in some cases the work or organisation may fully exist. Further development of the workplan would include an assessment of this previous work and organisation, and its usefulness for the next phase of the project.

No.	Task	Comments	Timing
Tentative List Submission			
	Clarification of connection between National Heritage listing and inclusion on the Tentative List, and other matters	At present it appears there is some flexibility in the policy linking National Heritage and World Heritage. This flexibility should be confirmed in the case of the proposed property. Given the possible Aboriginal history and lands might be part of the property, the requirements of the Commonwealth regarding demonstrating Aboriginal consent should also be clarified.	7-8/2019
	Preparation of draft Tentative List submission (number of drafts TBA)	Initial task <ul style="list-style-type: none"> • The submission is quite short, and will draw on tasks below related to the development of the nomination itself • Identify lead for the submission and core team • Develop more detailed workplan for the submission • Review of current or possible additional committees or reference groups to support the submission • Strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier • Refine the understanding of attributes • Give some indication of possible draft boundaries, noting these are subject to further refinement • Develop initial information about likely management implications 	7-11/2019
	Expert review/s	Initial task <ul style="list-style-type: none"> • Related to the expert reviews for the nomination itself, but with a more limited scope • Identify experts to support the submission development through reviewing drafts 	10/2019
	Governments/community/stakeholder engagement	Initial task <ul style="list-style-type: none"> • Develop a strategy to promote understanding and encourage government/community/stakeholder support, including government heritage authorities 	7/2019 + implementation to follow

Table 5. Preliminary World Heritage Nomination Workplan			
No.	Task	Comments	Timing
		<ul style="list-style-type: none"> Implement the strategy 	
	Government agencies' review/s	Initial task <ul style="list-style-type: none"> Presumably review by related local government Councils, the SA Heritage Council, SA Department for Environment and Water, Australian Heritage Council and Commonwealth Department of the Environment and Energy 	By 2/2020
	State government support/ agreement	Initial task <ul style="list-style-type: none"> Building upon earlier engagement with State government agencies as part of other tasks, this task is the decision point for formal State government support to take the proposal to the Meeting of Environment Ministers 	7/2020
	Meeting of Environment Ministers agreement	Initial Task	By 11/2020
	Final government review	Initial task	12/2020
	Preparation of final Tentative List submission	Initial task	1/2021
	Despatch to WHC by the Commonwealth	Initial task	Before 1/2/2021
Nomination – General Tasks			
	Nomination planning	Initial task <ul style="list-style-type: none"> This workplan is a first draft version 	To be determined
	Coordination	Ongoing task <ul style="list-style-type: none"> Should include a review of current or possible additional committees or steering/reference groups to support the nomination Identify lead for nomination project and core team 	
	Community/stakeholder consultation	Initial task <ul style="list-style-type: none"> Develop a communication strategy (this might include an evolving short nomination summary and other fact sheets to address issues, amongst other products) Implement the strategy 	
	Draft Nomination (number of drafts TBA)	Later task	
	Expert review/s	Ongoing task <ul style="list-style-type: none"> Maybe worth establishing a panel of reviewers whose support will be needed periodically, including World Heritage and subject matter experts – not clear if this group will meet or work separately Includes international peer review, which might partly be addressed through an international workshop Develop an indicative schedule for expert reviews 	
	Government agencies' review/s	Later task	
	Printing of draft	Later task	

Table 5. Preliminary World Heritage Nomination Workplan			
No.	Task	Comments	Timing
	Send draft nomination to WHC	Later task	
	WHC review of draft nomination	Later task	
	Final government review	Later task	
	Final Nomination	Later task	
	Nomination production	Later task	
	Despatch to WHC by the Commonwealth	Later task	
Nomination – Components of the Dossier			
1.	Identification of the Property		
1.a	Country (and State Party if different)	Later task	
1.b	State, Province or Region	Later task	
1.c	Name of Property	Initial task <ul style="list-style-type: none"> • Important for the branding/recognition/publicity of the property, even if it may change later 	
1.d	Geographical coordinates to the nearest second	Later task	
1.e	Maps and plans, showing the boundaries of the nominated property and buffer zone	Initial task <ul style="list-style-type: none"> • Source good quality topographical and cadastral base mapping • Generate base mapping of relevant attributes • Begin mapping of possible boundaries based on identified attributes • Refine as attributes are refined and other issues considered (integrity, authenticity, protection, management) 	
1.f	Area of nominated property (ha.) and proposed buffer zone (ha.) Area of nominated property: _ ha Buffer zone _____ ha Total _____ ha	Later task	
2.	Description		
2.a	Description of Property	Later task	
2.b	History and Development	Later task	
3.	Justification for Inscription		
3.1.a	Brief synthesis	Initial task	
3.1.b	Criteria under which inscription is proposed (and justification for inscription under these criteria)	Initial task <ul style="list-style-type: none"> • Development of the justification text to support/refine the criteria text • Develop text on the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised • Develop background text on the character of non-systematic colonisation, with examples 	

No.	Task	Comments	Timing
		<ul style="list-style-type: none"> Develop background text on the Enlightenment/post-Enlightenment, and the impact on the development of model societies Develop an understanding of the role of the city of Adelaide (eg. the town acres) and its role in the systematic colonisation story Refine the description of the characteristics of systematic colonisation, including the size and variability of sections (farm units) Ensure the presentation of systematic colonisation reflects both the idealised theory as well as the reality of its implementation, including a fair reading of positive and negative aspects Develop an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance Revise the draft OUV in the light of the comparative analysis 	
3.1.c	Statement of Integrity	Initial task <ul style="list-style-type: none"> Ongoing refinement of attributes Establish integrity of attributes and overall property 	
3.1.d	Statement of Authenticity (for nominations made under criteria (i) to (vi))	Initial task <ul style="list-style-type: none"> Establish authenticity of attributes and overall property 	
3.1.e	Protection and management requirements	Later task	
3.2	Comparative Analysis	Initial task <ul style="list-style-type: none"> Develop the analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence exists of these Also develop the analysis related to agricultural innovation A closer check of Tentative Lists should be included 	
3.3	Proposed Statement of Outstanding Universal Value	Initial task <ul style="list-style-type: none"> Based on inputs from other tasks 	
4.	State of Conservation and factors affecting the Property		
4.a	Present state of conservation	Later task	
4.b	Factors affecting the property	Later task	
4.b(i)	Development Pressures (e.g., encroachment, adaptation, agriculture, mining)	Later task	
4.b(ii)	Environmental pressures (e.g., pollution, climate change, desertification)	Later task	
4.b(iii)	Natural disasters and risk preparedness (earthquakes, floods, fires, etc.)	Later task	

Table 5. Preliminary World Heritage Nomination Workplan			
No.	Task	Comments	Timing
4.b(iv)	Responsible visitation at World Heritage sites	Later task	
4.b(v)	Number of inhabitants within the property and the buffer zone Estimated population located within: Area of nominated property Buffer zone Total Year	Later task	
5.	Protection and Management of the Property		
5.a	Ownership	Later task	
5.b	Protective designation	Later task	
5.c	Means of implementing protective measures.	Later task	
5.d	Existing plans related to municipality and region in which the proposed property is located (e.g., regional or local plan, conservation plan, tourism development plan)	Later task	
5.e	Property management plan or other management system	Later task	
5.f	Sources and levels of finance	Later task	
5.g	Sources of expertise and training in conservation and management techniques	Later task	
5.h	Visitor facilities and infrastructure	Later task	
5.i	Policies and programmes related to the presentation and promotion of the property	Later task	
5.j	Staffing levels and expertise (professional, technical, maintenance)	Later task	
6.	Monitoring		
6.a	Key indicators for measuring state of conservation	Later task	
6.b	Administrative arrangements for monitoring property	Later task	
6.c	Results of previous reporting exercises	Later task	
7.	Documentation		
7.a	Photographs and audiovisual image inventory and authorization form	Later task	
7.b	Texts relating to protective designation, copies of property management plans or documented management	Later task	

Table 5. Preliminary World Heritage Nomination Workplan			
No.	Task	Comments	Timing
	systems and extracts of other plans relevant to the property		
7.c	Form and date of most recent records or inventory of property	Later task	
7.d	Address where inventory, records and archives are held	Later task	
7.e	Bibliography	Ongoing task	
8.	Contact Information of responsible authorities		
8.a	Preparer Name: Title: Address: City, Province/State, Country: Tel: Fax: E-mail:	Later task	
8.b	Official Local Institution/Agency	Later task	
8.c	Other Local Institutions	Later task	
8.d	Official Web address http:// Contact name: E-mail:	Later task	
9.	Signature on behalf of the State Party	Later task	
Other Tasks			
	Development of management plan/system	Later task	
	Development of tourism management plan, including interpretation	Later task	

One opportunity to note is the international ICOMOS General Assembly to be held in Sydney in October 2020. This major international meeting will bring to Australia a large number of overseas experts, and it will provide a focus on Australia's World Heritage activities. This may provide an opportunity to both present the possible World Heritage case for the Systematic Colonisation Settlement Landscape of South Australia, and also to seek international expert views on the property. The General Assembly might also be a useful target to be able to announce the positive decision of the Meeting of Environment Ministers, if that can be achieved.

With regard to the possible budget required to develop a nomination following submission of the Tentative List proposal, there are many factors which will influence this budget, such as:

- the ultimate complexity of the nominated property, including its physical extent;
- the extent of in-kind support provided by councils, the State Government and Australian and overseas experts – noting some degree of support is likely;
- the timeframe for the project – a shorter timeframe perhaps entailing greater cost; and

- the production quality of the nomination dossier – while not required, nominations can be very handsome productions, but this adds to the overall cost.

A preliminary estimate is that a budget of \$250,000 to \$350,000 would be required, possibly with additional funding for:

- supporting any current or additional committees or groups that may be needed;
- implementation of community/stakeholder consultation;
- expert peer reviews;
- technical support for attribute and boundary mapping;
- development of a management plan or system, if existing management planning or systems are not adequate; and
- development of a tourism management plan, including interpretation, if existing planning is not adequate.

4.2 WORK PLAN REQUIRED TO PROGRESS THE PROJECT TO THE LEVEL REQUIRED TO BE CONSIDERED BY THE STATE AND FEDERAL GOVERNMENT FOR TENTATIVE LISTING

The Tentative List is a formal part of the overall process for the development of the World Heritage List, especially related to nominations to the List. As noted in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017),

‘A Tentative List is an inventory of those properties situated on its territory which each State Party considers suitable for nomination to the World Heritage List. States Parties should therefore include, in their Tentative Lists, details of those properties which they consider to be of potential Outstanding Universal Value and which they intend to nominate during the following years.’ (Paragraph 62)

‘Tentative Lists are a useful and important planning tool for States Parties, the World Heritage Committee, the Secretariat, and the Advisory Bodies, as they provide an indication of future nominations.’ (Paragraph 70)

Several important points to note are:

- Tentative List submissions are checked for completeness of the documentation, but are not evaluated in terms of the claimed Outstanding Universal Value;
- the submission is usually quite short, perhaps a few pages;
- Tentative List submissions are not meant to be based on a fully developed case for World Heritage listing. There needs to be reasonable expert grounds for believing a property may meet the requirements for World Heritage, but this does not mean absolute certainty is required. Such certainty, or at least greater certainty, only arises through the research to prepare the actual nomination dossier. State Parties have on occasions included properties on the Tentative List which have subsequently been found through such research not to have a good case for Outstanding Universal Value. This is exactly how the Tentative List should operate;
- a property needs to be on the Tentative List for one year before it can be nominated;
- Australia has, over decades, not been able to develop a meaningful Tentative List for many reasons. One of those reasons has been that successive governments have been reluctant to list properties unless the Commonwealth and relevant State or Territory governments were in full agreement. While this is largely a political issue, there is also a technical dimension as the support of Commonwealth, State or Territory heritage authorities is also a factor. This has also sometimes meant that Tentative Listing has only occurred when there has been a full commitment to proceed with a nomination;
- it is noted that South Australia has another likely Tentative List proposal, and other States are also likely to have proposals (eg. Victoria). Tentative Listing is not a competition. State Parties can submit any number of properties, there is no limit. The only limit applies to nominations that can be submitted in any given year – which is one nomination. But recognising that it takes considerable time to develop a nomination, there is actually likely to be no competition between ‘rival’ Australian nominations;
- the development of a Tentative List submission is a relatively small and simple technical/expert task, especially given the reasonable progress with research to date regarding the settlement landscape. However, this can and should be strengthened in certain key areas, as discussed below; and
- the more difficult task may be achieving Commonwealth and State political and expert support.

With regard to what further research is needed to support the development of the Tentative List submission, in one sense it might be possible to proceed with a submission based on current information. However, in practical terms stakeholders and the local community will probably be keen to know the likely boundaries and management implications, and the submission may trigger criticism if these things are not outlined, even in a draft form. The previous indications about the boundary will be taken as the likely future boundaries unless alternative information is provided. It should be noted the Tentative List submission does not include or require boundary information. Such information is only provided with the nomination.

Accordingly, further research might usefully:

- strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier;
- refine the understanding of attributes;
- give some indication of possible draft boundaries, noting these are subject to further refinement; and
- develop initial information about likely management implications.

The tasks on OUV and attributes will be inputs to the submission, and the boundary and management implications information will be helpful for stakeholders including governments, their heritage authorities, and the local community.

In order to address the issues noted regarding governments, community and stakeholders, including government heritage authorities, it seems worthwhile developing a strategy to promote understanding and encourage support for the submission.

The work plan to develop the Tentative List submission, taking into account the points made above, is included in Table 5 in the preceding section. A timetable is suggested, targeting 1 February 2021 for submission to the World Heritage Centre. This date has some benefit in case a completed nomination is to be submitted in 2022. However, much depends less of the technical side than on the achieving the support of governments, community and stakeholders. If there are delays or difficulties regarding these sectors, then a later Tentative List submission date is likely.

5. CONCLUSIONS

Perhaps the key question underlying this independent expert review is whether there is a good case for seeking World Heritage listing for the Mount Lofty Ranges? The brief answer is – yes, there is a good case. However, to realise this potential, a number of issues will need to be addressed.

With regard to the **rationale** text, this begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value.

Importantly, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound at this stage.

The core **narrative** previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, again much depends on the supporting and detailed justification that can be provided. For example, there is a need to develop text on:

- the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised;
- the character of non-systematic colonisation;
- the Enlightenment/post-Enlightenment, and the impact on the development of model societies;
- a refined description of the characteristics of systematic colonisation, including the size and variability of sections (farm units);
- an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance;
- the comparative analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence exists of these; and
- the analysis related to agricultural innovation.

Brief draft text for two of these aspects is included in the body of the report above.

While the analysis and commentary undertaken presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting there are potential weaknesses and difficulties that may be encountered.

A review of the potential **World Heritage criteria** found:

- the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);
- weaker or more difficult criteria are (iii) and (v), or at least parts of claims that could be made under criterion (v). In the case of (ii), one aspect of the use of this criterion might also be weak – related to the influence on non-British immigrant communities; and
- the criterion which is clearly not relevant is (i).

The report considered the question of the possible **name for the property**, and proposes the Systematic Colonisation Settlement Landscape of South Australia.

Previously, brief draft **justification text** or criteria text had been developed against four criteria – (ii), (iv), (v) and (vi). Based on further analysis, this justification text has been revised and is the core of the current draft Outstanding Universal Value for the property. Based on this draft OUV, related attributes have been identified. However, refining the mapping of attributes beyond a broad scale becomes difficult because of the lack of detail about the exact location of attributes. Some general comments about the qualities present in the landscape of the likely property area are provided.

One of the project tasks related to the question of whether the property should be considered a **historic site or cultural landscape**. The technical context is that:

- sites and cultural landscapes can both be large or small in area;
- sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
- in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

In this case, the Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays the interaction of humans with the environment – an Aboriginal landscape evolved from the natural environment which was then modified by European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a simple if clear example of this interaction.

However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided above, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.

Initial work was undertaken regarding the **comparative analysis** for the property. Four suggested contexts for the comparative analysis were identified:

- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Using this framework, an initial list of potentially comparable properties was identified and analysed, based on a limited review and research.

The **development of the nomination** may be broadly divided into the following stages:

- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding

- Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and
- other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

A preliminary **workplan** is presented structured according to these stages. Additional comments are also provided regarding the development of a Tentative List submission.

6. REFERENCES

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Attachment 3

From the office of the Mayor
City of Onkaparinga

Ref 4992265

20 September 2019

Nadja Fleet
Editor-in-Chief, News Corp. Adelaide
nadja.fleet@news.com.au

Dear Nadja

I'm writing to you to convey a number of complaints the City of Onkaparinga has received in recent times from our local residents, regarding the delivery of the Southern Times Messenger.

We have explained that council has nothing to do with distribution of the Messenger, however I feel compelled to write to you regarding their concerns, which I also share.

Although we have received complaints as recently as this month, we have records of similar complaints dating back six years.

The concerns centre on uncollected newspapers littered across driveways, gutters and lawns in our region.

Residents have also observed that Messenger Newspapers are no longer being delivered in plastic bags, which leaves the newspapers a soggy unreadable mess if there is any rain.

I am advised these residents have contacted News Limited directly to see if action can be taken but their requests have been ignored.

These residents have raised the matter with KESAB and the Distribution Standards Board, to no avail.

The distribution of Messenger newspapers clearly needs addressing, to ensure:

1. Papers are not delivered to homes who do not want the service
2. Papers that are delivered, are delivered in compostable plastic bags, even if it's only in the winter months.



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Aberfoyle Park office
The Hub
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Facsimile (08) 8382 8744

Willunga office
St Peters Terrace
Willunga
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

Woodcroft office
175 Bains Road
Morphett Vale
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

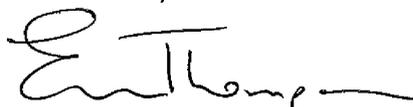
Regarding point one, I would have thought that your policy would be not to deliver a newspaper to a home if a "No Junk Mail" sign is displayed on their letterbox.

If that is the case, the onus is on your contracted delivery staff to abide by this, and the onus is on Messenger Newspapers to ensure they are doing so.

It would be entirely unfair to expect people who have made it clear they do not wish to receive a newspaper to then be responsible for picking it up and disposing of it.

I look forward to a response outlining the ways in which Messenger Newspapers intends to address this matter so I can pass this on to residents who have enquired directly with council and who, as yet, have not received a response or any action from Messenger Newspapers.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Erin Thompson', with a long horizontal flourish extending to the right.

Erin Thompson
Mayor



From the office of the Mayor
City of Onkaparinga

20 September 2019

Our Ref: 4946926

ExxonMobil
Level 9, 664 Collins Street
DOCKLANDS VIC 3008

Dear Sir/Madam

A planned future for Port Stanvac

The City of Onkaparinga writes to clarify the status of ExxonMobil's remediation of its Port Stanvac land holdings and whether it has intentions for the future of this important site.

For many years, the Council has been waiting for discussions to progress regarding the future of the site. In our community plan, Onkaparinga 2035, we list a desired outcome that the site will '...attract a diverse mix of private investment and become a significant economic focus for the region'.

I understand that officers have discussed the site progress with your representatives in October 2017, but that the future of the site at that time remained unclear.

We believe that the site should be master planned with the opportunity for meaningful community input. The community is passionate about the future of this site and the protection and enhancement of its nature features, which may not have been affected by its previous life as an oil refinery.

The community will want to ensure that open space is retained and access to the coast is provided through a future master planned development.

In particular, I draw your attention to the 'lagoon' situated near the corner of O'Sullivan's Beach Road and Dyson Road, O'Sullivan's Beach, which has been recently highlighted to council as being of importance to the local community for the amenity and local wildlife that it supports (including a rare species of butterfly).

I encourage you to consider the value that this asset brings to the community when you consider the future uses and potential sale of the site.

Yours faithfully

Erin Thompson
Mayor



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Morphett Vale
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Facsimile (08) 8382 8744

73 Beach Road, Christies Beach

Attachment 5



Mayor's calendar 14 September to 11 October 2019

September	
15	Aldinga Bay Riding Club visit
	Opening of Morphett Vale Bowling Club Season
16	Present certificates at Prescott College for Way2Go Bike Education program
	Chair of AGM, Woodcroft/Morphett Vale Neighbourhood Centre
	Citizenship Ceremony
17	Meeting with Member for Hurtle Vale
	Meetings with staff
	Meeting with Chief Executive Officer
	Meeting of Council
18	LGA Procurement Pilot Project signing of Memorandum of Understanding
	Old Reynella draft Development Plan Amendment briefing
19	Meeting with business representatives
	Video filming
	Meeting with community group representative
	Visit to Field Operations Centre
	Radio ABC 891 interview
20	Meeting with Happy Valley Bowling Club Board
23	Meeting with Zonta
	Meeting with community group representative
	Meetings with staff
24	Meeting with Business SA
	Tour of REDARC facility
	Elected Member session
25	Meeting with staff
	Meeting with resident
	Meeting with Southern Area Volunteer Information Network
26	Gemtree Wines Subterra unearthing event
27	Every Generation Onkaparinga (EGO) Calendar of Events Launch
	Mayor's Trophy presentation, Willunga Golf Club Ladies day
	Meeting with McLaren Vale Bowling Club
29	Happy Valley Bowling Club Come and Try Day
30	AGM Happy Valley Sports Park

October	
1	Meeting with Federal Member for Kingston
	Meeting with Chief Executive Officer
	Meeting of Strategic Directions Committee
	Elected Member Session
3	ON Business Awards shortlisting
	Meeting with Member for Reynell
5	Chrysler Restorers Club of Australia Awards presentation
8	Meetings with staff
	Meeting with Ward Councillors
	Elected Member session
9	Meeting with church representative
	Adopt a Spot Community meeting
10	Coast FM interview
	Radio ABC interview
	Meeting with community representative
	Visit to Southern Operations Centre
	Friends of Sellicks meeting
11	Tour of Women's Safety Services SA
	Garden Competition judging

Elected Member Sessions held:

24 September	Economic Growth and Investment Strategy
1 October	Old Reynella Former Winery Site Draft Development Plan Amendment
8 October	Climate Risks and Sports Assets

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6. Presentations

7. Deputations

8. Presentation by Committee Chairpersons and reports to Council by Council Committees.

8.1 ICT Reform Project Steering Committee meeting minutes of 23 September 2019

This is a regular or standard report.

Manager: Alison Hancock, Director Corporate and City Services

Report Author: Sue Hammond, Governance Officer

Contact Number: 8384 0747

Attachments: 1. Minutes of the ICT Reform Project Steering Committee meeting of 23 September 2019 (3 pages)

A meeting of the ICT Reform Project Steering Committee was held on 23 September 2019.

There were no resolutions that require a resolution of Council.

Item 6.1 is a confidential item and will be considered at item 15.1 of this agenda.

Recommendation

That Council note the minutes of the ICT Reform Project Steering Committee meeting of 23 September 2019 as attached to the agenda report.

City of Onkaparinga
Minutes of the ICT Reform Project Steering Committee meeting
held on 23 September 2019

Venue: Meeting Room 1, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced: 6.03pm

Present: Mr David Powell (Chair)
Dr Karen White
Cr Heidi Greaves (6.11pm)
Cr Simon McMahon
Cr Wayne Olsen
Cr Marion Themeliotis

Apologies: Cr B Cowan
Cr H Greaves (for lateness)

Leave of absence: Nil

Absent: Nil

1. Opening of meeting

Mr Powell officially declared the meeting open at 6.03pm.

2. Confirmation of minutes

MOVED Cr Olsen.

That the minutes of the proceedings of the ICT Reform Project Steering Committee meeting held on 30 May 2019 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr McMahon.

CARRIED

3. Adjourned business

Nil.

4. Reports of Officers

4.1 ICT Reform Project OneCouncil Quarterly Report

MOVED Cr Themeliotis.

That the ICT Reform Steering Committee receive and endorse the agenda report.

Seconded by Cr Olsen.

CARRIED

5. Urgent business

Nil.

6. Confidential items

6.1 ICT Reform Project OneCouncil Quarterly Report - Confidential

MOVED Cr McMahon.

1. That:

a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.

b. the ICT Reform Project Steering Committee is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Committee to consider the report at the meeting on the following grounds:

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

and

Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

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

accordingly, on this basis the principle that meetings of the ICT Reform Project Steering Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

Seconded by Cr Themeliotis.

CARRIED

Cr Greaves entered the meeting at 6.11pm.

Cr Olsen left the meeting at 6.51pm.

Cr Olsen returned to the meeting at 6.52pm.

2 – 3 Confidential

MOVED Cr Greaves.

- 4. a. That the matter of the ICT Reform Project OneCouncil Quarterly Report - Confidential and it's attachment, having been considered by the ICT Reform Project Steering Committee in confidence under sections 90(2) and 90(3)(d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the minutes and the report and attachments of the ICT Reform Project Steering Committee relating to discussion of the subject matter remain in confidence.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub delegate.*

Seconded by Cr Themeliotis.

CARRIED

Mr Powell reopened the meeting to the public at 7.18pm.

7. Closure

Mr Powell officially declared the meeting closed at 7.18pm.

Certified CorrectChair

/ /2019

8.2 Audit, Risk, Value and Efficiency Committee meeting minutes of 30 September 2019

This is a regular or standard report.

Manager: Alison Hancock, Director Corporate and City Services
Report Author: Sue Hammond, Governance Officer
Contact Number: 8384 0747
Attachments:
1. Amended page of Hospitality Guideline (1 page)
2. Minutes of the Audit, Risk, Value and Efficiency Committee meeting of 30 September 2019 (4 pages)

1. Purpose

A meeting of the Audit, Risk, Value and Efficiency committee was held on 30 September 2019.

The following items require a resolution of Council.

2. Recommendations

1. Re item 7.4 Monitoring of hospitality related transactions

That Council approve that the Hospitality Guideline be amended in Appendix 1 as shown at attachment 1 to the agenda report.

2. That Council note the minutes of the Audit, Risk, Value and Efficiency Committee meeting of 30 September 2019 as per attachment 2 to the agenda report.



Corporate Hospitality Purchasing Guideline
 Administrative Procedure

Appendix 1 Hospitality related expenditure funded/ not funded checklist

Expenditure type <i>(limits apply)</i>	Funded?
Advocacy/ strategic relationships <i>on or off premises</i>	✓
Alcohol (resale only) <i>only for resale or when approved by CEO</i>	✓
Alternate transport or accommodation <i>only as per guideline/ procedure</i>	✓
Flowers – organisation to community member (at discretion of Mayor)	✓
Flowers – organisation to employee – bereavement or life threatening injury/ illness	✓
Field staff or customer relations whole section meetings on council premises <i>(out of hours)</i>	✓
Gift – Mayor to elected member (at discretion of Mayor)	✓
Gift – organisation to community member (at discretion of Mayor)	✓
Meetings with external clients/ stakeholders <i>on or off premises</i>	✓
Planning days <i>including team building activities only with approval</i>	✓
Recognition - staff retirement/farewell <i>only if 20+years, or 25+years if retiring</i>	✓
Staff Reward/ Recognition events approved and funded by Culture and People	✓
Working meetings >4 hours, over lunch period, no alcohol or entertainment	✓
Venue hire <i>only with approval</i>	✓
Alcohol only for resale or when approved by CEO	X
Flowers – employee to employee	X
Farewell/ retirement gifts	X
Gift – employee to employee	X
Other recognition / celebration events (birthday, new employee)	X
Party decorations of any kind	X
Parties and staff social functions incl. Christmas parties <i>(on or off premises)</i>	X
Staff only business lunches including coffee meetings <i>(on or off premises)</i>	X
Staff only meetings – regular section, team or 1:1 or combined section/team meetings <i>including in coffee shops</i>	X
Social functions – eg Melbourne Cup, employee achievement, end of year celebration	X
Tea, coffee, minor morning or afternoon tea costs	X
Wedding anniversary/ birthday cards – employee to employee	X

*Uncontrolled once removed from webpage or Onkanet (printed or downloaded).
 Before using a printed or downloaded copy, verify that it is the current version.*

City of Onkaparinga

Minutes of the Audit, Risk, Value and Efficiency Committee meeting held on 30 September 2019

Venue:	Meeting Room 1, Civic Centre Ramsay Place, Noarlunga Centre
Meeting commenced:	6.24pm
Present:	David Powell Peter Brass Cr Eaton Cr O'Brien Cr de Graaf (proxy)
Apologies:	Cr Cowan
Leave of absence:	Nil
In attendance:	Andrew Tickle, BDO Australia

1. Opening of meeting

Mr Powell officially declared the meeting open at 6.24pm.

2. Confirmation of minutes

MOVED Peter Brass.

That the minutes of the proceedings of the Audit, Risk, Value and Efficiency Committee meeting held on 9 September 2019 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Eaton.

CARRIED

3. Adjourned business

Nil.

4. Chairperson's report

Nil.

5. Presentations

Nil.

6. Deputations

Nil.

7. Reports of officers

7.1 Draft general purpose financial statements for year ended 30 June 2019

MOVED Cr de Graaf.

1. That the Audit, Risk, Value and Efficiency Committee has reviewed the draft 2018-19 Statements presented in attachment 1 to the agenda report.

2. That council's auditors be advised that the Audit, Risk, Value and Efficiency Committee has reviewed the draft 2018-19 Statements and is satisfied that they present fairly the state of affairs of council for the year ended 30 June 2019.

3. That the Committee held discussion as follows:

- Commended the Finance team for compilation of the financial statements and an effective working relationship with the external audit team.*
- Discussed future accounting standards, including leases.*
- Noted the leave liability and encouraged management to continue to monitor leave balances.*

Seconded by Peter Brass.

CARRIED

7.2 External audit completion letter

MOVED Peter Brass.

That the Audit, Risk, Value and Efficiency Committee:

- *Note the 2018–19 Audit Completion Letter (section 129 report) as provided by BDO Audit (SA) Pty Ltd.*
- *Note that a copy of the 2018–19 Audit Completion letter will be distributed after the meeting.*

Seconded by Cr O'Brien.

CARRIED

7.3 Review of external audit independence and legislative compliance

MOVED Cr Eaton.

1. *That the Partner from BDO in attendance be requested to sign their Certificate of Auditor Independence for inclusion in the audited 2018–19 Statements.*
2. *That following receipt of BDO's signed Certificate of Auditor Independence, the Audit, Risk, Value and Efficiency Committee authorise the Chairperson to sign the City of Onkaparinga Certificate of Auditor Independence for inclusion in the audited 2018–19 Statements.*

Seconded by Cr O'Brien.

CARRIED

Andrew Tickle left the meeting at 7.38pm.

7.4 Monitoring of hospitality related transactions

Cr de Graaf left the meeting at 7.44pm

Cr de Graaf returned to the meeting at 7.45pm

MOVED Cr Eaton.

1. *That the Audit, Risk Value and Efficiency Committee provide feedback in relation to the policy comparison attached as attachment 1 to the agenda report.*
2. *That, subject to feedback provided at the Audit, Risk Value and Efficiency Committee meeting, the Committee makes recommendations to the Council that the Hospitality Guideline be amended as follows:*
 - *Appendix 1 to be amended as discussed.*
3. *That subject to feedback provided at the Audit, Risk, Value and Efficiency Committee meeting and the Council subsequently endorsing changes (if any), that the Hospitality Guideline will be finalised and approved by the Chief Executive Officer and republished on council's website.*
4. *That the Committee held discussion as follows:*
 - *Cr Eaton queried the use of business related frequent flyer points and requested management to investigate the possibility of using such points for future council business via a specific City of Onkaparinga account.*

Seconded by Cr O'Brien.

CARRIED

7.5 Information report - Public Interest Disclosure Act

MOVED Peter Brass.

1. *That the Audit, Risk, Value and Efficiency Committee review and provide feedback on the new Public Interest Disclosure Guideline (policy) and administrative procedure attached as attachments 1 and 2 to the agenda report.*
2. *That, subject to feedback provided at the Audit, Risk, Value and Efficiency Committee meeting, the draft Public Interest Disclosure Guideline (policy) will be finalised and approved by the Chief Executive Officer and the Public Interest Disclosure Guideline (policy) published on council's website.*
3. *That titles and email addresses of responsible officers be removed from the policy document as per further clarification.*
4. *Note the progress made in training of staff in their responsibilities under the Public Interest Disclosure Guideline (policy) and administrative procedure.*

Seconded by Cr O'Brien.

CARRIED

8. Questions on notice

Nil.

9. Motions

Nil.

10. Petitions

Nil.

11. Urgent business

Nil.

12. Confidential items

Nil.

13. Closure

Mr Powell officially declared the meeting closed at 8.23pm.

Certified CorrectChair

/ /2019

8.3 Strategic Directions Committee meeting minutes of 1 October 2019

This is a regular or standard report.

Manager: Alison Hancock, Director Corporate and City Services
Report Author: Sue Hammond, Governance Officer
Contact Number: 8384 0747
Attachments: 1. Minutes of the Strategic Directions Committee meeting held
1 October 2019 (4 pages)

A meeting of the Strategic Directions Committee was held on 1 October 2019.
There were no items that require a resolution of Council.

Recommendation

That Council note the minutes of the Strategic Directions Committee meeting held on 1 October 2019 as per attachment 1 to the agenda report.

City of Onkaparinga
Minutes of the Strategic Directions Committee meeting
held on 1 October 2019

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced: 7pm

Present: Mayor E Thompson
Cr M Bray
Cr S Brown
Cr G Eaton
Cr H Greaves
Cr W Jamieson
Cr S McMahon
Cr M O'Brien
Cr W Olsen (7.01pm)
Cr M Themeliotis (Chair)

Apologies: Cr B Cowan
Cr de Graaf
Cr R Peat

Leave of absence: Nil

Absent: Nil

City of Onkaparinga
Minutes of the Strategic Directions Committee meeting held on 1 October 2019

1. Opening of meeting

Cr Themeliotis officially declared the meeting open at 7pm.

2. Confirmation of minutes

MOVED Mayor Thompson.

That the minutes of the proceedings of the Strategic Directions Committee meeting held on 3 September 2019 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Eaton.

CARRIED

3. Adjourned business

Nil.

4. Chairperson's report

Nil.

5. Presentations

Nil.

6. Deputations

Nil.

7. Reports of officers

7.1 Community Plan Engagement Plan

Cr Olsen entered the meeting at 7.01pm.

MOVED Cr Bray.

That the Strategic Directions Committee approves the Community Plan Engagement Plan (attachment 1 to the agenda report).

That two peak community groups (Onkaparinga Council Watch and Northern Forum) be asked to provide a community representative to participate in both creation of engagement instruments and in writing up of results.

Seconded by Cr O'Brien.

Cr McMahon MOVED an AMENDMENT.

That the Strategic Directions Committee approves the Community Plan Engagement Plan (attachment 1 to the agenda report).

Seconded by Cr Olsen.

The AMENDMENT was PUT and CARRIED.

The MOTION, thus AMENDED, was PUT and CARRIED.

7.2 Community Capacity Strategic Plan Engagement Plan

MOVED Cr Jamieson.

That the Strategic Directions Committee affirms Council's commitment to respond to low income affected residents by approving the Community Capacity Strategic Plan Engagement Plan (attachment 1 to the agenda report), with the following additions:

- register community members and service providers we engage with in the active participation stage (14/10/19 to 30/11/19) who express an interest in engaging directly with the whole of Council regarding the needs of low income residents*
- hold a forum for elected members, residents and service providers who have registered their interest regarding the needs of low income residents, in March 2020. The purpose of the forum would be to provide an overview of our community capacity plan, including proposed new initiatives, seeking feedback from forum participants*
- evaluate the outcomes of the forum, including the value of holding such a forum annually regarding low income issues*
- outcomes of the forum to be considered in the development of our draft Community Capacity Strategic Plan*
- provide an opportunity to register interest in the annual forum when we engage with the general public in May 2020.*

Seconded by Cr Greaves.

CARRIED

7.3 Community Engagement Plan for the draft Annual Business Plan 2020-21

MOVED Cr Greaves.

That the Strategic Directions Committee approve the Community Engagement Plan for the draft Annual Business Plan 2020–21 as per attachment 1 to the agenda report.

Seconded by Cr Jamieson.

CARRIED

7.4 State Planning Commission's Discussion Paper on Proposed Changes to Renewable Energy Policy in the Planning and Design Code

MOVED Cr Jamieson.

That the Strategic Directions Committee approves the draft informal response letter to the State Planning Commission's Discussion Paper on Proposed Changes to Renewable Energy Policy in the Planning and Design Code as contained in attachment 2 to the agenda report

Seconded by Cr Greaves.

CARRIED

7.5 Response to Local Nuisance and Litter Control Act 2016 Review

MOVED Cr Jamieson.

That the Strategic Directions Committee approves the draft submission prepared in response to the Local Nuisance and Litter Control Act 2016 Review, as contained in attachment 1 to the agenda report.

Seconded by Cr Greaves.

CARRIED

7.6 Council and Committee Reporting Schedule

MOVED Cr McMahon.

That the Strategic Directions Committee notes the agenda report and Reporting Schedule (attachment 1 to the agenda report).

Seconded by Mayor Thompson.

CARRIED

8. Questions on notice

Nil.

9. Motions

Nil.

10. Petitions

Nil.

11. Urgent business

Nil.

12. Confidential items

Nil.

13. Closure

Cr Themeliotis officially declared the meeting closed at 8.03pm.

Certified Correct Chair

/ /2019

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9. Reports of officers

9.1 Petition report - Automated External Defibrillators in Council Community Centres

This is an update on a previously reported subject, concept or issue.

Report Author: Stuart Purves, Manager Libraries and Community Centres

Contact Number: 8384 0591

Attachments: 1. Petition (4 pages)
2. List of Community Centres with Defibrillators (1 page)

1. Purpose

The purpose of this report is to respond to a petition requesting that council install an Automated External Defibrillator (AED) at the Woodcroft Community Centre. This report provides further information on the current supply of Automated External Defibrillators at community centres and options for centres that do not currently have one.

2. Recommendations

- 1. That council provides an Automated External Defibrillator unit for the Woodcroft Community Centre facility through funds of \$1500 raised by the Woodcroft Community Centre Incorporated and the balance of \$1870 to be funded through the 2019–2020 community centre operating budget.**
- 2. That council provides Automated External Defibrillator units for the six community centres that do not have them and this is undertaken in the 2020–2021 financial year with 50% funding to be sought through applications for grant funding and the balance of \$10,110 to be sought through the 2020–2021 budget process.**

3. Background

A petition containing 53 signatures (Attachment 1) was received by council requesting the installation of an AED at the Woodcroft Community Centre. At its meeting of 20 August 2019, Council resolved that:

- 1. The petition be received.*
- 2. That the matter be investigated and a further report be presented to Council at its 15 October 2019 meeting, including investigation on the provision of automated external defibrillators at all other council community centres.*
- 3. That the head petitioner be notified of Council's decision.*

AEDs are a first aid device that can provide electric shocks to the heart if a person has a cardiac arrest. This shock process is known as defibrillation. These devices are able to be used without specific training, however most first aid courses include instruction on the use of AEDs. The devices are designed to be used in emergency situations and include auditory and visual instructions to guide the user. The devices are also designed in a manner that will monitor the patient and will not

actuate unless the monitoring determines that defibrillation will actually be of assistance.

Council currently has 11 community centres, seven are managed by independent community groups and four are operated by us. Four community centres currently have AEDs installed (Attachment 2). These have been funded through grants, fundraising and support by community service groups. We also currently provide AEDs in Seaford, Aldinga and Aberfoyle Park (Hub) Recreation Centres.

The costs of an AED vary dependant on the intended location and use. To install a quality unit in a wall mounted case is approximately \$3370. AEDs generally require **replacement after approximately seven years' service. Wall mounted cases and signage** are recommended to clearly identify the location of the device, the cost for these items are:

AED unit	\$2995
Cabinet and signage	\$ 375
Total cost	\$3370

During the seven year life of an AED there will be approximately \$500 in maintenance costs for pad and battery replacements. These would be operational expenses borne by individual site budgets on an as needs basis.

There is no known legislation requiring the provision of AEDs in public buildings. **Safe Work Australia's Model Code of Practice: First Aid in the Workplace** (updated in 2019) **advises (in part) 'You should consider providing an AED if there is a risk to workers at your workplace from electrocution, if there would be a delay in ambulance services arriving at the workplace, or where there are large numbers of members of the public.'**

Other classes of council building, for example those leased to sporting clubs have in some cases installed AEDs at their facilities or have them as part of their first aid kits.

The installation of AEDs in our community centres is supported for the following reasons:

- improving safety for community members, volunteers and staff that utilise the facilities
- providing an additional resource that can be applied in first aid situations by staff, volunteers or bystanders in an emergency situation pending arrival of emergency services
- community centres regularly have large numbers of people in attendance, some of whom would be considered to be at a higher risk of cardiac arrest.

4. Financial Implications

For Woodcroft Community Centre we will source \$1870 from the 2019–2020 operating budget. The Centre Board will commit \$1500 that it has fundraised for the purpose of purchasing an AED.

AED units cost an estimated \$3370 per unit and to install a further six in community centre facilities will cost \$20,220. We will pursue grant funding to contribute 50% toward this cost and fund the 50% balance of \$10,110 through the 2020–2021 budget process.

If we are unable to achieve the required external funds a budget review for any shortfall would be required in Budget Review 3 of the 2020–2021 financial year.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Inappropriate use or vandalism of AED units	AED storage cabinets can be equipped with an alarm system that will alert community centre staff and volunteers to any unauthorised use of the device.

Opportunity	
Identify	Maximising the opportunity
Encourage community groups to consider applying for funding through council, state government and philanthropic grant programs to fund AED installations and to liaise with service and community groups who may consider assisting with the cost	Grant funding opportunities are available through a range of sources including council, state government and a range of philanthropic grant programs. Opportunities for funding support also exist with local service groups and community associations.
Opportunity to increase safety at community centre facilities for all users	Increased availability and visibility of AED units in council public facilities may influence greater contributions from groups with an interest in funding initiatives that promote community wellbeing.

On balance based on the above information it is recommended that Council proceeds as per the recommendations of this report.

Petition

To the Mayor and Councillors of the City of Onkaparinga

Petition contact person:	IAN MATTHEWS
Telephone:	(08) 83260236
Address:	4 HERMITAGE AVE, MORPHETT VALE 5162
Email:	25menchat@gmail.com
Date:	17/07/2019

The petition of: Users of the Woodcroft/Morphett Vale Neighbourhood Centre, Woodcroft Library and Woodcroft Council Office Draws attention of the Council The need for the Council to provide as a resource to all users of the Woodcroft Morphett Vale Neighbourhood Centre and the Woodcroft Library the provision of an AED defibrillator within the centre.

The petitioners therefore request that the Council: install and maintain an AED defibrillator for the use of all users of the Woodcroft/Morphett Vale Neighbourhood Centre, Woodcroft Library and Woodcroft Council Office.

Background

Sudden Cardiac Arrest is one of the leading causes of death in Australia. However it is treatable. In most cases the key to survival is prompt defibrillation, which is most effective when carried out within three minutes of a Sudden Cardiac Arrest.

Sudden cardiac arrest can happen to anyone, anywhere, anytime. And when it happens, time is of the essence: For every minute that passes without CPR and defibrillation, chances of survival decrease by 10%. Currently, only 1 in 10 survives a cardiac arrest outside of hospital. If a defibrillator is applied within the first few minutes of cardiac arrest, survival chances can be as high as 70%.

Currently the Woodcroft/Morphett Vale Neighbourhood Centre, Woodcroft Library and Woodcroft Council office does not have access in its public spaces with an AED defibrillator. Currently the Neighbourhood centre is fundraising for a unit to be installed in the centre, but we believe that the City of Onkaparinga should provide this first aid resource for all users of the centre in a location within the public areas. Other councils who operate/manage or lease community centres provide this infrastructure for all users.

Name	Address	Signature
I. Matthews	4 Hermitage Ave, Morphett Vale 5162	
A. SCATER	1 Martinique Drive, SEAFORD RESE 5169	
D. FLETCHER	3 HANCELEY CT, TROTT PARK SA 5158	
R. McMAHON	609 MAIN STH RD OLD NOARLUNGA	
K. TROINSE	99 ELIZABETH RD CHRISTIE DOWNS	
C. GRIVELL	101 ELIZABETH RD CHRISTIE DOWNS	
P. KENNETT	20 ABBOTT AVE MELBAREN VALE	
L. R. LOOKER	7 Kenney ST christies Beach	
P. HARDWICK	9 Pedro Ave m/v	

Once submitted to Council this petition will become a public document and may be published in a Council or Committee agenda 1

The petition of: Users of the Woodcroft/Morphett Vale Neighbourhood Centre, Woodcroft Library and Woodcroft Council Office Draws attention of the Council The need for the Council to provide as a resource to all users of the Woodcroft Morphett Vale Neighbourhood Centre and the Woodcroft Library the provision of an AED defibrillator within the centre.

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Name	Address	Signature
GLEN SMITH	47 LYNTON TERRACE SEAFORD 5169	G. Smith
Darryl Looker	7 Kenney St Christies Beach 5165	D. Looker
Row Feast	12 CHRISTINA RD CHRISTIES DOWNS 5164	R. Feast
ERIC BUDWORTH.	7. CECILIA RD., CHRISTIE DOWNS 5164.	E. Budworth
ARAU W DAVIES	8 CHERNELL COURT MORPHETT VALE 5162	A. Davies
Peter E. Hamington	81/90 WOODCROFT DRIVE MORPHETT VALE 5162	P.E. Hamington
Alan Brindley	21 Fox Ave, CHRISTIES BEACH 5165	A. Brindley
GRAEME LAMBERT	UNIT 11-15 VENNING ST M/VALE 5162	G. Lambert
Bob Geoise	4 DUVAL DR. Morphett Vale 5162	B. Geoise
RHONDA BEDWORTH	7 Cecilia Rd Christie Downs 5164	R. Budworth
YVONNE DUFFY	1139 CHYNOWETH AVE MACKINNAH.	Y. Duffy
Danuta Nansen	22 Ashton Rise Ht Huntfield Hts	D. Nansen
Catol Dawson	40 GARDNER ST PLYMPTON	C. Dawson
Trevor Dawson	" " "	T. Dawson
CORAL SUTTON	Ashton Rise - HUNTFIELD HEIGHTS	C. Sutton
MAY WHEELER	145/177 PIMPALA RD WOODCROFT	M. Wheeler

Once submitted to Council this petition will become a public document and may be published in a Council or Committee agenda 2

The petition of: Users of the Woodcroft/Morphett Vale Neighbourhood Centre, Woodcroft Library and Woodcroft Council Office Draws attention of the Council The need for the Council to provide as a resource to all users of the Woodcroft Morphett Vale Neighbourhood Centre and the Woodcroft Library the provision of an AED defibrillator within the centre.

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Name	Address	Signature
J. KITSON	6 HEREFORD LANE WOODCROFT.	J. Kitson
M. Allen	36 Bains Road Morphett Vale	M. Allen
J. PISIMI	10 THE GLENN MORPHETT VALE	J. Pisimi
C. BERTHOUD	35 DORSET AVE WOODCROFT	C. Berthoud
G. DREWITT	4 EMMERSON DR MORPHETT VALE	G. Drewitt
ANAN CUI	2 BRENSBOROUGH CT, ONKAPARINGA HILLS	Anan Cui
Belinda Gregory	10 Sapphire Road Morphett Vale	Belinda Gregory
BRIAN	2/17 GILBERTSON AVE	Brian
Barbara	9 Drummond Crt Woodcroft	Barbara
K Weller	Morphett Vale/Woodcroft Neighbourhood Centre	K. Weller
A. Barlage	Woodcroft	A. Barlage
M. Jacobs	Woodcroft 36 Bains Rd. Morphett Vale	M. Jacobs
E.A. JARDE	11 FREEMAN AVE MORPHETT VALE 5162	E.A. Jarde
M & R MOLTRAN	9 GRAHAM AVE HACKHAM S.A.	M. Moltran
V Wendland	56 Kenwood R. Morphett Vale	V. Wendland
R.B. Renner	42 Bowcoral Drive V. Renner	R.B. Renner

Once submitted to Council this petition will become a public document and may be published in a Council or Committee agenda

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Name	Address	Signature
W. Vollmann	27 ALLWORTH DRIVE HAPPY VAL	W. Vollmann
WILTRAUD	6LEINHELENR. MORPHETT VALE	W. Eggenmangel
Girola Stein	Flornyque Glen S. Rise	G. Stein
Rosemarie Rollu	484/4 THE BRAW CLOSE REYNELLA	R. Rollu
R. KHELICH	9.150 ELIZABETH Rd MORPHETT VALE	R. KHELICH
E STAHL	117 100 MURRAY RD PT NORLUNDA	E. Stahl
H. Kaiser	16 Laminah Rd. Morphett Vale 5162	H. Kaiser
H. Zemkus	50 Corvette Rd. Seaford 5169	H. Zemkus
O. Martens	Seaford Rise	O. Martens
J. Zemkus	50 Corvette Rd. Seaford 5169	J. Zemkus
J. Miller	AL Dinges	J. Miller
D Teder	26 Carbutt St Woodville West	D Teder

Once submitted to Council this petition will become a public document and may be published in a Council or Committee agenda

Attachment 2

COMMUNITY CENTRE	DEFIBRILLATOR INSTALLED	COUNCIL MANAGED	COMMUNITY MANAGED
Aberfoyle Community Centre	✓		✓
Aldinga Community Centre	✓	✓	
Christie Downs Community House	X		✓
Coromandel Community Centre	✓		✓
Hackham West Community Centre	✓		✓
Reynella Neighbourhood Centre	X		✓
Seaford Community Centre	X		✓
Woodcroft Community Centre complex, including: <ul style="list-style-type: none"> • Woodcroft-Morphett Vale Neighbourhood Centre • Woodcroft Library • Woodcroft Customer Service Office 	X	✓ ✓	✓
Vine Street Centre	X	✓	
Elizabeth House Positive Ageing Centre	X	✓	
Wakefield House Positive Ageing Centre	X	✓	

9.2 Final update report on the proposal to revoke two portions of council reserve land on Jay Drive Willunga and dispose to the adjoining Willunga Waldorf School

This is an update on a previous reported subject, concept or issue.

Manager:	Jock Berry, Manager Property and Commercial
Report Author:	David Haslam, senior Property Officer
Contact Number:	8301 7227
Attachments:	1. Aerial photo of subject land (1 page) 2. Approval letter from Minister (2 pages) 3. Aerial photo of easements and right of way (1 page)

1. Purpose

This report confirms the consent from the Minister for Transport, Infrastructure and Local Government (under delegation) to the proposal to revoke the community land status of two portions of council reserve land on Jay Drive, Willunga and resolves to formally approve the revocation of the land from its community land classification and its direct sale to the adjoining Willunga Waldorf School.

2. Recommendations

That for the council owned reserve land described as portion of Allotment 304 in Deposited Plan 32706 comprised in Certificate of Title Volume 6173 Folio 332 and for the council owned reserve land described as portion of Allotment 162 in Deposited Plan 30861 comprised in Certificate of Title Volume 5240 Folio 247, both bordered in red on attachment 1 to the agenda report, Council:

- 1. Acknowledges that approval to revoke the subject land from its community land classification has been received from the Minister for Transport, Infrastructure and Local Government (under delegation) in letter dated 25 July 2019 (refer attachment 2 to the agenda report).**
- 2. Resolves to formally approve the revocation of the subject land from its community land classification pursuant to subsection 194(3)(b) of the *Local Government Act 1999*.**
- 3. Approves the creation and formal registration of drainage and water supply easements (to protect existing infrastructure) and a Right of Way (to enable future direct access to Council's balance land retained for maintenance purposes) over the approximate area bordered in yellow on Attachment 3 to this agenda report, prior to disposal of the subject land.**
- 4. Approves the sale of the subject land to the adjoining landowner, Willunga Waldorf School, at no less than the market value as determined by an independent land valuer, for consolidation with their adjoining parcel and title, subject to all costs associated with the revocation, land division, transfer and consolidation being met by the purchaser.**
- 5. Approves the net proceeds from the sale of the subject land to be assigned to the Strategic Acquisitions Reserve Fund to assist with future strategic property acquisitions and other community projects.**

- 6. Authorises the Chief Executive Officer to sign any documents required to finalise the revocation process and land division and to complete the sale, transfer and consolidation of the subject land with the purchaser's adjoining land.**

3. Background

At its meeting on 17 July 2018, Council declared that the subject portions of community land bordered in red on Attachment 1 to this agenda report were surplus to requirements and suitable for disposal to the adjoining land owner and approved the commencement of the public consultation phase of the revocation of community land process. The public consultation concluded on 8 February 2019.

At its meeting on 16 April 2019, Council noted the community support for the sale of the subject land to the adjoining Willunga Waldorf School and approved a request being forwarded to the Minister for Transport, Infrastructure and Local Government for approval to revoke and dispose of the subject land. A further report to Council is necessary to finalise the revocation following receipt of the **Minister's approval**.

The approval letter dated 25 July 2019 from the Minister for Transport, Infrastructure and Local Government to the revocation of the subject land from its community land classification is included as Attachment 2 to this agenda report.

Willunga Waldorf School currently lease the subject portions of reserve land, under two separate leases, with a current total annual rental of \$14,300, subject to market reviews every 5 years until May 2030. **According to Council's records the school has leased the subject portion of Allotment 304 since the early 1990's and the subject portion of Allotment 162 since 2009.**

Willunga Waldorf School have applied to purchase the subject parcels of reserve land to enable expansion and upgrading of facilities at the school.

As a result of the **school's request to purchase council's land**, the subject parcels of reserve land have been comprehensively investigated through an internal circularisation process. As no strategic or operational need to retain the subject lands was identified the lands were considered surplus to council needs.

Disposal of the subject lands and incorporation into the schools adjoining property will facilitate the **school's** expansion plans and contribute significantly to increased educational opportunities for the southern community.

4. Financial Implications

The proposal outlined in this report for the revocation and disposal of the subject reserve land is consistent with **Council's approved 'Disposal of Council Land and Other Assets Policy'**.

In keeping with the policy and with particular relevance to this disposal:

1. It is intended to deal direct with Willunga Waldorf School (who currently hold the long term leases over the subject lands).
2. The land will be disposed of at no less than the market value of the land at the time of sale, recognising any special value the subject land has to the school as the proposed purchaser, recognising the easements and right of way to be

created and further recognising the requirement for Council to register an easement through the existing Waldorf School land.

3. All costs associated with the revocation, sale and transfer processes including land division, survey, easement, development approvals, conveyancing and Lands Titles Office costs are to be met by the purchaser.
4. **The subject land will be consolidated with the purchaser's existing adjoining title to form a single allotment.**

Net proceeds from the sale of the subject land will be assigned to the Strategic Acquisitions Reserve Fund to assist with the funding of future strategic land acquisitions and other community projects.

5. Risk and Opportunity Management

Risk	
Identify	Discussion
The subject portions of the reserves are not approved for revocation and disposal.	<p>Council manages its land ownership portfolio in an efficient and sustainable manner by continually reviewing its assets and considering disposal options where little or no community benefit is derived from retention of the land.</p> <p>The internal consultation process within Council has confirmed there is no present or future development identified for the subject reserves nor has there been any strategic or operational need identified that justifies retention.</p> <p>If the land is retained by council, the school will have to reassess its plans to upgrade the early childhood facilities and car park areas. It may not be a sound commercial decision for the school to fund upgrades to facilities on land that it does not own.</p>
Opportunity	
Identify	Maximising the opportunity
The land is revoked and disposed to Willunga Waldorf School	<p>Consistent with all proposed revocations and disposals, the subject land is first assessed against a range of strategic and operational criteria prior to being classified as surplus to council's needs and 'in principle' suitable for disposal.</p> <p>Revocation and disposal of the land is considered preferable to retention indefinitely for little or no community benefit.</p> <p>Revocation and disposal of the land will enable net proceeds to be assigned for future more strategic land acquisitions and projects that will ultimately provide more benefit to the community.</p>

	<p>Disposal of the land to Willunga Waldorf School allows them to commit to upgrading the early childhood and car parking facilities thereby improving services to the community and ensuring the schools longevity.</p> <p>Disposal of the subject lands and incorporation into the schools adjoining property will facilitate the schools expansion plans and contribute significantly to increased educational opportunities for the southern community.</p>
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On balance, based on the above, it is recommended that the revocation and disposal be approved.

6. Additional information

Easement requirements

It was identified during internal consultation that the subject land contains council infrastructure in the form of a recycled water pipe and metered supply point and a community waste water drainage pipe.

This infrastructure will be protected by way of registered easements on the title to cover the approximate area bordered in yellow on Attachment 3, prior to disposal of the subject land.

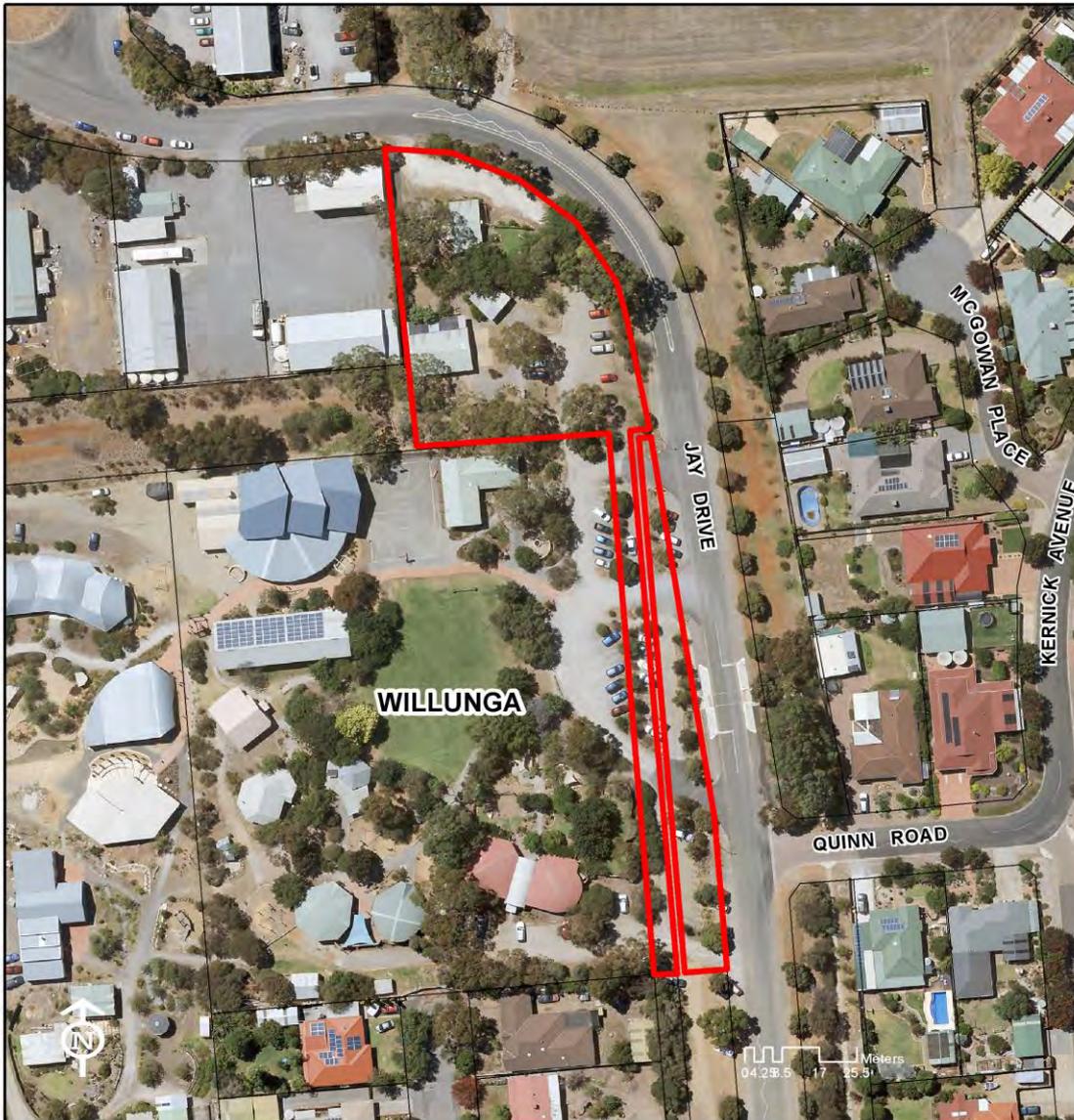
Due to the irregular shape of the residual portion of Allotment 304 to be retained by Council, it is considered necessary to protect our future accessibility to the southern portion of the residual land by creating a Right of Way in favour of Council. This will ensure that council and its staff can continue to access the residual land to the west for ongoing maintenance purposes, via the simplest and most practical access point. The right of way will be created prior to the disposal of the subject land and will be over the wide area bordered in yellow on Attachment 3 (similar to the above referred to easements, i.e. captured all in the one surveyed area).

Drainage Easement through Willunga Waldorf School Land

Council has an existing buried Community Waste Management System pipeline through the existing Waldorf School land that is not covered by a registered easement in favour of Council. As part of the negotiations for the sale of the subject reserve land (if approved by Council) it is proposed that the necessary documentation to create this easement be lodged at the same time as the creation of the other previously referred to easements and prior to the sale of the subject land.

Willunga Waldorf School is aware of this requirement and is receptive to these negotiations occurring in conjunction with the purchase negotiations.

Final update report to revoke and dispose reserve land to Willunga Waldorf School



The boundaries plotted hereon
are indicative only and their
location cannot be relied upon
as accurate

Legend



Subject land to be revoked and disposed



Government of South Australia
Department of Planning,
Transport and Infrastructure

*In reply please quote 19MPL0402
Enquiries to David Whiterod
Telephone 7109 7142*

Your reference 520C

Mr Mark Dowd
Chief Executive Officer
City of Onkaparinga
PO Box 1
NOARLUNGA CENTRE SA 5168

PLANNING AND LAND USE
SERVICES

50 Flinders Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222

ABN 92 366 288 135

Dear Mr Dowd

I write in response to your letter seeking approval for the City of Onkaparinga's (the Council's) proposal to revoke the community land classification of a portion of Allotment 304 in Deposited Plan 32706 comprised in Certificate of Title Volume 6173 Folio 332, and a portion of Allotment 162 in Deposited Plan 30861 comprised in Certificate of Title Volume 5240 Folio 247.

I have considered the information provided to me by the Council, and in making my decision (under delegation), I have taken into account the nature of the public consultation undertaken by the Council.

After carefully considering the effect of the revocation on the area and the local community, I am of the opinion that, on balance, the revocation will be more positive than not in its effect. I approve the Council's proposal to revoke the classification as community land of a portion of Allotment 304 in Deposited Plan 32706 comprised in Certificate of Title Volume 6173 Folio 332, and a portion of Allotment 162 in Deposited Plan 30861 comprised in Certificate of Title Volume 5240 Folio 247, as set out in the **attached** map.

If the Council wishes to proceed with the revocation it will need to pass a motion to revoke the community land classification pursuant to section 194(3)(b) of the *Local Government Act 1999*.

Yours sincerely

Sally Smith
Executive Director, Planning & Land Use Services

25 July 2019

Attachment—map showing portions of Allotment 162 and Allotment 304.

Knet # 14266842

Document Set ID: 4952934

Proposal to revoke community land Jay Drive Willunga



Description of Land:

Statements, Annotations and
Amendments concerning
Easements:

Legend



Portion of allotment 304 used for
classrooms and car park and
planned for revocation and disposal



Portion of allotment 162 used for
carpark and planned for revocation
and disposal

Document Set ID: 4952934

Final update report to revoke and dispose reserve land to Willunga Waldorf School



The boundaries plotted hereon are indicative only and their location cannot be relied upon as accurate

Legend

-  Subject land to be revoked and disposed
-  Approximate area of easements and right of way

9.3 **Comments to SCAP - Development Application 145(V)7014/2019 - SA Water Corporation**

This is a new proposal

Manager:	Renée Mitchell, Manager Development Services
Report Author:	John Mason, Senior Development Officer (Planning)
Contact Number:	8384 0549
Attachments:	1. Proposed site plan (3 pages) 2. Happy Valley Reservoir Reserve 'Zero Cost Energy Future' Report (139 pages – provided under separate cover) 3. Council comments to SCAP (5 pages)

1. **Purpose**

The purpose of this report is to seek endorsement for council's comments on the proposed installation of solar PV arrays and associated battery storage facilities, with associated ancillary equipment at the Happy Valley Reservoir Reserve and Water Treatment Plant 94 Chandlers Hill Road, Happy Valley, for the consideration of the State Commission Assessment Panel (SCAP).

2. **Recommendation**

That Council endorse the letter to be issued to the State Commission Assessment Panel containing council's comments on the proposed installation of solar PV arrays and associated battery storage facilities, with associated ancillary equipment at the Happy Valley Reservoir Reserve and Water Treatment Plant 94 Chandlers Hill Road, Happy Valley (SCAP reference 145/(V)7014/19) as contained in attachment 3 to the agenda report.

3. **Background**

All of the reservoir land is zoned Open Space, with the development occurring in the north-west corner of the site.

As the project is a Crown development, the SCAP is the relevant planning authority to assess the development application pursuant to Section 49(2)(c) of *the Development Act 1993*, not council.

The application requires public consultation for 20 day working period, which is not yet scheduled, due to SCAP awaiting additional information from the applicant to be provided. Representors will have the right to be heard in person at a future SCAP meeting if they nominate to do so.

SCAP has referred the application to council for comments, as a relevant authority and comments are due 21 October 2019, which is why the item had to be considered at the 15 October Council meeting.

Relevant staff have reviewed the development application, with our combined comments forming the draft Council comments contained in attachment 3. The following teams were consulted:

- Technical Services
- Building Department

In summary, the draft comments contained in attachment 3 indicate our support for the proposed development, subject to a number of planning conditions that are recommended to be applied to any approval that SCAP may grant.

4. Financial Implications

The development assessment function of council staff is funded from the operational budget.

Should the SCAP approve the development application, there are no further financial implications for council to consider.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Not providing comments to the SCAP would result in Council missing the opportunity to shape and influence the outcome of the development. This would have potential impacts on localised planning matters of social, economic and environmental value.	Providing a response to SCAP will ensure localised planning matters are raised for consideration by the relevant assessing authority. Council will also then maintain a voice during the development assessment process, enabling us to seek appropriate development outcomes on this site.

Opportunity	
Identify	Maximising the opportunity
Provide Council comments to SCAP considering the social, economic and/or environmental impact of the development application on the immediate and broader locality of the development site.	As a referral body, council is afforded an eight week timeframe to provide comments to the SCAP. Should this timeframe be missed, the opportunity to shape and influence any decision of the SCAP will be missed.

Recommend conditions of consent to be added to any approval the SCAP may grant	Should SCAP determine the development application is of sufficient merit to issue planning approval to, conditions of approval will be applied. By recommending conditions of approval to the SCAP, the Council has taken the opportunity to influence the standards of infrastructure proposed to be constructed.
--	--

On balance, based on the above we suggest proceeding as per the recommendation.

Attachment 1



PLAN VIEW
SCALE N.T.S.





Attachment 2
Provided under separate cover



15 October 2019

Brianna Fyfe
State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001

Dear Brianna

Development Application No. : 145/7014/2019
Proposed Development : Installation of solar photovoltaic arrays and associated infrastructure
Location of Proposed Development : Pt Pce 601 Chandlers Hill road, Happy Valley SA 5159
Property Identification : Pt Pce 601 DP 56823, Pt Pce 602 DP 56823, Pt Pce 603 DP 56823, Pt Pce 604 DP 56823, Pt Pce 605 DP 56823, Pt Pce 606 DP 56823, Pt Allot 94 FP 216185, Pt Allot 101 FP 216192, Pt Allot 117 FP 216301, Sec 74 HP 105500, Pt Allot 94 Sec 130 FP 205351, Pt Al...

Thank you for forwarding the above development application for our review and comments to the State Commission Assessment Panel (SCAP) as the relevant authority. The following report has been considered and endorsed by the Council at its meeting held 15 October 2019.

Whilst we are pleased to see a significant development and level of investment proposed for this site, there are a number of issues to be carefully considered and assessed. Our comments on the proposed development and these issues are provided below.

Land Use

The subject land is located on the periphery of the Open Space Zone which encompasses the Happy Valley Reservoir. The Open Space Zone desires for land uses that are associated with recreation activities, public facilities, conservation work, buildings associated with open space maintenance and subordinate uses to these that support their viability, as well as support management of the land within the Zone. Although not explicitly listed as conservation work, nor a building associated with open space maintenance, the solar panels will contribute to ecological sustainability and demand on non-renewable resources, which is closely linked to a conservation type activity and therefore, the proposed land use is considered acceptable.

The land use will also require minimal maintenance and is not expected to impact on the function or operation of the existing reservoir and water supply and storage to metropolitan Adelaide the site provides. The invert shelters associated with the use will only need to be accessed in an ad hoc basis and via an existing access from Blacks Road. The provision of a reliable power source will also reduce the operational costs of the site.



Design and Appearance

Council is generally supportive of the proposed solar PV array design. The low profile 5B solar PV type is to be utilised, which is to be setback 60 plus metres from Blacks Road and will be positioned behind 40 metres of retained pine trees and a designated 20m offset planting zone, which will return around Main South Road to improve the visual outlook when viewed from the west and north.

The retention of the existing pines and 20m offset planting zone will also prevent any potential reflection issues that may be created by the panels when viewed from public vantage points within the vicinity of the subject site.

The siting of the panels in the north-western corner of the site will also prevent the need for any retaining and necessity for removal of native vegetation, which occupies much of the site. The minimal soil disturbance is in keeping with the Zone provisions, which seek to retain the natural land form.

The loss of pines is not considered detrimental to the character nor conservation, as the species are of a non-native origin. Retaining the native vegetation, which would otherwise require clearance if an alternative location was considered, is a better outcome.

Energy Efficiency

The Development Plan seeks for the establishment of renewable energy facilities. The proposed installation of the solar PV array will work achieve this with the provision of a facility to harvest natural resources for the efficient generation of electricity. The proposal details include approximately 37,895 individual solar panels, approximately four inverter stations and battery energy storage systems. The proposal is considered to increase the energy efficiency of the existing reservoir operation and substantially reduce their operational costs.

Heritage

Happy Valley Reservoir was constructed in 1896 and was the third significant water catchment structure to be completed to service the Adelaide metropolitan area. It was prompted, in part, by the increase in water consumption created by the establishment of the water-borne sewage system in the 1880s.

The Happy Valley Reservoir is of heritage value as a relatively early example of a large and complex water storage system and reflects the expansion of Adelaide's population and improvements in the provision of public utilities. The Reservoir comprises a number of components and is associated with the Clarendon Weir, (a State heritage place), which provides additional water to the Reservoir via a 5km long tunnel.

The Happy Valley Reservoir (Dam Wall and Towers) is listed as a State heritage place in the State Heritage Register. The Reservoir "Embankment Tunnel", "Inlet" & "Outlet valve tower and scour tower" are together listed as a local heritage place in the Development Plan.

The proposed solar array is some distance north of the Reservoir and its components, (the inlet and outlet tunnels and the valve tower and scour tower are located within or on the edge of the reservoir itself).



The proposed solar array does not therefore have any physical impact on the reservoir nor its historic components. The Reservoir site comprises a number of allotments. Although on different allotments to the Reservoir, the proposed solar array is on what is interpretable as the same site as the Reservoir, (the Happy Valley Reservoir Reserve). The proposed solar array is however sufficiently distant from the Reservoir and its components that it does not materially impact on the context and setting of the place. Furthermore, existing and proposed landscaping and vegetation is such that the proposed solar array has little, if any, visual impact from the Reservoir and its immediate surrounds.

We anticipate that documentation concerning the proposed development has also been forwarded to Heritage SA for comment regarding impact on the State heritage place.

We agree with the planning report prepared by Aurecon dated 6 August 2019 accompanying the application that the proposed development is sufficiently distant from the former Glenthorne Farm site (State heritage place) and Tapley Farm Complex (local heritage place) not to affect their heritage value.

Social, Economic and Environmental Benefits

The social, economic and environmental benefits are summarised as follows.

- Provision of 37,895 individual solar PV cells, approximately four inverter stations and Battery Energy Storage Systems equipment will provide a renewable energy facility, which will reduce the operational costs of the reservoir.
- No native vegetation is required to be removed as part of the application, only introduced Aleppo Pines.

Conclusion

In summary, the proposed installation of solar photovoltaic arrays and associated infrastructure exhibits the following positive attributes to warrant support, subject to supportive advice from Heritage SA.

- The land use is considered appropriate and likened to a conservation type activity, which is discreetly located to not impede on the function or operation of the water storage and supply facility.
- The panels will be constructed/ established on a flat part of the site and require minimal earthworks.
- The landscaping will complement the development and improve the visual outlook of the solar array from public vantage points, including Black Road, Main South Road and the Flagstaff Pines land development.
- The landscaping species to be utilised in the vegetation buffer are native species.
- The development contributes to ecological sustainability with the delivery of a environmentally sustainable energy facility.

Should the SCAP be of the view the application is of sufficient merit to approve, we request to be consulted on any proposed reserved matters and conditions, however, we recommend the following conditions and notes be imposed on any approval:

1. All development shall be completed and maintained generally in accordance with Drawings XXXX (to be added/confirmed after meeting).



2. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
 - Prevent silt run-off from the land to adjoining properties, roads and drains.
 - Control dust arising from the construction and other activities, so as not to, in the opinion of council, be a nuisance to residents or occupiers on adjacent or nearby land.
 - Ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site.
 - Ensure that all litter and building waste is contained on the subject site in a suitable covered bin or enclosure.
 - Ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of council, to the occupiers of adjacent land.
3. A construction management plan which addresses the mitigation or minimisation of impacts (especially from noise, dust and sediment) must be prepared and submitted to the satisfaction of the City of Onkaparinga and must be implemented during the construction phase. Dust generated by machinery and vehicular movement during site works, and any open stockpiling of soil or building materials at the site, must be suppressed by regular application of water or other suppression methods to ensure that dust generation does not become a nuisance off site. Potential impacts of soil sediment and pollutants leaving the site or entering watercourses during the development of the site shall be mitigated/minimised.
4. During construction and at all times thereafter, stormwater generated from the development shall be diverted away from all buildings, shall not pond against or near the footings and shall not be discharged or flow onto adjoining land. Where drainage is directed to the street water table, this shall be by way of a council approved stormwater drainage system.
5. A Soil Erosion and Drainage Management Plan (SEDMP) prepared in accordance with the "Stormwater Pollution Prevention Code of Practice for Local, State and Federal Government", issued by the EPA, and to the reasonable satisfaction of the council, shall be put in place prior to the commencement of any site works and shall include, but not be restricted to, a temporary construction exit and silt fences. The measures are to prevent material from being washed or otherwise transported from the site. These silt control measures shall be maintained in good working order during construction and be maintained for a period of 12 months. At practical completion a decision will be made by council with regard to the sections of the silt control measures which need to be retained and maintained by the developer during the 12 month maintenance period applying to the SEDMP.

NOTES

1. The proponent is reminded of Clause 23 under Part 6 of the Environment Protection (Noise) Policy 2007. The clause states that construction activity must not occur on a Sunday or other public holiday; and on any other day except between 7am and 7pm. Exceptions to this requirement are prescribed in Clause 23(1) b of the Environment Protection (Noise) Policy 2007.



2. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
3. Any information sheets, guideline documents, codes of practice, technical bulletins etc that are referenced in this response can be accessed on the following web site:
<http://www.epa.sa.gov.au>
4. Construction activities must be undertaken in accordance with Division 1 of Part 6 of the Environment Protection (Noise) Policy 2007 at all times. Further information can be found at: http://www.epa.sa.gov.au/environmental_info/noise

We wish to reiterate that council is willing to work with the developers and the SCAP to ensure that a quality outcome is delivered for the community.

Please contact John Mason (Senior Development Officer – Planning) on 8384 0549 or john.mason@onkaparinga.sa.gov.au if further information is required.

Yours sincerely

Erin Thompson
Mayor

9.4 2019 Willunga Hillclimb - temporary road closure

This is a new proposal, concept or issue.

Manager:	Matthew Morrissey, Manager Assets and Technical Services
Report Author:	Darren Blasdale, Senior Traffic Engineer (Acting)
Contact Number:	8384 0666
Attachments:	1. Application from Ultimate Motorsport Events (5 pages) 2. Resident complaint & response (2 pages)

1. Purpose

This report seeks approval for a temporary road closure of Old Willunga Hill Road from Hailstone Lane to Meadows Road, Willunga on Sunday 1 December 2019, as requested by Ultimate Motorsports Events for the Willunga Hillclimb event (attachment 1).

2. Recommendations

- 1. In accordance with Clause G of the Minister for Transport and Infrastructure Notice dated 22 August 2013 (as presented to Council on 5 July 2016) which delegates the power to close roads and grant exceptions for events, Council consents to the proposed road closure of:**
 - **Old Willunga Hill Road, Willunga from Hailstone Lane to Meadows Road from 8am to 6.30pm on Sunday 1 December 2019 for the Willunga Hill climb 2019 event.**
- 2. Council support the Commissioner of Police order that the proposed roads listed in recommendation 1 be closed, subject to Ultimate Motorsports Events:**
 - **paying for advertising and management of the temporary road closure for the Willunga Hillclimb events, respectively**
 - **notifying all the property owners along the routes and within the Willunga township, in writing**
 - **advertising the events well in advance**
 - **assuming responsibility for any damage to the road and associated infrastructure resulting from the events**
 - **facilitating the road closure and assisting local residents and road users through the detours, using marshals and professional traffic management contractors.**

3. Background

As a result of community interest in motor sports events the road closure has been brought to Council for consideration rather than being exercised under the Chief Executive Officer's delegation, as agreed at the 21 May 2019 Council meeting.

The Willunga Hillclimb is a full day motor sport event which requires a road closure.

In previous years Council approved the road closure for the Willunga Hillclimb event.

The declaration of the event and road order for the required closure is approved and issued by the Commissioner of Police under delegation from the Minister for Transport and Infrastructure.

If Council choose not to support the road closures for the Willunga Hillclimb events, the Commissioner of Police will generally not approve the road closures.

Under Section 33 of the *Road Traffic Act 1961* we are required to give our consent to the road closure and approval for the use of temporary traffic control devices.

4. Financial Implications

There is no financial impact to the City of Onkaparinga by this event being held. All costs associated with advertising the event, managing the road closure and repairing any damage to infrastructure are borne by the event organiser.

5. Risk and Opportunity Management

We have reviewed the applicant's Risk Management Plan which has been prepared for the Commissioner of Police. Risks to Council are as follows:

Risk	
Identify	Mitigation
Public Liability	The event is covered by Public Liability insurance of \$100M through the Confederation of Australian Motor Sport Ltd (CAMS).
Resident concerns	The event organisers will: <ul style="list-style-type: none">• notify adjoining land owners, businesses and residents in the Willunga township, in writing• consult with affected landowners, as required• facilitate the road closures and assist local residents and road users through the detours, using marshals and accredited traffic management contractors• place advance event notification signage four weeks prior to the event.
Damage to council infrastructure	All costs associated with the repair of any damage to council infrastructure will be borne by the event organisers.
Emergency Services	The event organisers will notify Emergency Services of the proposed road closures. An event safety plan is developed and communicated with the event medical and fire services, available to attend to any resident emergency if required.

Opportunity	
Identify	Maximising the opportunity
Economic and community benefit	<ul style="list-style-type: none"> • The Willunga Hillclimb is a South Australian event and attracts tourists to our region including spectators and participants. • The Willunga Hillclimb supports children charities. • The event supports local businesses. • Regional Economic Modelling has shown that for the one day there is a \$106,000 direct benefit.

6. Additional Information

Previous motor sport events in Willunga have raised several questions from elected members prior to and during the meeting. This is summarised below:

Complaints regarding the event

During the 2018 event we received one complaint about the Willunga Hillclimb event.

More recently we received an email from a resident addressed to the Elected Members dated 15 March 2019 strongly objecting to the temporary road closures. A copy of our response letter is attachment 2.

Regional Economic Modelling - the economic benefit for the City of Onkaparinga and Willunga

The Tourism Impact Summary for this one day event in our city based on 1000 spectators and 130 drivers, service crew and event officials estimate a total expenditure benefit of \$106,000.

Regional Economic Modelling – how is it calculated

Tourism Impact Scenarios is a tool in REMPLAN economy for analysing the impact of events. The direct value of an event can be estimated using data collected from surveys or interviews. Where survey or interview data is not available it is possible to estimate the direct value of an event by defining the number of visitors and duration of the event and applying the Visitor Profile data. The Tourism Analysis Module automates the process of linking visitor numbers to profile data to estimate the direct spend of visitors. It is important to note that primary data collection may be required to establish a reasonable estimate of the number of domestic days, domestic overnight and international visitors to the event.

Rally cars waiting in High Street Willunga

Rally cars park legally in High Street before assembling at the start of the road closure prior to undertaking their run. The event organisers will be installing a 25km/h community event speed limit along the entire length of High Street to provide a safer environment for all road users.

Rally cars have noisy exhausts

There are approx. 130 cars that enter the event. All cars need to meet the mandated CAMS decibel noise level.

The noise from the exhausts vibrating heritage buildings.

The exhaust decibel noise is measured both at the vehicle's exhaust outlet, and at further distances from the vehicle, to test for compliance to meet the CAMS requirements noted above. Whilst the noise may appear loud, this by itself is not enough to create structural damage to buildings and as such we do not believe that noise vibration at the race start point will have any impact on heritage buildings.

City of Onkaparinga
Ramsay Place
Noarlunga Centre 5168



Dear Council,

2019 WILLUNGA HILLCLIMB - SUNDAY DECEMBER 1ST 2019

The following details are for the event called the Willunga Hillclimb, an event we are planning to run again within the City of Onkaparinga region.

This event continues to be a huge success with the capacity field of 120 competition vehicles being sold out within the first week of entries opening. This year it is scheduled to be run on Sunday the 1st of December 2019 at the Old Willunga Hill. The event will be starting at 8.00am on Sunday and should be finished by approximately 6.00pm on the Sunday afternoon.

Last few years, by having the competitors display their vehicles on the main street before they competed up the closed section of road added a great atmosphere to the event. It allowed competitors and their service crew to mingle with the huge crowd, and also enjoy all that the local businesses that were open during the day had to offer.

With the success of previous years' events we would like to apply for the following road to be closed by the event for 2019.

The roads and times are:

Old Willunga Hill Road (from Hailstone Lane to Meadows road)

The time we would like to close this road would be from 8.00am to 6.30pm on Sunday the 1st of December 2019, if this meets with the approval of council.

To ensure the safety of the competitors and the general public we request a short-term closure under Section 33 of the Road Traffic Act, of the roads.

We would also like to restrict the speed of vehicles up high street (at our expense with a traffic management company in control) to allow for the street motorsport festival atmosphere during the event. This would be from St Andrews Terrace to Hailstone Lane along High Street from 8.00am to 6.30pm on Sunday 1st December 2019, if this meets with approval of the council.

If Council approves our request, we will make every effort to run the Hillclimb with minimum inconvenience to residents.

We will:

- Notify adjoining landowners in writing at least 2 months beforehand
- Consult with affected landowners when required
- Leave all control areas in a clean and tidy state
- Notify the police of the running of the event and obtain permission to close the roads under Section 33 of the Road Traffic Act
- Notify the emergency services in the area
- Affect a public risk insurance policy through the Confederation of Australian Motor Sport (CAMS) which includes \$100 million public liability insurance. (A copy of the permit and insurance cover can be supplied if required).
- Place advice signs along all roads 4 weeks prior to the event to forewarn road users of impending road closure
- Advertise the road closures in the local papers the week before the event
- During the event, man the access points to these roads to advise users of the temporary restrictions and supply alternative routes

We are local people volunteering our time to run this event. We run our events to Australia's best standards and have medical and fire vehicles at the start of the Hillclimb course. If a land owner has an emergency during the road closure period, upon receiving notification we will stop the event and send in our medical vehicles which have trained Paramedics and a Fire Marshals. We will start the course after the only house on the road, so they have continual access to their property without restriction.

We appreciate the consideration extended to us in our efforts to organise this event.

A copy of the Confederation of Australian Motorsport's Certificate of Currency for Public Liability Insurance will be supplied.

Yours sincerely

Andrew Admiraal

Michael Clements

Director

andrew@ume.cool

0403 116 400

Director

michael@ume.cool

0418 804 105





Event Application

To ensure approval timeframes are being met, we require this application form to be submitted at least 8 weeks prior to the activity/event. We endeavour to support all requests, but in some instances the proposed activity/event may not be deemed appropriate and therefore may not be approved.

1 EVENT DETAILS	
Event name	2019 Willunga Hillclimb
Venue / location	Old Willunga Hill Road (from Hailstone Lane to Meadows road)
Date	From 01/12/2019 To 01/12/2019
Time	From 08:00 To 18:30
Event description (event activities and objectives/benefits to community)	Motorsport Event
Is your event sponsored by the City of Onkaparinga?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the event to be held on council land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No How many people are expected to attend?
2 APPLICANT / EVENT ORGANISER DETAILS	
Organisation	Ultimate Motorsport Events
Address	PO Box 10213, Adelaide BC, SA, 5000
Contact person	Andrew Admiraal
Phone	(mob) 0403 116 400 (A/H) N/A
Email	andrew@ume.cool
3 TEMPORARY SIGNS AND BANNERS	
Will you be erecting event advertising signs or banners on council land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please visit our website and complete the banner application form : www.onkaparingacity.com > Living Here > Permits & regulations > Permits & licences > Temporary Banners for Community Events including Sport & Recreation Clubs/School Open Days	
4 FOOD STALLS (Please complete the following if food will be available at the event)	
Please provide a short description of the type of food and drinks to be provided:	
N/A	
Name of Food Business:	Contact Name:
Email address:	Contact number:
Postal address:	
Food Business Notification Number (FBN):	Name of the council where notified
FBN is the Food Business Notification Number issued by councils where the temporary food stall is garaged	
I have read the Temporary Food Premises fact sheet and will follow the requirements of the Food Safety Standards. <input type="checkbox"/>	

Please note that a thermometer must be available on the day if storing potentially hazardous foods.



Event Application

5 OPERATIONAL DETAILS		Yes	No
Vehicle access (Please provide details of movements): WorkZone Traffic Management will be contracted again		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Temporary parking controls (Please provide traffic plans) WorkZone Traffic Management will provide		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Power	<input type="checkbox"/> 240V <input type="checkbox"/> 3 phase	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PA system / music (EPA requirements after 10pm)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stall holders		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Liquor consumption (If yes, a liquor licence application has to be made to the Office of Liquor and Gaming)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marquee / tents (weighted only)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staging / platforms		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Amusements		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Animals		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fireworks		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Additional information:			

6 TEMPORARY ROAD CLOSURE/S (3 month notification required)	
Name of road/s to be closed	1. Old Willunga Road from Hailstone Lane to Meadows road
	3. _____ 4. _____
	5. _____ 6. _____
Time of road closure/s	08:00 to 18:30
Traffic control devices and signage being hired from?	<input type="checkbox"/> Council <input checked="" type="checkbox"/> Other
Do you have accredited trained traffic personnel?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

7 WASTE MANAGEMENT					
Waste bins required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Bin delivery date		Time	
Recycling bins required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Bin collection date		Time	
Delivery address of bins					



Event Application

8 EQUIPMENT AND SUPPLIES			
Item	Qty	Item	Qty
Witches hats		Pencil bollards	
Barrier mesh (metres)		Flag bunting (metres)	
Sponsorship banners		Signs	
Portable toilets <i>(conditions apply)</i>		Type of signs:	
Toilet delivery		Date	Time

Equipment is to be collected from City of Onkaparinga FOC Stores, Railway Road, Seaford Meadows between 8am and 3.30pm

9 CHECKLIST AND ATTACHMENTS	
Please attach the following documents (indicate using tick boxes that items are attached)	
Copy of public liability insurance certificate (min (\$10M))	<input type="checkbox"/>
Event site plan	<input type="checkbox"/>
Risk management plan	<input type="checkbox"/>
Copy of liquor licence (if applicable)	<input type="checkbox"/>
Temporary food notification form/s (if applicable)	<input type="checkbox"/>
Map of temporary road closures (if applicable)	<input type="checkbox"/>
Have Emergency Services and SAPol been notified of the event?	<input type="checkbox"/> Date notified:
Additional comments:	

I have read and understand the Terms and Conditions (including all links) and agree to comply with these conditions.

Name:
 Andrew
 Admiraal

Date: 08/09/2019

Please forward to:
 City of Onkaparinga
 PO Box 1
 Noarlunga Centre SA 5168

Ph: 8384 0666
 Email: mail@onkaparinga.sa.gov.au

For office use only

Date received	Booking No.	ECM No.	Receiving Officer

Attachment 2

From: david.gill@internode.on.net
Sent: 15 Mar 2019 15:31:02 +1030
To: Martin Bray;Wayne Olsen;Erin Thompson;Richard Peat
Subject: Hill Climb events in Willunga

Dear Mayor and Elected Members,

I am writing to say how displeased my wife and I, and a great many of our neighbours and friends are that Council not only approved the past hill climb events, but has approved another one on 21st April this year.

Willunga is a historic township, it is a place where many people choose to live for its quiet rural setting. It is not the site of a race track!

The past events have forced us to endure screeching tyres, extremely loud and intrusive noise from the start area and for minutes after every car heads up the hill with its strident exhaust roar echoing down the valley. It appears that to the motor sport enthusiast the more noise the better. We have to endure increased pollution and the unwanted closing of Willunga Hill road as well as the noise.

Every parent of teenagers growing up in country towns fears the high injury and fatality rate of this age group's shocking vehicle accident record. What we surely do not want is for motor sport people to model racing on public roads. Car racing belongs to racetracks and to events away from public roads. I personally have experience of increased 'hoon driving' at the time of previous Willunga Hill Climbs. The Tour Down Under is wonderful, it models a wonderful and extremely popular sport and recreation. Hill climb motor events on public roads models dangerous driving.

I believe that apart from perhaps increased trade at the local hotels there is very little economic gain for the town's traders, and certainly a huge disincentive to those seeking to visit this town to enjoy its heritage and beauty.

I request that the event scheduled for April this year be the last one that the City of Onkaparinga approves.

David Gill
Willunga



From the office of the Mayor
City of Onkaparinga

Our Ref: 4838962/sl

12 July 2019

Mr David Gill
david.gill@internode.on.net

Dear Mr Gill

Thank you for your email dated 15 March 2019 regarding motor sport events in Willunga. I can advise that your request has been investigated and I apologise for the delay in our response.

Temporary road closures for all motor sports events are considered for approval at Council meetings.

The event you are referring to is the Falcon GT Nationals and was approved at the Council meeting held on 19 February 2019. The event is held every two years and rotates nationally, therefore it is only held in South Australia every 10 years. This event provided a \$243,800 direct economic benefit to the community.

The Willunga Hill Climb is a full day event that occurs once a year on a Sunday in December. It has been held since 2014 and economic modelling has calculated that this event provides \$250,000 direct economic benefit to the community.

The Adelaide Rally began in 2017 and is a mid-week event that runs for half a day. This is a major state event sponsored by Events SA with some significant sponsors. This event provides a \$106 000 direct economic benefit to the community. Approval has been given for the 2019 event that will occur during the afternoon of Wednesday, 4 December 2019.

As the road is closed, it is defined as a race track. With the majority of cars being non-competitive road cars, they need to meet the mandated Confederation of Australian Motor Sport (CAMS) decibel noise level of 95dB, measured in accordance with the National Transport Commission test procedure, at a distance of 0.5m from the exhaust of a vehicle running at 3200-4500rpm. Registered vehicles in South Australia are limited to 96dB if the vehicle was manufactured before 1983 and 90dB if manufactured after that date. All cars need to meet the mandated CAMS decibel noise level.

If you wish to discuss this matter further please contact Bill Cirocco, Senior Traffic Engineer on 8384 0666 or mail@onkaparinga.sa.gov.au

Yours sincerely

Erin Thompson
Mayor



City of Onkaparinga
PO Box 1
Noarlunga Centre
South Australia 5168
www.onkaparingacity.com

Noarlunga office
Ramsay Place
Noarlunga Centre
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

Aberfoyle Park office
The Hub
Aberfoyle Park
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

Willunga office
St Peters Terrace
Willunga
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

Woodcroft office
175 Bains Road
Morphett Vale
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

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9.5 Australasian LG Performance Excellence Program FY18

This is a regular or standard report.

Manager: Desma Morris, Manager People and Information

Report Author: Greg Hassam, Team Leader BPI

Contact Number: 8384 0690

Attachments:

1. The Australasian LG Performance Excellence Program FY18 (148 pages – provided under separate cover)
2. LG Performance Excellence Program 2018 – Implementation Plan (5 pages)

1. Purpose

The purpose of this report is to provide Council with an update on the findings and opportunities from the 2018 Local Government Performance Excellence Program.

2. Recommendation

That Council notes and receives the agenda report and acknowledges the findings of the 2018 Australasian LG Performance Excellence Program.

3. Background

The Australasian Local Government Performance Excellence Program (ALGPEP) is a collaborative benchmarking and analysis project led by LG Professionals Australia in partnership with Price Waterhouse Coopers (PWC).

The program benchmarks the performance of over 160 councils across Australia and New Zealand, enabling participating councils to see their own strategic and operational performance in the context of their unique sector, gaining intelligence and insight on their strengths and areas for improvement.

The council participated in the program for the second consecutive year in 2018, providing qualitative and quantitative data across seven key measurement areas; workforce management, financial management, operations management, asset management, risk management, corporate leadership and service delivery.

Councils participating in the ALGPEP receive an individual, council specific Performance Excellence Report that provides councils with strategic and operational insights into their performance and benchmarks this against the survey population (**attachment 1**). **Each council's report is entirely confidential to the individual council** and the benchmarking data contained in the report is anonymous.

The FY18 ALGPEP report indicates that overall, from a resourcing and operational perspective, the City of Onkaparinga is generally more efficient and effective (or in close comparison) when compared with other councils involved in the program.

However, it should be noted that benchmarking the performance of local **government is complex due to the diversity in council's operations, particularly** when trying to account for differences in accountability and function, geographical size, population, climate and many other factors. The ALGPEP report therefore represents one perspective in which to view how the council is performing and

where opportunities for improvement exist, rather than being a conclusive assessment of overall council performance.

Each participating council is permitted to share the report with third parties as part of a council meeting, on a council website, or with other Participating Councils provided it is shared in its entirety and the following words are included with the report when the report is provided:

"The information and/or metrics referred to are extracted from the Australasian Local Government Performance Excellence Program survey (survey) conducted by PricewaterhouseCoopers and commissioned by LG Professionals, NSW. The survey was not conducted for the specific purposes of the council and was limited to only the councils who participated in it and based on the data they provided. The reliability, accuracy or completeness of this information has not been verified by PwC, LG Professionals, NSW or any other person.

Accordingly, no one should act on the basis of this information and neither LG Professionals, NSW nor PwC accept any responsibility for the consequences of any person's use of or reliance on this information or any reference to it."

Our ongoing participation in the ALGPEP will continue to provide the organisation with insights into its performance against that of other local government organisations. It is a catalyst for ensuring good practice, change, innovation and continuous improvement.

Work is currently underway on the FY19 ALGPEP program with the Performance Excellence Report for FY19 expected to be received late in 2019.

4. Financial Implications

The Australasian Local Government Performance Excellence Program has an annual cost of approximately \$23,000 and is currently funded through operating budget.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
The ALGPEP report and associated benchmarking metrics is seen as a conclusive assessment of council performance.	<p>The results of the ALGPEP reports are based on data provided by the 163 participating councils. It relies on these councils providing accurate, complete and timely information.</p> <p>It does not take into account the diversity in council operations and the differences in structure and accountability, nor can it completely validate the quality of the data.</p> <p>The report should not therefore be relied upon as a conclusive assessment of a council's performance and instead should be used to provide insights into how a council is performing and its opportunities for improvement.</p>

Opportunity	
Identify	Maximising the opportunity
Utilise the ALGPEP as a catalyst for change, innovation and continuous improvement.	Utilise the ALGPEP as a key management tool to help inform decision making in relation to key internal business operations. Look for opportunities to align the organisations quarterly performance reporting with the qualitative and quantitative measures in the ALGPEP to enable more regular reporting and monitoring of key metrics.
Greater collaboration with other participating councils.	There are currently 163 councils across Australia and New Zealand participating in the ALGPEP. There is an opportunity to share our results with some of these councils (particularly participating SA councils) and to work collaboratively to identify shared opportunities for improvement.

Attachment 1
Provided under separate cover

Overview					
Program Description:	The LG Performance Excellence Program FY18 is a collaborative benchmarking and analysis project driven by LG Professionals SA in partnership with Price Waterhouse Coopers (PWC). 65 NSW, 21 NZ, 23 SA, 28 WA, one ACT and one QLD council participated in the Australasian LG Performance Excellence Program FY18 Program. The report is intended to be utilised and built upon by City of Onkaparinga's (CoO) leaders, to drive improvement initiatives throughout the organisation. Following the FY18 Program a total of 19 opportunities/actions were identified for action.				
Program Owner:	Business Performance Improvement	Program Sponsor:	Alison Hancock, Director - Corporate and City Services	Program Leader:	Greg Hassam, Team Leader Business Performance Improvement

	Key Findings	Related Actions required	Responsibility	Status Update	Complete
Workforce Management	FTE is 4.2 per 1000 residents, well below the state median of 5.3 staff per 1000 residents. Overtime payments remained stable in 2018 at \$516 per FTE while the state median increased to \$702 per FTE. Lost time injury days per 100 employees is 70, well above the state median of 52 days. Median sick leave days taken across council reduced from 7.2 to 6.6 per year which matches the state median. CoO workforce with more than 8 weeks of accrued annual leave dropped from 11% to 10%, slightly above the state median of 8%. CoO does not currently record long service leave into corporate systems. This situation highlights an unknown accrued liability risk and is also highly inefficient from a data management and process perspective. Training expenditure increased by \$23 per FTE to \$562. CoO is still well below the state median of \$939.	Continue to develop real-time business intelligence reporting to monitor Human Resource data including FTEs, headcount, vacancies, turnover rate, leave balances and other key metrics.	Human Resources, Business Performance Improvement	Real-time reporting on FTEs, headcount, vacancies, turnover rate, leave balances and other key indicators has been developed using PowerBI to provide the Human Resource team with greater visibility over key workforce management metrics. 31/7	Complete
	Undertake targeted efforts to reduce excessive leave liabilities.	All Managers	People Leaders continue to work with staff to reduce excessive leave liabilities. CoO workforce with more than 8 weeks of accrued annual leave continues to reduce (approx. 9.5%).	Ongoing	
	Commence migration of long service leave data into corporate systems.	Human Resources, Business Performance Improvement	Now scheduled to occur as part of stage one of the OneCouncil project (Human Resources/Payroll rollout).	Complete	

LOCAL GOVERNMENT PERFORMANCE EXCELLENCE PROGRAM 2018

	Key Findings	Related Actions required	Responsibility	Status Update	Complete
Finance Management	<p>The CoO Finance section's 'transactional' tasks have reduced from 69% to 54% in 2018.</p> <p>CoO cost of finance as a percentage of revenue has decreased from 5.3% to 3.8%, bringing the result closer to the state median of 3.4%.</p> <p>Rates collection data provided showed an even monthly distribution of rates collection across 12 months.</p>	Further develop process improvements across the finance function, including streamlining procurement and accounts payable workflows.	Finance/Procurement	Process improvement opportunities are currently being implemented across Finance and Procurement as part of stage one of the OneCouncil project (Finance module).	Complete
		Continue to progress the maturity of the finance business partner model, including focusing on more strategic budgeting activities such as zero-based budgeting.	Financial Planning & Analysis	Finance and Finance Business Partners have an ongoing focus on zero-based budgeting and supporting the business to identify cost saving opportunities	Ongoing
		Further investigate rates collection data to ensure accuracy	Revenue	Key process identification and mapping occurred across the revenue team to explore opportunities in improving rate collection and data practices. Improvements will be implemented as part of stage one of the OneCouncil project (Finance module).	Ongoing
		Explore opportunities to establish positive cash flow model in rates collection by offering an incentive to pay early.	Revenue	Key process identification and mapping occurred across the revenue team to explore opportunities in improving rate collection and data practices. Improvements will be implemented as part of stage one of the OneCouncil project (Finance module).	Ongoing
Operations	<p>56% of the surveyed councils have a formal IT strategy. CoO does not.</p> <p>CoO has only 1.5 IT staff per 100 employees. This is much lower than the state median of 3.4</p>	Develop and formally endorse a City of Onkaparinga IT Strategy	ICT	Draft IT Strategy developed, however the major focus is currently on delivering OneCouncil project to bring our key business systems together, integrate information and streamline our council operations.	Complete

LOCAL GOVERNMENT PERFORMANCE EXCELLENCE PROGRAM 2018

	Key Findings	Related Actions required	Responsibility	Status Update	Complete
	<p>staff per 100 employees.</p> <p>The effectiveness of IT systems at CoO has been recorded as being 'inadequate' for the second year in a row.</p> <p>CoO customer service staff per 100 employees has decreased from 5.1 to 4.6 in 2018 which has now fallen below the total survey median of 4.8.</p>	<p>Ensure IT Strategy includes strong staffing and systems recommendations.</p>	ICT	Draft IT Strategy developed, however the major focus is currently on delivering OneCouncil project to bring our key business systems together, integrate information and streamline our council operations.	Complete
		<p>Ensure the City of Onkaparinga website development project is carried out with key objectives to optimise customer service overheads.</p>	ICT, Marketing & Communications, Customer Relations	The new City of Onkaparinga website was launched on 8/7/19.	Complete
Service Delivery	<p>CoO's top 4 'areas' of expenditure were all below the benchmark population average. These areas are Solid Waste Management, Parks and Gardens, Community Amenities and Roads and Bridges.</p>	<p>Further develop financial reporting to allow for sophisticated service expenditure reporting and analysis.</p>	All Managers, Business Performance Improvement	Real-time reporting on council spending has been developed. As part delivering OneCouncil project we are reviewing the chart structure and budget reporting methods to allow for sophisticated service expenditure reporting and analysis.	Ongoing
	<p>Overall solid waste management expense per resident is 10% less than the state median.</p> <p>Sporting Grounds and Amenities expenditure was approximately 17% higher than the state benchmark average.</p>	<p>Investigate major spend 'areas' for opportunities to reduce costs and improve service outcomes.</p>	All Managers	Managers continue to look for opportunities to reduce costs and improve service outcomes as part of strategic procurement practices.	Ongoing
	<p>Governance and administration costs were approximately 32% lower than the benchmark average.</p> <p>CoO is undertaking service reviews with formally reported outcomes, as are 39% of all participating Councils.</p>	<p>Continue to undertake service reviews and improvement activities in alignment with changing organisational requirements and with a focus on reporting benefits realized.</p>	All Managers, Business Performance Improvement	The Business Performance Team continues to work closely with Finance to further ensure the quality of managing and reporting of 'savings' information. A standardised business process has been developed to ensure consistency and transparency.	Ongoing

LOCAL GOVERNMENT PERFORMANCE EXCELLENCE PROGRAM 2018

	Key Findings	Related Actions required	Responsibility	Status Update	Complete
Risk Management	Risk management updates are reported 'as required' at CoO to the Audit Risk Value & Efficiency Committee in alignment with only 26% of participating Councils.	Ensure risk management reporting is clearly defined and understood.	Corporate Governance	Risk Management Framework has been reviewed and updated. Associated reporting outcomes will continue to be presented "as required".	Ongoing
	CoO is one of only 26% of SA survey population Councils that deliver the internal audit function solely with internal (staff) resources.	Review the Risk Management Framework prior to August 2019 and consider best practice with regard to governance, resourcing, policy and procedures.	Corporate Governance	Risk Management Framework has been reviewed and updated.	Complete
Corporate Leadership	CoO median council meeting duration increased by an average of 20 minutes over the past year.	Work with the new Council to make meetings run more efficiently.	Civic Governance	Elected Member numbers reduced in 2018 and an action to start council meetings earlier was adopted. There remain opportunities to make meetings run more efficiently.	Ongoing
	CoO median council meeting duration (4hrs 17mins) is significantly longer than the SA survey population median of only 2hrs 23 minutes. Staff engagement at CoO was 'not measured' in 2018. 37% of the survey population including CoO did not undertake a formal staff engagement activity in 2018.	Explore opportunities to improve agendas and reports by ensuring they are clear and concise, and provided to Elected Members well in advance of Council meetings.	Civic Governance	There remain opportunities to improve the agendas and reports process.	Ongoing

LOCAL GOVERNMENT PERFORMANCE EXCELLENCE PROGRAM 2018

	Key Findings	Related Actions required	Responsibility	Status Update	Complete
		Organisational Development Team (new resources) to recommence staff engagement activities.	Organisational Development	The Organisational Development has been reformed in 2018 and will further explore staff engagement opportunities.	Ongoing
Asset Management	CoO reports strategic management of assets to council annually. 44% of SA Councils surveyed report annually and 17% report quarterly.	Consider if more frequent asset management reporting is beneficial.		Strategic management reporting will be considered as part of the Asset Lifecycle Management module implemented across council in stage two of the OneCouncil project.	Ongoing

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9.6 Update on Boundary Reform discussions

This is a regular or standard report.

Report Author:	Karyn Ryan, Team Leader Civic Governance
Director:	Alison Hancock, Director Corporate and City Services
Attachments:	1. City of Marion NoM to Rescind – Boundary Reform (3 pages) 2. Cherry Chatter October 2019 edition (2 pages)

1. Purpose

The purpose of this report is to provide elected members with an update on discussions that have taken place between the Mayor and Chief Executive Officer **with neighbouring Council's regarding** boundary reform.

2. Recommendation

That Council note the information provided in the agenda report.

3. Background

At the 19 March 2019 City of Onkaparinga Council meeting the following Motion was resolved:

- 1. That Council investigate and undertake discussions regarding boundary reform with the City of Marion, Adelaide Hills Council, City of Mitcham and the Grants Commission.*
- 2. That a report come back to Council outlining the opportunities, challenges and costing as part of the boundary reforms after discussion with the City of Marion, Adelaide Hills Council, City of Mitcham and the Grants Commission have taken place.*

City of Marion Information

At the 23 April 2019 City of Marion council meeting the following Motion was resolved:

- 1. Write to the Onkaparinga, Mitcham and Adelaide Hills Councils giving notice of the intention to submit a proposal to the Local Government Boundaries Commission to extend the boundary of the City of Marion to include "The Designated Area" i.e. the suburbs of Happy Valley, Aberfoyle Park, Flagstaff Hill, O'Halloran Hill and Darlington (excluding the area which is: east of Flagstaff Road, north of Bonneyview Road and Northwest of the Flagstaff Hill Open Space Zone, with precise details to be confirmed);*
- 2. Administration take steps to collect financial data in respect of The Designated Area, either with the cooperation of the City of Onkaparinga or if necessary by other means such as enquiries to the Valuer General (and if necessary, expend on this task up to \$4000 from budgeted savings);*
- 3. Administration bring a report back to Council in August 2019 with:*

- 1. A very basic analysis of the estimated impact of incorporation of The Designated Area into the City of Marion on ratepayers of The Designated Area and the current ratepayers of the City of Marion;*
- 2. A costed proposal for consulting residents and businesses in The Designated Area to ascertain their views on incorporation of the area into the City of Marion, particularly their perception of community of interest.*

Following the above resolution from the City of Marion, conversations were commenced between the City of Marion, Mitcham and Onkaparinga regarding potential boundary changes and the process required to be undertaken should a boundary reform application proceed.

At their 11 June 2019 Council meeting, the City of Marion rescinded their motion to commence boundary reform discussion regarding the suburbs of Happy Valley, Aberfoyle Park, Flagstaff Hill, O'Halloran Hill and Darlington

Supporting information to abandon the process was included in the Notice of Motion to Rescind from Mayor Kris Hanna and their Corporate Governance Manager. The Notice of Motion to Rescind can be found at attachment 1 and outlines **the City of Marion's** reasons for abandoning the process, briefly:

- The initiating Council is responsible for paying fees to the boundary commission for an investigation (should a proposal progress to that stage)
- The approximate cost of \$250,000.00 to engage an investigator would be incurred by the initiating council
- After completion of any such investigation, and if successful the City of Marion would have to compensate the City of Onkaparinga for the value of their assets or a percentage of debt
- If the City of Onkaparinga was left with surplus FTE as a result of the boundary review, the City of Marion would be liable for these related costs

Cherry Chatter October 2019

Mr Darren Kruse has submitted an article to the October 2019 edition of Cherry Chatter (attachment 2) in which he discusses a boundary change proposal for the suburbs of Coromandel East, Cherry Gardens, Chandlers Hill and Ironbank to move from the City of Onkaparinga to within the Adelaide Hills Council boundary. The article also includes a petition in support of his suggestion. No formal communication has been entered into with the City of Onkaparinga. Darren Kruse is a Councillor at the City of Mitcham.

4. Financial Implications

There are no financial implications in Council noting this report. Financial implications will be incurred if a proposal is submitted. See [Guideline 8 - Costs](#)

5. Additional information

On 1 January 2019, the South Australian Local Government Boundaries Commission was formed, as the independent body that assesses and investigates council boundary change proposals, and makes recommendations to the Minister.

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Local Government Act 1999 (the Act). This role is undertaken by the Local Government Grants Commission.

The Commission has prepared Guidelines that detail the process by which it will receive, assess and progress council boundary change proposals. The Guidelines should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the Act.

Guidelines for preparing a proposal:

- [Guideline 1 - General Information](#)
- [Guideline 2 - Administrative Proposals](#)
- [Guideline 3 - General Proposals - Submitting a Proposal to the Commission](#)
- [Guideline 4 - General Proposals - Investigations](#)
- [Guideline 5 - General Proposals - Appointing Investigators](#)
- [Guideline 6 - Public Initiated Submissions](#)
- [Guideline 7 - Public Initiated Submissions - Alteration to the Composition or Representative Structure of a Council](#)
- [Guideline 8 - Costs](#)
- [Guideline 9 - Engagement and Consultation](#)

Boundary change proposals are proposals that change the area of a council. This could mean a proposal to:

- constitute a council
- amalgamate two or more councils
- abolish a council and incorporate its area into the areas of two or more councils
- alter the boundaries of a council area.

Proposals must set out in general terms the nature of the proposal, comply with any requirements of the proposal guidelines and may be referred to the Commission by:

- resolution of either House of Parliament
- the Minister
- a council or councils
- the prescribed percentage or number of eligible electors.

The Commission will assess the proposal in accordance with the requirements of the Act and proposal guidelines.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a proposal, there are separate processes for administrative proposals and general proposals.

6. Q & A's from the Office of Local Government

The following questions were posed to the Office of Local Government (OLG) to assist members with an understanding of the outlining processes around Boundary Reform. The responses have been provided by the OLG.

Q: What is the difference between Administrative Proposals and General Proposals

A: *The Act now divides proposals into two categories – administrative (relatively minor specific matters) and general (everything else). 'General proposals' can therefore cover a huge range of boundary change proposals – from relatively minor boundary changes, right through to full amalgamations.*

Q: What are the costs to Council for going through the process of Boundary Reform/Review (administrative costs/consultants etc) and when are these to be paid?

A: ***It's not possible to predict the costs of a proposal where the details of the proposal are not known. Obviously, the costs will vary depending on the complexity of the proposal submitted to the Commission.***

If the Commission is investigating a general proposal, it can appoint one or more investigators to undertake a detailed inquiry into the proposal. Guideline 5 provides further information on the Commission's process for appointing investigators.

Expected costs will be based on the investigation process and the associated public consultation that occurs during the investigation process.

A proposal will not proceed to an investigation without the Commission consulting with the initiating council on expected costs and any alterations to a proposal (if relevant). The Commission must advise the initiating council of an estimate of the costs of investigation before the investigation begins. It would then be up to the council to determine whether to proceed with the proposal.

Q: What is the point of no return for a Council?

A: *Once a Stage 2 application is referred to the Commission and the Commission decides that an investigation into the proposal is appropriate, the Commission must advise of expected costs (as discussed above). It will then be up to the council to determine whether to proceed with the proposal.*

If the council decides that they wish to proceed with the proposal and the investigations, it is at this point that the proposal would not be withdrawn/terminated by the Commission.

Q: Who has the ultimate decision on whether a boundary is realigned?

A: *The Minister for Local Government will make the final decision as to whether a boundary proposal is to proceed based on the recommendations made by the Boundaries Commission. These recommendations must be published.*

If the Minister determines that the proposal should proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made.

If the Minister determines that the proposal would NOT proceed, he must make a report on the matter to both Houses of Parliament.

Q: What control does either council have throughout the process?

A: *This will depend on what type of proposal has been lodged if it is an Administrative or General proposal – Council initiated or publicly initiated. Guidelines 2 - 6 outline the process and Councils/initiators involvement throughout the process. Regardless of the initiator, the Commission would engage with all relevant councils closely.*

Q: Is the initiating Council responsible for the payment of monies to the receiving council for liabilities attached to assets that are transferred?

A: *One critical part of any reasonably significant investigation will be a detailed consideration of the potential financial implications on all affected councils. This would include the impact of the transfer of any assets. While there has been **comments in the media recently about 'payment' or 'compensation' for assets, it's not possible to determine how issues that would be raised in this process would be dealt with, with no details on a proposal, let alone any understanding of the assets that may be involved.***

Guideline 4 outlines what an inquiry/investigation into a proposal must consider. An inquiry into a proposal must consider the financial implications and impact on resources that the proposal is likely to have on any council affected by a proposal and division of assets and liabilities – including land and buildings, plant and equipment, cash, investments, interests in and business activities, debtors, debt, overdraft, staff entitlements.

The outcome of this inquiry would be included in the investigations report with recommendations regarding the financial implications on each affected Council.

Q: Is the difference in the cost of rates/rate in the dollar a valid reason to commence a boundary reform proposal?

A: *No, cost of rates, dissatisfaction with the services provided by a council, or with particular elected members, is not sufficient reason for members of the public or Councils to make a submission to the Commission. These are issues that should be decided between councils and their ratepayers.*

Before a boundary reform proposal is considered as the best way forward by a Council, the principles outlined in Section 26 of the Act should be considered – as this will be the basis for the Commission considering all proposals.

Guidelines 3 and 6 are relevant here.

Q: **Is the receiving Council required to 'take on' employees from the reducing Council as part of the process where those employees are calculated to be linked to the service area that is being transferred to the new council?**

A: *As mentioned above Guideline 4 outlines what an inquiry/investigation into a proposal must consider, including financial implications and impact on resources - including any staff entitlements.*

Q: Who funds the investigation as part of the boundary reform proposal if the proposal is commenced from a sector of the community and not the Council?

A: *The investigation of publicly initiated submissions are funded by the Government, but are restricted to proposals for boundary alterations (that is, publicly initiated submissions cannot propose amalgamations). There were no changes to this particular aspect of the system in the amendments that commenced last year – **other than a change in the number of 'eligible electors' that are needed to submit a proposal.** Under the previous legislation it was 20 people; it is now 10% of the affected area.*

7 Potential sites for Boundary Reform

Sigma Road, Lonsdale

Discussion have taken place regarding a developer initiating discussions with the City of Marion and City of Onkaparinga to undertake a boundary Reform proposal regarding a single property which forms an unusual boundary formation between both Councils on the border of Sigma Road, Lonsdale. An application to rezone the land will have to be completed before any boundary reform process can be considered. The Office of Local Government have advised the developer that this proposal would fall into the category of a "General Proposal" and would not be considered as an "Administrative Proposal" which is for relatively minor specific matters. The below map outlines the existing local government boundary in Lonsdale.

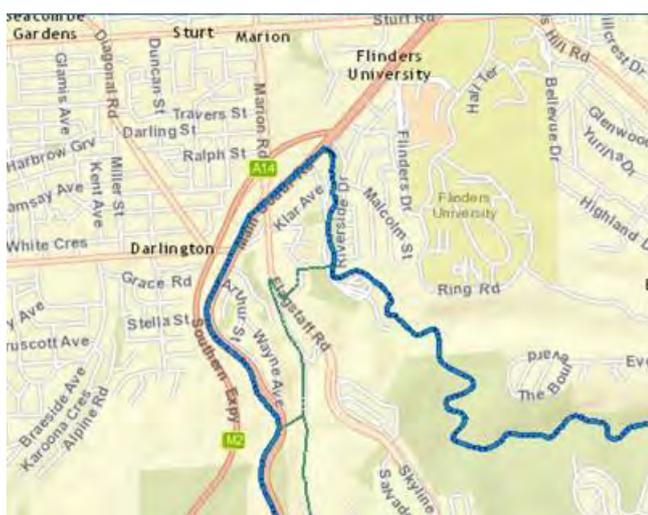


Darlington

Conversations regarding alignment of the boundaries in Darlington have commenced between our CEO and the CEO of the City of Marion.

It is suggested that this process (given both parties agree) be used to inform any future boundary conversations.

The below map outlines the existing local government boundary in Darlington.



8. Further information on Legislative process

Guideline 2 - Administrative proposals

Administrative proposals are made to correct historical anomalies in council boundaries, to allow for approved development, or for other, largely administrative reasons. The process for conducting an inquiry into these proposals is therefore streamlined. Section 30 of the Act sets out the requirements for administrative proposals.

Administrative proposals must set out the nature of the proposal and the following matters must be included in a submission:

An outline of the submission

Provide a brief explanation of the submission

A map

Include a suitable map, showing the area in question.

Grounds for making the submission

A submission must set out in detail the grounds on which the submission is made and the issues that you think should be considered in an assessment of the change to boundaries.

Any other relevant information

This could include details on consultation undertaken on the proposal, or links to related processes (such as a development assessment process).

Further information is contained within Guideline 2.

Guideline 3 & 4 - General proposals

The Act also provides for more significant proposals to be considered. Section 31 of the Act sets out the requirements for general proposals and provides for an independent analysis of significant boundary change or amalgamation proposals (general proposals), with expertise relevant to each proposal.

General proposals must set out a detailed description of the proposal and the following matters must be included in a submission:

Description of the proposal

- Provide a detailed description of the proposal
- Clearly identify all councils involved

Principles

- Describe the proposal with reference to the principles set out in section 26 of the Act and contained and described in Attachment 1 and 2.
- Prior to accepting a proposal, the Commission may request information from other affected councils in relation to their view of how the proposal will address the principles.

Communities of interest

- Discuss various components (cultural, heritage, shopping, community services, road and other transport links, sporting, etc.) of the social fabric of the area which is the subject of the proposal. Identify common interests that would be likely to benefit from the proposal.

- Identify any individual large community or business assets, or significant geographical features in the area of the proposal that you consider affect the community of interest.

Consultation with the community and key agencies

- Provide evidence that appropriate consultation has taken place with the community.
- Where appropriate, provide numbers of letters received supporting and opposing the proposal, details of public meetings held to discuss the proposal, and estimates of numbers attending. Provide copies of news articles, letters to the editor and public notices in newspapers.
- Identify concerns that were raised during consultation, the degree of support shown for and against them, and how they were addressed by all affected councils.

Advantages and Disadvantages

- Provide a balanced representation of the advantages and disadvantages of the proposal.
- Identify stakeholder groups, providing details of the interests and identity of each. Discuss impacts of the proposal on each group.
- Record any significant opposition known to the applicant council or councils and the basis of this.

Calendar of events

- List in sequence dates of key council decisions, announcements, notices, public and other meetings, actions by stakeholder groups, press articles etc.

Any other relevant information

- Information the council considers relevant for matters the Commission must consider under section 31(3)(b).

Maps

- Maps should be supplied which depict in sufficient detail the area the subject of, and surrounding area of the proposal (where relevant).

Further information on general proposals is contained within Guideline 3. The information provided in a general proposal will enable the Commission to make a decision whether to accept the referral. If accepted, the Commission will request further information as part of its investigation of the proposal. Further details on investigations are contained within Guideline 4.

Section 26 - Proposal Principles

When considering any boundary change proposal the Commission must refer to the Principles contained within Section 26 of the Act. The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

They cover issues such as the ability of a council to fulfil its functions from the resource base **available to it, and the reflection of a 'community of interest' in the area and structure of a council.** The principles as contained in Section 26 are as follows:

The Commission should have regard to—

- *The objects of the Act*
- *The roles, functions and objectives of councils under this Act; and*
- *The following principles:*
 - *The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;*
 - *Proposed changes should, wherever practicable, benefit ratepayers;*
 - *A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;*
 - *A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;*
 - *A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;*
 - *A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes*
 - *A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations*
 - *A council area should incorporate or promote an accessible centre (or centres) for local administration and services*
 - *The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters*
 - *Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)*
 - *A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change*
- *The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.*
- *The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.*

Proposal conclusion report

At the conclusion of an inquiry, the Commission must prepare and publish a report that includes the Commission's recommendations and provide a copy of the report to the Minister.

Following receipt of a report from the Commission, the Minister may then determine whether a proposal recommended by the Commission should proceed. **While the Minister can propose changes to the Commission's reports or recommendations relating to general proposals, the Commission is not bound to comply with the Minister's views.**



WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Rescission Motion - Onkaparinga Boundary

Elected Member Mayor Kris Hanna

Report Reference: GC190611M01

Motion:

That Council:

1. Rescinds the motion GC190423M06
1. *Write to the Onkaparinga, Mitcham and Adelaide Hills Councils giving notice of the intention to submit a proposal to the Local Government Boundaries Commission to extend the boundary of the City of Marion to include "The Designated Area" i.e. the suburbs of Happy Valley, Aberfoyle Park, Flagstaff Hill, O'Halloran Hill and Darlington (excluding the area which is: east of Flagstaff Road, north of Bonneyview Road and Northwest of the Flagstaff Hill Open Space Zone, with precise details to be confirmed).*
2. *Administration take steps to collect financial data in respect of The Designated Area, either with the cooperation of the City of Onkaparinga or if necessary by other means such as enquiries to the Valuer General (and if necessary, expend on this task up to \$4000 from budgeted savings).*
3. *Administration bring a report back to Council in August 2019 with:*
 4. *A very basic analysis of the estimated impact of incorporation of The Designated Area into the City of Marion on ratepayers of The Designated Area and the current ratepayers of the City of Marion.*
 5. *A costed proposal for consulting residents and businesses in The Designated Area to ascertain their views on incorporation of the area into the City of Marion, particularly their perception of community of interest.*
6. Initiates no changes, to the City of Marion boundary with the City of Onkaparinga, which involve the eastern side of South Road.

Supporting Information:

Less than two months ago I supported the concept of the suburbs of Aberfoyle Park, Happy Valley and Flagstaff Hill becoming part of the area of the City of Marion. Now I have come to the conclusion that it would be costly and quite possibly futile. Undertaking the process itself does not appear to offer good value for our residents.

What has changed since April?

First of all, it is worth restating the obstacles which must be overcome before a boundary change can be implemented. It begins formally with a notice of intention. The Office of Local Government/Boundaries Reform Commission may then provide a green light and at that point gives a quotation for consultancies which they engage independently to assess the boundary proposal. The review goes to the Boundaries Reform Commission (which receives advice from the Office of Local Government). If the Commission accepts the proposal, it still must be signed off by the Minister for Local Government.



On 2 May 2019 I attended a briefing about this process from the Office of Local Government and the Boundaries Reform Commission organised by the LGA. The Commissioners all have ample local government experience and seemed to embrace the possibility of sensible boundary changes. The Office of Local Government I found to be less welcoming of proposals. One of the most significant points made at the briefing, which I had not previously appreciated, was that any "acquiring" Council must pay for what it acquires. So, for example, if Marion was to acquire 10% of Onkaparinga's infrastructure, the Boundary Review consultant might determine that Marion has to pay up to 10% of Onkaparinga's asset base. Such cost, or anything like it, I suggest would be completely prohibitive to the City of Marion.

Of course, the pricetag put on the acquisition might be less than. It might even be worked out on the basis of Onkaparinga's debt rather than on Capri because asset base. But here is the problem – we don't get to know the pricetag until the end of the review. The cost of the consultants for the above proposal (we don't get to choose them) has been estimated in writing at \$250,000.

In other words, we can ask our own staff to do a mountain of work, pay \$250,000 for consultants we don't choose, wait a year to get a report, only to find that the pricetag put on the boundary change (for Marion ratepayers to pay) is poor value or even prohibitive. Appreciating this fact alone, why would we undertake the expensive exercise in such a risky basis?

The second point I make is in relation to Onkaparinga. As expected, there has been strong opposition from their management. Interestingly, the City of Onkaparinga decided only weeks ago to introduce fortnightly green bins. The limitation of a green bin collection only every four weeks would have been a strong motivation for many of their residents to come under the City of Marion umbrella (even though it is meant to be purely about community of interest, et cetera).

Thirdly, there has been another very significant change of position. I spoke with Steve Murray MP earlier in the year about the council boundary issue. He was totally supportive of a change boundaries in line with the proposal initially considered by Marion in April. This is significant, because the member for Davenport is of the same political party as the Minister for Local Government. One must question the likelihood of the Minister signing off on a major proposal without the support of his backbench colleague in the local area. The Member for Davenport would not support the boundary change with Marion Council's policies as they are (Appendix 1).

After what has come to light since April, Council may well consider it is better to cut our losses right now before taking any further action in relation to the ambitious, costly and risky proposal considered in April. Note that the motion is not to *initiate* any boundary changes involving the other side of South Road; that is not to say that the City of Marion could not consider, or even support, any reasonable proposal for boundary changes initiated by somebody else.

Response Received From: Kate McKenzie, Manager Corporate Governance

Corporate Manager Manager Corporate Governance - Kate McKenzie

General Manager Acting General Manager Corporate Services - Ray Barnwell

Staff Comments:

Work has commenced on progressing this resolution and to date the following actions have occurred:

- Letters have been sent to the Councils named within the resolution
- Meeting with Alex Hart from Office of Local Government
- LGA Training
- Meeting with Mitcham and Onkaparinga to discuss potential boundary changes and approach
- Obtained capital valuation data for each of the identified suburbs however, the analysis has yet to be completed.
- Initial scoping for a community survey for each of the identified suburbs (discussed with



Onkaparinga the idea of completing a joint survey)

- Simple analysis of library data to understand the numbers of people who have 'nominated' the Marion Library Service as their 'home' location who reside in the identified suburbs.

Based on the above, the following information has been determined:

- There is a total of 14,845 assessment within the identified suburbs with a total capital valuation of \$2,973,770,600
- At the Elected Member Forum in March, the Rating Impact item reported the City of Marion total capital value at \$ 21,678,779,920
- Onkaparinga completed a representation review in 2017 which identified that they have a total of 121,855 electors and the average elector ratio is 1:10,155
- City of Marion's representation quota reported in the annual report for 2017/18 was 1:4,960
- A submission to the Boundary Commission to progress to stage 1 of a boundary review, must align with the principles outlined in section 26 (c) of the Local Government Act . These principles relate to community benefit, Councils having sufficient resources and diverse services to support communities, the planning and development within area being coherent, communities of interests, access to local Council administration centre, access to and community participation in decision making and adequate and fair representation (and avoiding over-representation).
- If the Boundaries Commission agrees with the stage 1 submission, the boundary review will proceed to a stage two where the Commission will appoint investigators. The cost of the investigators will be charged to the initiating Council. A quote will be provided but the total costs will be unknown until the conclusion of the process. To date, a high level estimate has been provided for approximately \$250k for a review of this scale.
- The Boundaries Commission has advised that no Council will be left with a financial burden/detriment as a result of a boundary review. This means that one Council may be required to pay another Council compensation. This cost/liability will not be determined until the end of the process when the full financial analysis will be complete.
- There are a number of community facilities and assets within these suburbs that have been identified but the asset conditions are unknown. These facilities and assets include sporting facilities, community centres, library, cemetery, skate park, dog park, open space etc. The resources (Full Time Equivalent - FTE) required to deliver services and maintain assets has not been determined, however the boundaries commission has indicated that they have no power to instruct a Council to take on staff from another Council. Therefore, any transfer of staff from one Council to another would be via negotiation and agreement. If Onkaparinga was left with surplus FTE as a result of the boundary review, the City of Marion would be liable for these related costs.

Summary

Based on the limited information obtained so far, there is some opportunity and merit in the boundary alignment however, the unknown costs do create a risk that Council needs to consider.

If the rescission motion is successful, administration will advise the other Councils accordingly and cease work on the review.

ATTACHMENTS:

#	Attachment	Type
1	GC190611_Rescission Motion, Onkaparinga Boundary_Appendix 1	PDF File

October 2019
#306

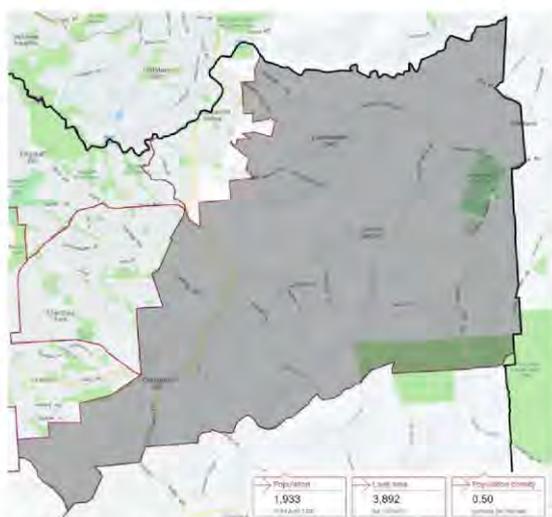


Incorporated by the Cherry Gardens Community Association Inc.

LETTER TO THE EDITOR

BOUNDARY CHANGE PROPOSAL AND DISCUSSION

Many will have read in the Advertiser recently regarding the potential boundary changes being discussed amongst City of Holdfast Bay and Marion Council. This has occurred because on 1 January 2019, the South Australian Local Government Boundaries Commission was formed, as the independent body that assesses and investigates council boundary change proposals, and makes recommendations to the Minister. What you may not have known is that this process can be initiated by a request from just 10% of the affected residents. According to Australian Bureau of Statistics in 2018 the community of Coromandel East - Cherry Gardens - Chandlers Hill - Ironbank had 1,933 residents.



Map of Cherry Gardens, Ironbank, Coromandel East, Chandlers Hill

Why would we as a community want to move from Onkaparinga to say Adelaide Hills?

I

Objectively, there are at least three reasons. Firstly, the **average rates are around \$257 less** pa (based on an average house price of \$812,000). Secondly, **Adelaide Hills is much closer to us**. The Adelaide Hills community centre is at Stirling, 16 km from the CFS shed compared to Noarlunga Civic Centre which is 22km away. Closer makes accessing council easier. Thirdly, we currently receive around **one quarter the representation** that Adelaide Hills Council residents enjoy. After reducing its councillors from 20 to 12 in 2018, Onkaparinga's Thalassa Ward has a ratio of councillors to residents of 1:9,899. The Adelaide Hills Council has an average representation ratio of 1:2,396.

The LOCAL GOVERNMENT ACT 1999 - SECT 26 sets out criteria that include

(ii) proposed changes should, wherever practicable, benefit ratepayers; [See *savings estimate of \$257 pa for the average resident*]

and

(v) a council should facilitate effective planning and development within an area and be constituted with respect to an area that can be promoted on a coherent basis; [The word "coherent" is interesting given that the suburb profile of Onkaparinga is anything but coherent. We are nothing like the high density suburbs of Reynella, Morphett Vale, Christies Beach or Sellicks - yet are under the same planning area.]

and

(vii) a council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations; [The *Onkaparinga Elector Representation Review* only talks about "established suburbs", which arguably misses the point of this criteria entirely.]

and

viii) a council area should incorporate or promote an accessible centre (or centres) for local administration and services; [We are much closer to Stirling than Noarlunga]

and

(xi) residents should receive adequate and fair representation within the local government system, [Currently we receive around one quarter the representation that Adelaide Hills Council residents enjoy. Higher rates, but far less representation ...]

So, where to from here? To bring community attention to the issue and to see if there is any interest in exploring this further, perhaps with a community meeting at the Hall - I've set up an online petition on

change.org at <http://bit.ly/Cherry2AHC>

I look forward to discussing this with my friends and neighbours! regards, Darren Kruse

Sources are all available online

- SA Gov Changes to council boundaries : https://www.dpti.sa.gov.au/local_govt/boundary_changes
- Map and ABS data for community of Coromandel East - Cherry Gardens - Chandlers Hill - Ironbank <https://profile.id.com.au/ONKAPARINGA/about?WebID=160>
- Onkaparinga Elector Representation Review : <https://yoursay.onkaparinga.sa.gov.au/elector-representation-review>
- Adelaide Hills Elector Representation Review : <https://engage.ahc.sa.gov.au/elector-representation-review>
- LOCAL GOVERNMENT ACT 1999 http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/sa/consol_act/lga1999182/s26.html
- [Adelaide Hills Rates 2019-2020](#)
- [Onkaparinga Rates 2019-20](#)

Editors Comment: The Cherry Gardens Community Association will be holding a public meeting later in October to give all residents the opportunity to have their say about this proposal. We are contacting both the Onkaparinga and Adelaide Hills councils to ask if they can send a representative to help answer questions. We are also looking to see if there are any other impacts that need to be considered as part of any proposal to change councils such as other fees, costs and support activities that need to be taken into account. Please keep an eye on the Cherry Chatter website www.cherrychatter.org.au and facebook sites <https://www.facebook.com/92CherryChatter/notifications/> for updates and roadside notices will be made available.

PLEASE TAKE NOTE

Opinions and articles printed in the Cherry Chatter are not necessarily shared by the members of the Cherry Chatter Committee.

NOTE – The Cherry Chatter Committee will not approve any controversial article for publishing unless the name and address of the author is supplied.

2

RAINFALL REPORT FOR AUGUST

Cherry Gardens Rainfall

Rainfall for August 2019	112.6 mm
Rainfall for August 2018	145.8 mm
Average rainfall for August	117.7 mm
Rainfall to the end of August 2019	591.2 mm
Rainfall to the end of August 2018	573.2 mm
Average rainfall to the end of August	658.4 mm

2019 CHERRY CHATTER COMMITTEE

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Deputy Chair	Kerry Hughes
Editorial Team	Don Watton, Paul Heck, Vicki Kirss, Emmanuelle Harrington
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CC Email address: cherrychatter@yahoo.com

NEXT CC MEETING

7.30pm Tuesday 8th October at Bill Semple's home.
Articles to be received by 5th of each month – without exception.

JUSTICE OF THE PEACE

Cherry Gardens: Michael (Mike) Deare Ph 83882185
648 Cherry Gardens Road
Coromandel East: Baldev Singh Dhaliwal – Ph 83705048
Mob 0411 113 331
Mrs Vicki Hayman Ph 0405 015 411
Blackwood: Darren of Kruse Legal Ph 82781779
Office of Sam Duluk MP Ph 82785844
JP Services are available Mon–Fri 9-5
JP's work at no charge, so please CALL FIRST to book an appointment.

HAPPY BIRTHDAYS for OCTOBER

Hannah Pillar	Alicia Anson
Rick Grear	Evonne Stevens
Heidi Vickerman	Joanne Monahan
Kaitlyn Monahan	Clayton Smalley
Charlotte Smalley	

HALL NEWS

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9.7 Procedure for Investigating Complaints under the Code of Conduct for Council Members 2018

This is a regular or standard report.

Director:	Alison Hancock, Director Corporate and City Services
Report Author:	Karyn Ryan, Team Leader Civic Governance
Contact Number:	8384 0626
Attachments:	1. Draft Procedure for Investigating Complaints under the Code of Conduct for Council Members 2018 (28 pages) 2. Mandatory Code of Conduct for Council Member's August 2013 (5 pages)

1. Purpose

The purpose of this report is for Elected Members to review and adopt the Procedure for Investigating Complaints under the Code of Conduct for Council Members 2017 – Managing a complaint under Part 2 – Behavioural Code (the Procedure), attachment 1.

As required by legislation this Procedure must be reviewed within twelve months of a local government general election.

2. Recommendation

That Council adopts the Procedure for Investigating Complaints under the Code of Conduct for Council Members 2019 as attached to the agenda report at attachment 1.

3. Background

Section 63(1) of the *Local Government Act 1999*, sets out that the South Australian Governor may prescribe a Code of Conduct to be observed by the members of all South Australian councils.

On 29 August 2013, a Code of Conduct for Council Members, (attachment 2) was prescribed by the Minister for Planning. This Code applies to all Council Members across the Local Government sector in South Australia, setting consistent standards of behaviour across the state.

The Code consists of four parts:

- Part 1 – Higher Principles – No procedure.
- Part 2 – Behaviour – Each Council adopts its own procedure.
- Part 3 – Misconduct – complaints dealt with by Ombudsman or Office of Public Integrity.
- Part 4 – Criminal matters – Complaints referred to OPI or relevant authority.

The Code requires each Council to develop and adopt their own procedure for dealing with complaints only under Part 2 – Behaviour.

Council adopted the City of Onkaparinga’s Procedure for Investigating Complaints under the Code of Conduct for council Members (the Procedure) on 24 September 2013 and as required by legislation was reviewed after the November 2014 local government election on 9 December 2014. The Procedure was also reviewed and updated on 18 October 2016 and 19 September 2017.

4. Financial Implications

There are no financial implications in adopting the Procedure.

Costs may be incurred during early intervention, preliminary assessment, mediation and/or full investigation of a complaint.

Early intervention or formal mediation costs vary depending on the number of sessions required to resolve the issue. Preliminary assessments and full investigations may also vary in costs depending on the complexity of the complaint and the number of individuals required to be interviewed or make statements. The **Local Government Association Governance Panel or one of council’s pre-approved** legal practitioners may be engaged to undertake preliminary assessments and/or independent investigations.

Resolution recommendations may involve the subject of the complaint undertaking training in a specific area of the roles and responsibility of Elected Members. The cost of this additional training also depends on the level or training recommended.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Council not adopting a procedure for dealing with complaints under the Code of Conduct for Council members – part 2 Behaviour	The legislation (Section 63 (1) of the Local Government Act 1999) intends that each council adopt a procedure for dealing with complaints under Code of Conduct for Council Members, Part 2 – Behaviour. Council by adopting a procedure mitigates the risk of being in breach of the legislation and ensures Council has a considered an appropriate process which will uphold the principles of good governance.
Non-compliance by elected members with mandatory legislative requirements of behaviour.	The Code of Conduct provides a thorough overview of the legislation to assist elected members and members of the public to understand exactly what constitutes proper behaviour, misconduct and corruption without having to refer to legislation separately. It is the personal responsibility of elected members to ensure that they are familiar and comply with the standards in the Code at all times.

6. Additional information

The legislation Section 63 (1) of *the Local Government Act 1999* sets out that each Council must adopt a procedure for dealing with complaints under Code of Conduct for Council Members, Part 2 – Behaviour.

The attached procedure was developed in association with KelledyJones Lawyers and adopting this procedure ensures Council has considered an appropriate process which will uphold the principles of good governance.

Improvements have been made to grammar and numbering and changes have been incorporated since the last review of the Procedure in September 2017. The changes are highlighted in blue text and have been included to:

- Provide clarification around confidentiality of complaints to assist the relevant parties to understand the requirement to keep the complaint and details confidential. (Page 8 of the Procedure)
- Outline the steps required to seek advice from the complainant on whether or not they wish their identity to be protected. (Page 8 & 9)
- Provides for the Mayor/CEO or delegate to advise the subject member in writing of the complaint and the allegations. (Page 9)
- Clarifies the facilitation of early intervention. (Page 9)
- Clarifies that the Procedure only deals with Part 2 – Behaviour complaints (Page 10)
- Clarifies that provisions in the Council report should include that confidential minutes be provided to Complainants who are members of the community or staff. (Page 12)
- **Clarifies that if Council chooses not to accept the Preliminary Assessor's recommendation, Council can make an alternate recommendation, but must provide the reasons. (Page 13)**
- Clarifies that complaints that deal with Part 3 Misconduct must include sufficient evidence to form a reasonable indication of alleged misconduct. (Page 14)



Investigating Complaints under the Code of Conduct for Council Members 2019

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1. Introduction

- 1.1 Section 63 of the *Local Government Act 1999* provides that the Governor may, by regulation, prescribe a code of conduct to be observed by members of Council.
- 1.2 A Code of Conduct for Council Members (the Code) was prescribed in accordance with the Act. The Code was Gazetted on 29 August 2013 and commenced operation on 1 September 2013. Council Members must comply with the provisions of the Code in carrying out their functions as public officials.
- 1.3 Part 2 of the Code deals with behavioural matters and the clause 2.19 of the Code provides that a complaint may be investigated and resolved in any manner which the Council deems appropriate in its process for handling alleged breaches of Part 2. This can include, but is not limited to, referral to a mediator or conciliator, the Local Government Governance Panel, a regional governance panel, or an independent investigator.
- 1.4 This procedure for Investigating Complaints (the Procedure) outlines the procedures to be observed by the Council for the purposes of addressing and processing any Complaints alleging a breach of the Code. The Procedure reflects Council's commitment to ensuring the appropriate investigation of Complaints under the Code.
- 1.5 The Procedure will apply when the Council receives a Complaint against a Council Member under the Code. A copy of the Code may be accessed on the Council's website.
- 1.6 Breaches of the Code may relate to behaviour (in Part 2 of the Code) or misconduct (in Part 3 of the Code). Part 3 of the Code contains the mechanisms for the management of the alleged breach. This Procedure sets out the Complaint handling process for complaints made under Part 2 of the Code.
- 1.7 Criminal or corruption matters, which are subject to separate legislation, do not form part of the Code, but are referred to in the Appendix of the Code.
- 1.8 Complaints regarding the council administration or specific employees must be directed to the Council's Chief Executive Officer for management in accordance with the Code of Conduct – Council Employees or relevant administrative procedure.

2. Purpose

The Code of Conduct Complaint Procedure has been developed to establish an agreed process for handling complaints against Council Members for alleged breaches of Part 2 of the Code of Conduct for Council Members. This process applies when Council receives a complaint against a Council Member under the Code of Conduct for Council Members.

3. Definitions

- Capitalised terms appearing in this Procedure have the same meanings as those in the Code, unless otherwise expressed.
- **Act** means the *Local Government Act 1999* (SA).
- **Affected Person** has the same meaning as that set out in paragraph 4.17.3
- **Appropriate Authorities** refers to an authority that receives disclosure of public interest information, in particular:



- a Minister of the Crown;
 - a member of the police force - where the information relates to an illegal activity;
 - the Auditor-General – where the information relates to the irregular or unauthorised use of public money;
 - the Ombudsman – where the information relates to a public officer;
 - the Office for Public Integrity;
 - the Independent Commissioner Against Corruption; or
 - any other person to whom, in the circumstances of the case, it is reasonable and appropriate to make the disclosure.
- **Business day** means a day that is not a Saturday, Sunday or public holiday in South Australia.
 - **Bullying in the workplace** means, treatment of a person, or a group, that:
 - is unfair
 - is repeated or ongoing
 - makes people feel embarrassed, victimised, humiliated, threatened or undermined.
 - **Code** refers to the Code of Conduct for Council Members as published in the South Australian Government Gazette.
 - **Complaint** can take the form of either a:
 - letter;
 - email; or
 - duly completed (prescribed) form under the Procedure, but must in every instance, be in writing.
 - **Complainant** refers to the person who makes a Complaint.
 - **Corruption in public administration** as defined by the *Independent Commissioner Against Corruption Act 2012* means:
 - An offence against Part 7 Division 4 (offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
 - bribery or corruption of public officers;
 - threats or reprisals against public officers;
 - abuse of public office;
 - demanding or requiring benefit on basis of public office;
 - offences relating to appointment to public office;
 - any other offences (including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
 - any of the following in relation to an offence referred to in a preceding paragraph:

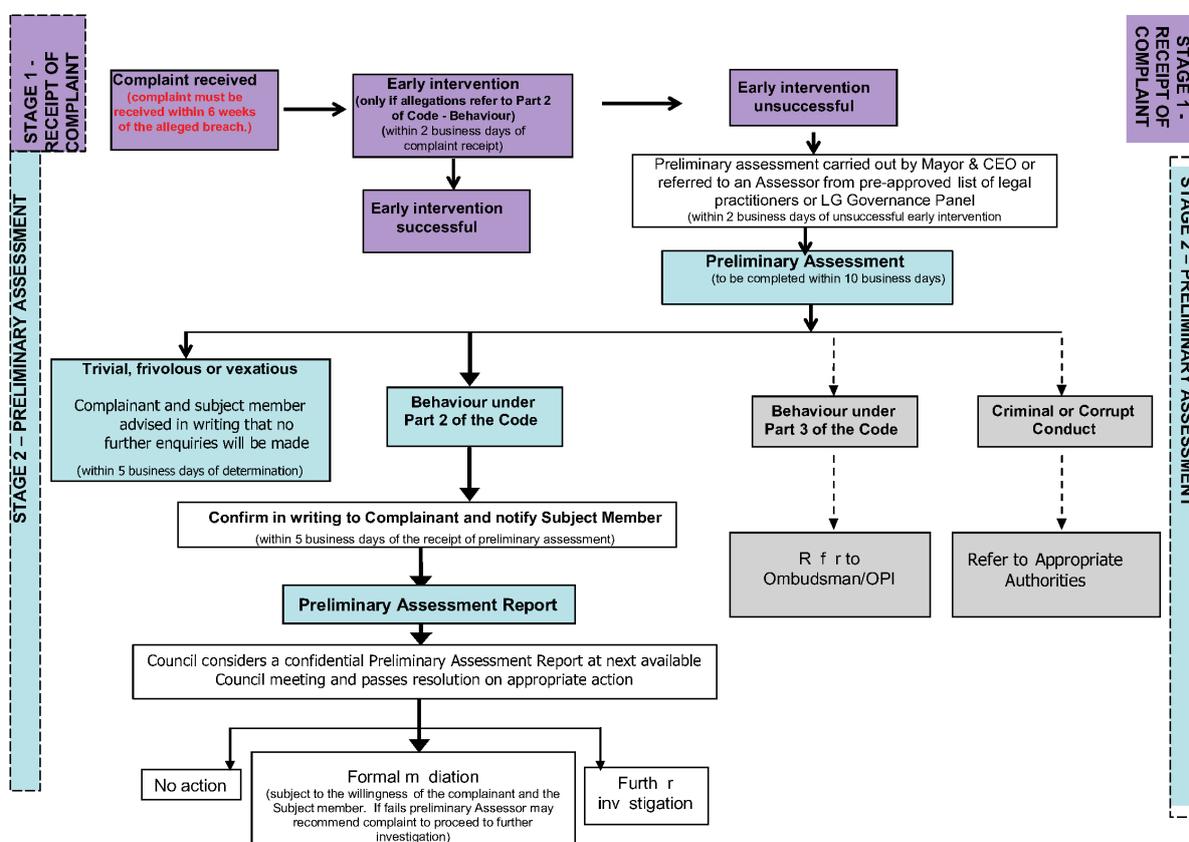


- aiding, abetting, counselling or procuring the commission of the offence;
 - inducing, whether by threats or promises or otherwise, the commission of the offence;
 - being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - conspiring with others to effect the commission of the offence.
- **Council** means the Corporation of the City of Onkaparinga established pursuant to the Act.
 - **Council Member** means any of the current council members, which includes the Mayor, elected to the position at the City of Onkaparinga.
 - **Bullying in the workplace means:**
Treatment of a person, or a group, that:
 - is unfair
 - is repeated or ongoing
 - makes people feel embarrassed, victimised, humiliated, threatened or undermined.
 - **Directions and Guidelines** is a reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act, which are available on the Commissioner's website (www.icac.sa.gov.au)
 - **Employee** refers to all the Council's employees and includes trainees, work experience students, volunteers, and contractors whether they are working in a full-time, part-time or casual capacity.
 - **ICAC Act** is the *Independent Commissioner Against Corruption Act 2012 (SA)*
 - **Independent Investigator** refers to a legal practitioner who is from a different law firm to the Preliminary Assessor, and will be chosen from a pre-approved list of legal practitioners to assist the Council in undertaking the further investigation of a Complaint. If Council chooses to utilise the services of the Local Government Association Governance Panel, a different Panel member will be appointed to the Preliminary Assessor. The rationale underpinning this position is to afford the greatest level of fairness and transparency in the process to the parties involved in the Complaint.
 - **Maladministration in public administration** is defined by the ICAC Act to mean:
 - conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or conduct of a public officer involving substantial mismanagement in, or in relation to, the performance of official functions; and
 - includes conduct resulting from impropriety, incompetence or negligence; and
 - is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
 - **Misconduct** in public administration defined under Section 5 of the *ICAC Act* means:
 - contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or

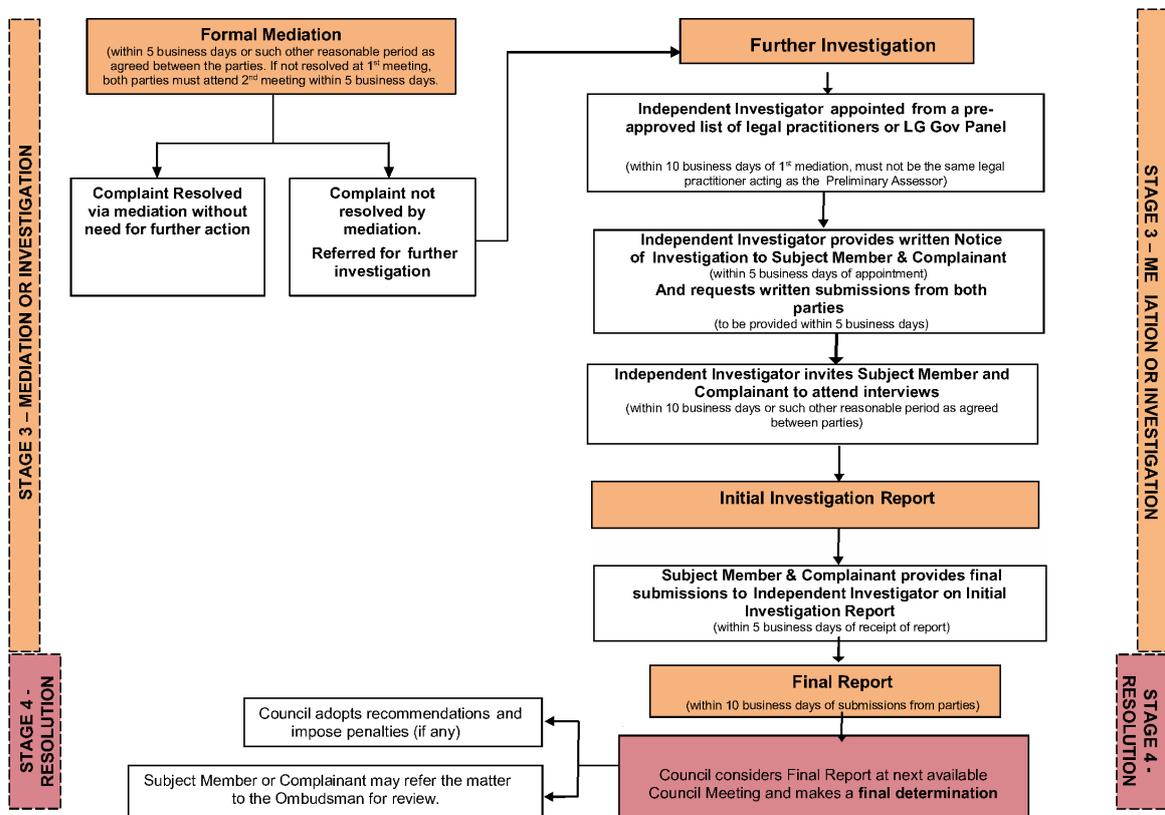


- other misconduct of a public officer while acting in his or her capacity as a public officer.
- **Notice of Investigation** has the meaning given to it in paragraph 4.16.1
- **Office for Public Integrity (“OPI”)** is the office established under the ICAC Act that has the function to:
 - receive and assess complaints about public administration from members of the public;
 - receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers;
 - make recommendations as to whether and by whom complaints and reports should be investigated; and
 - perform other functions assigned to the Office by the Commissioner.
- **Ombudsman** refers to the Office of the Ombudsman established pursuant to the *Ombudsman Act 1972* (SA).
- **Preliminary Assessment Report** refers to the report produced by the Preliminary Assessor at the conclusion of the preliminary assessment.
- **Preliminary Assessor** refers to the Mayor and Chief Executive Officer or a legal practitioner chosen from a pre-approved list of legal practitioners or Local Government Association Governance Panel responsible for the Preliminary Assessment of the Complaint.
- **Public administration** is defined at section 4 of the ICAC Act and means, without limiting the acts that may comprise public administration, an administrative act within the meaning of the *Ombudsman Act 1972* (SA) taken to be carried out in the course of public administration.
- **Public Officer** includes:
 - an elected Member of the Council, including the Mayor;
 - an Independent member of the Council's Development Assessment Panel;
 - an Independent member of a Council Committee or a subsidiary of the Council, and
 - an Employee or Officer of the Council.
- **Subject Member** is the Council Member (which definition includes the Mayor) whose conduct is the subject of investigation under the Code and may include more than one Council Member. Reference to the singular includes the plural.

COMPLAINTS HANDLING PROCEDURE FLOWCHART



COMPLAINTS HANDLING PROCEDURE FLOWCHART





4. Procedure

4.1. Definition

For the purpose of the procedure, a Code of Conduct Complaint is a complaint that alleges conduct on the part of a Council Member acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the Code.

4.2. Complaint management

There are four steps in the management of a Complaint under the Code:

Stage 1 - Receipt of Complaint and early intervention

Stage 2 - Preliminary Assessment

Stage 3 - Mediation or Further Investigation

Stage 4 – Resolution

4.3. Form of the Complaint (Stage 1)

The allegation must:

- 4.3.1. be received by Council within six (6) weeks of the alleged breach.
- 4.3.2. be in writing to comply with the definition of a Complaint (Complaint form available at attachment 1)
- 4.3.3. be addressed to the CEO the Mayor or other nominated delegate
- 4.3.4. be specific and provide as much detail as possible
- 4.3.5. provide the name of the Council Member who has allegedly breached the Code
- 4.3.6. identify the provisions of the Code which are alleged to have been breached
- 4.3.7. provide as much supporting evidence as possible to assist the investigation.

4.3a Confidentiality

All deliberations during the complaint process in regard to an alleged breach of the Code will be conducted in confidence. The complainant, the subject of the complaint, necessary witnesses and those relevant to processing the complaint must maintain the confidentiality of the complaint.

Preliminary Assessment reports to Council will be presented in confidence.

Where a breach of the Code is determined, the Final Investigation report to Council will be presented as a public report, as required by the mandatory Code of Conduct for Council Members.

4.3b Confidentiality - Identity of complainant

The complainant will be contacted in writing to determine whether or not they consent to their identity being revealed to the subject of the complaint and/or the Council (only if a breach is determined), noting that in some instances the allegations contained in a complaint may reveal the identity of the complainant.

Stage 1 Receipt of complaint



4.4. Receipt of complaint and early intervention

- 4.4.1 Within **two Business days** of receiving a Complaint, concerning allegations that relate to Part 2 (Behaviour) of the Code, the CEO, the Mayor, or nominated delegate who received the complaint will advise the **subject member in writing of the complaint and the Part 2 (Behaviour) allegation(s) only contained within the complaint.**
- 4.4.2 **If the CEO, Mayor or nominated delegate determines that it is appropriate, they may offer to facilitate early intervention measures. Early intervention can take many forms including, but not limited to, individual mediation or joint mediation.**
- To facilitate early intervention, the complainant will be contacted to seek approval of their identity being revealed to the subject of the complaint, noting that in some instances the allegations will reveal the identity of the complainant.**
- For early intervention to progress, the subject of the complaint and the complainant must both agree to partake in early intervention.**
- In the event that early intervention cannot be agreed upon by both parties, the complaint will then progress to Preliminary Assessment.**
- 4.4.3 **Where the CEO, Mayor or nominated delegate has determined that it is not appropriate to offer early intervention between the complainant and the subject of the complaint, the complaint will then progress to Preliminary Assessment.**
- 4.4.4 **Should early intervention be unsuccessful and within, the CEO, the Mayor, or nominated delegate who received the Complaint must refer the Complaint to a Preliminary Assessor.**
- Any expenditure incurred in the engagement of independent experts for the unsuccessful early intervention will be detailed in the report to Council that presents the independent Preliminary Assessor's report.**
- 4.4.5 **In the event that the Complaint refers to, or concerns, the CEO or Mayor, the Council administration must refer the Complaint to a Preliminary Assessor.**
- 4.4.6 **In the event that the allegations contained within the complaint relate only to Part 3 (Misconduct) of the Code or criminal conduct, and are supported by sufficient detail, the complaint will be referred directly to the relevant authorities by the Mayor or CEO as per paragraph 4.12.**
- 4.4.7 **Complainants can, at any time, take the alternative option of lodging the Complaint with OPI or the Ombudsman, either of whom will direct the Complaint in accordance with the relevant legislation.**



4.5 Preliminary Assessor (stage 2)

The Preliminary Assessor will be responsible for:

- 4.5.1 Undertaking the Preliminary Assessment of the Complaint.
- 4.5.2 Within **five (5) Business Days** of receiving the Complaint, the Preliminary Assessor must confirm receipt of the Complaint for Preliminary Assessment to the Complainant (where identifiable) and Subject Member in writing.
- 4.5.3 Communicating to both the Subject Member and the Complainant as to the status of the Complaint (subject to the Complaint not being related to misconduct under Part 3 of the Code, or criminal or corrupt conduct).
- 4.5.4 *Where the complaint contains allegations relating to both Part 2 – Behaviour and Part 3- Misconduct, where possible, the relevant parts of the complaint that related to Part 3 will be redacted for the purposes of dealing with the Part 2 – Behaviour allegations.*
- 4.5.5 liaising with, and providing administrative support, to the Council when required.
- 4.5.6 Should the Complaint not satisfy the requirements under paragraph 4.3, the Preliminary Assessor may request the Complainant re-submit the Complaint so that it complies with paragraph 4.3.
- 4.5.7 A Complaint made after six (6) weeks may only be accepted if the Preliminary Assessor is satisfied that there are compelling grounds for the matter to be dealt with under the Code pursuant to the Procedure.

4.6 Preliminary assessment

- 4.6.1 Within **ten (10) Business Days** of receipt of the Complaint, the Preliminary Assessor must determine whether the Complaint:
 - 4.6.1.1 is trivial, frivolous, vexatious or has not been made in good faith
 - 4.6.1.2 relates to behaviour which falls under Part 2 of the Code
 - 4.6.1.3 relates to misconduct or reasonable suspicion of corruption and/or systemic misconduct which may trigger action under Part 3 of the Code or
 - 4.6.1.4 relates to criminal or corrupt behaviour.
- 4.6.2 The preliminary assessment by the Preliminary Assessor will be conducted in accordance with the requirements of natural justice. It will involve a thorough and balanced assessment of the evidence submitted regarding the alleged breach, the relevant circumstances prevailing at the time of the alleged breach and any other factors deemed relevant to making a fair and reasonable judgement about the matter.



4.7 Complaints Assessment Criteria

In undertaking the preliminary assessment of a Complaint, the Preliminary Assessor must take the following into consideration:

- 4.7.1 whether the Complaint discloses clear and obvious evidence of a breach of the Code
- 4.7.2 whether the Complaint raises issues that would be more appropriately dealt with by another agency or body
- 4.7.3 whether there is, or was, an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of, such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology
- 4.7.4 whether the issue(s) giving rise to the Complaint have previously been addressed or resolved
- 4.7.5 whether the conduct complained of forms part of a pattern of conduct
- 4.7.6 whether there were mitigating circumstances giving rise to the conduct complained of
- 4.7.7 the seriousness of the alleged conduct
- 4.7.8 the significance of the alleged conduct or the impact for the Council
- 4.7.9 how much time has passed since the alleged conduct occurred
- 4.7.10 such other considerations that the Preliminary Assessor considers may be relevant to the preliminary assessment of the Complaint.

4.8 Allegations determined to be Trivial, Frivolous, or Vexatious Complaints

- 4.8.1 Where the Preliminary Assessor determines a Complaint is trivial, frivolous, vexatious, or not made in good faith, the Preliminary Assessor must provide the Council with a Preliminary Assessment Report (refer to paragraphs 4.10 and 4.11).
 - 4.8.1.1 The Preliminary Assessor must, within **five (5) Business Days** of making the determination, confirm in writing to the Complainant that the Council has decided not to enquire further into the matter and provide reasons for its decision.
 - 4.8.1.2 The Preliminary Assessor must also, within **five (5) Business Days** of making the determination, advise the Subject Member that the complaint has been determined as trivial, frivolous, or vexatious.



4.9 Allegations determined to relate to Behaviour under Part 2 of Code

If the Preliminary Assessor determines that the Complaint relates to behaviour which falls under Part 2 of the Code, within **five (5) Business Days** of that determination, the Preliminary Assessor must:

4.9.1 As per clause 4.5.3 notify the Complainant and subject of the complaint that the Complaint is under preliminary assessment with the following details of the complaint:

- the name of the Subject Member who has allegedly breached the Code
- the name of the Complainant (law permitting)
- the provisions of the Code which the Complainant alleges to have been breached
- the category and, where applicable, the status of the Complaint.

4.10 Preliminary Assessment Report

Within **ten (10) Business Days** of receiving the Complaint, the Preliminary Assessor must provide the Council with a Preliminary Assessment Report in relation to a Complaint that relates to behaviour which falls under Part 2 of the Code or is trivial, frivolous, or vexatious.

The Preliminary Assessment report is provided to Council in confidence. [Provisions will be made in the Section 91 Local Government Act 1999, confidential order clause to make available the minutes including the outcome of the preliminary assessment to Complainants who are members of the community or staff.](#)

4.10.1 The Preliminary Assessment Report must contain the following information:

- the allegations with as much detail and supporting evidence as possible
- the name of the Subject Member who has allegedly breached the Code
- the name of the Complainant (law permitting)
- identify the provisions of the Code which it is alleged have been breached
- make a determination that the alleged conduct is:
 - trivial, frivolous, vexatious or not made in good faith; or
 - constitutes a breach of the Code; or
 - does not constitute a breach of the Code; and
- provide reasons for the determination; and
- provide recommendations to the Council for further action (if any).

4.10.2 The report to Council that presents the Preliminary Assessor's report will detail any expenditure incurred in the engagement of legal and independent experts.



Stage 2

4.11 Preliminary Assessment Recommendations

- 4.11.1 The Preliminary Assessor may only make the following recommendations within the Preliminary Assessment Report:
- 4.11.1.2 take no action (if the Complaint is found to be trivial, frivolous, vexatious or not made in good faith).
 - 4.11.1.3 subject to the willingness of the Complainant and the Subject Member, resolve the Complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology.
 - 4.11.1.4 provide a recommendation to proceed to further Investigation by an Independent Investigator, in the event that one or both of the parties is unwilling to resolve the complaint by alternative and appropriate strategies as outlined in 4.11.1.3.
 - 4.11.1.5 to refer the Complaint for further investigation.
 - 4.11.1.6 if applicable, to refer the Complaint to a relevant Appropriate Authorities under the Code.
- 4.11.2 The Council is not obliged to adopt the Preliminary Assessor's recommendation(s) as set out in the Preliminary Assessment Report.
- 4.11.3 Where the Council does not adopt the Preliminary Assessor's recommendation(s), the Council must resolve not to adopt the recommendation(s) and state in its resolution the reasons for its [decision or alternate recommendation](#).
- 4.11.4 In the event that the Preliminary Assessor is unable to resolve the issue as between the parties, or both of the parties determine that they wish the matter to be subject to further investigation, then the Preliminary Assessor must prepare the brief for the Independent Investigator which will be limited to the Complaint and supporting documentation received.
- 4.11.5 The Preliminary Assessor (or the Council) will **not** provide his/her findings, the Preliminary Assessment Report, nor any recommendations made or recorded in connection with the Preliminary Assessment to the Independent Investigator. This promotes fairness and transparency of process for all parties concerned.



Stage 2

4.12 Allegations under Part 3 of the Code and/or Criminal or Corrupt conduct

4.12.1 Complaints relating to Part 3 – Misconduct of the Code, and where there is evidence provided within the complaint that forms a reasonable indication of alleged misconduct, will be referred to the Ombudsman or the OPI in accordance with Part 3 of the Code.

If sufficient evidence is not included within the complaint, the Complainant will be advised to direct any allegations that relate to Part 3 Misconduct to the Ombudsman or the OPI.

As per clause 4.5.4, where the complaint contains allegations relating to both Part 2 – Behaviour and Part 3- Misconduct, where possible, the relevant parts of the complaint that related to Part 3 will be redacted for the purposes of Council dealing with the Part 2 – Behaviour allegations.

4.12.2 Complaints relating to criminal or corrupt behaviour must be immediately referred to the relevant Appropriate Authorities.

4.12.3 Where the Complaint relates to Misconduct under Part 3 and/or criminal or corrupt behaviour, a Preliminary Assessment Report will **not** be produced for the Council's consideration

The Complaint and its substance will be kept strictly confidential until:

- the Ombudsman has issued his final report which has been considered by Council
- the OPI or ICAC issues a public statement or gives permission for publication of its findings in relation to a matter within its jurisdiction to be made public.

4.12.4 the Subject Member must not be advised of the existence of the Complaint nor any allegations made against the Subject Member. This is to ensure that the investigations conducted by the relevant Appropriate Authorities will not be compromised.



4.13 Mediation (Stage 3)

4.13.1 Within **five (5) Business Days** (or such other reasonable period as agreed between the parties) of Council's consideration of the Preliminary Assessor's report, the Subject Member and the Complainant, if mediation is amenable to both, the parties will commence mediation in an attempt to resolve the issue.

If mediation is successful any expenditure incurred in the engagement of independent experts for mediation will be notified to elected members by the Manager Governance. If mediation is not successful and the complaint progresses to further investigation any expenditure incurred in the engagement of independent experts for mediation will be detailed in the report to Council that presents the independent investigator's report.

4.13.2 If the Complaint is not resolved at the first joint meeting under paragraph 4.13.1, the parties must attend a second meeting within a **five (5) Business Days** (or such other reasonable period as agreed between the parties) in an attempt to resolve the Complaint.

4.13.3 If, within **ten (10) Business Days** (or such other reasonable period as agreed between the parties) of the first meeting under paragraph 4.13.1 the Complaint is not resolved, the Preliminary Assessor's recommendation to Council (if adopted) under paragraph 4.11.1.3 will be enacted.

4.14 Further Investigation (Stage 3)

4.14.1 Where the Preliminary Assessor determines that the Complaint should be referred for further investigation, an Independent Investigator will be appointed from the pre-approved list of legal practitioners or the Local Government Governance Panel.

4.15 Conduct of Investigations

4.15.1 Investigations are to be undertaken without undue delay.

4.15.2 Investigations are to be undertaken in the absence of the public and in confidence.

4.15.3 The Independent Investigator must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

4.15.4 The Independent Investigator may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation, or the conduct of their investigation.

4.15.5 The Independent Investigator will be provided with the information set out in paragraph 4.11.4 by the Preliminary Assessor.



4.16 Written Notice of Investigation

- 4.16.1 The Independent Investigator must, at the outset of their investigation, provide a written Notice of Investigation to the Subject Member and the Complainant within **five (5) Business Days** of their appointment. The Notice of Investigation must:
- 4.16.1.1 Disclose the substance of the allegations against the Subject Member, together with a copy of the Complaint and any relevant supporting documentation;
 - 4.16.1.2 Advise the parties of the relevant provisions of the Code that apply to the alleged conduct;
 - 4.16.1.3 Advise of the process to be followed in investigating the matter, together with an indicative timeline;
 - 4.16.1.4 Request the Subject Member to provide written submissions within **five (5) Business Days** of receipt of the Notice of Investigation from the Independent Investigator, to assist the Independent Investigator to identify the substance of the allegation(s) subject to the operation of paragraph 4.16.2 below. An Independent Investigator will only be obliged to provide such information that the Independent Investigator considers reasonably necessary for the Subject Member to identify the substance of the allegation against them.
 - 4.16.1.5 Invite the Subject Member and the Complainant to separately attend a meeting, in relation to the matter within **ten (10) Business Days** (or such other reasonable period specified by the Independent Investigator in the Notice of Investigation).
 - 4.16.1.6 Specify that the Subject Member and the Complainant are each entitled to bring a support person or legal advisor who will act in an advisory or support role only (Support Person). The Support Person must not speak on behalf of the Subject Member or Complainant, or otherwise interfere with, or disrupt, the meeting.
- 4.16.2 An Independent Investigator will allow an additional **five (5) Business Days** if a request under paragraph 4.16.1.4 is acceded to, and will duly notify the parties of the revised submission date in their amended Notice of Investigation.

4.17 Initial Investigation Report

- 4.17.1 The Independent Investigator must consider any written submissions received and produce an Initial Investigation Report within **five (5) Business Days** of the meeting with the Subject Member or the Complainant, whichever it the latter.
- 4.17.2 The Independent Investigator will provide the Initial Investigation Report to the Subject Member and the Complainant. Both parties will be invited to make any further written submissions within **five (5) Business Days** of receiving the Initial Investigation Report (or such other reasonable period specified by the Independent Investigator).



- 4.17.3 Where the Independent Investigator proposes to make adverse comment about any other person (Affected Person) in the Initial Investigation Report, they must also provide the Affected Person with relevant extracts of the Initial Investigation Report containing such comment, and invite the Affected Person to make a written submission in relation to those comments within **five (5) Business Days** of the production of the Initial Investigation Report (or such other reasonable period specified by the Independent Investigator).
- 4.17.4 Where the Subject Member, the Complainant or an Affected Person, fails to make a written submission in relation to the Initial Investigation Report within the period specified by the Independent Investigator, the Independent Investigator may proceed to prepare and issue a Final Report without receiving such submissions.
- 4.17.5 The Independent Investigator may accept in only the most exceptional of circumstances, written submissions in connection with the Complaint outside the period specified by the Independent Investigator at any time, prior to issuing their Final Investigation Report. The Independent Investigator's reasons for acceptance of the late written submissions must be included in the Initial Investigation Report.
- 4.17.6 Where an Independent Investigator identifies further separate possible breaches of the Code that are not related to, or arise from, the Complaint and relate to either Part 3 of the Code or Criminal conduct, they are to report the matters separately in writing to the Mayor or CEO.

4.18 Final Investigation Report

- 4.18.1 The Independent Investigator will prepare a Final Investigation Report in relation to the matter, after finalising their consideration of the matter in accordance with the requirements of the Procedures.
- 4.18.2 The Independent Investigator will provide the Final Investigation Report to the Subject Member and invite the Subject Member to make any final written submissions within **five (5) Business Days** (or such other reasonable period specified by the Independent Investigator).
- 4.18.3 If no final written submissions are received within **five (5) Business Days** (or such other reasonable period specified by the Independent Investigator), the Final Investigation Report must be provided to the Council for consideration at its next meeting.
- 4.18.4 If the Subject Member provides final written submissions, the Independent Investigator, after having considered the final written submissions, must provide the Council with the Final Investigation Report to the Council for consideration at its next meeting.
- 4.18.5 The Final Investigation Report provided to the Council must include the final written submissions provided by the Subject Member as specified in paragraph 4.18.2 as an Appendix to the Final Investigation Report.



4.18.6 The Final Investigation Report must:

- 4.18.6.1 make findings of fact in relation to the matter investigated; and,
- 4.18.6.2 make a determination that the conduct investigated either,
 - (a) constitutes a breach of the Code, (Public report)
 - (b) does not constitute a breach of the Code, (Confidential report)
- 4.18.6.3 provide reasons for the determination;
- 4.18.6.4 provide recommendations in the event that paragraph 4.18.6.2(a) applies.

4.18.7 The report to Council that presents the final Investigation report will detail any expenditure incurred in the engagement of legal and independent experts.

4.19 Final Investigation Report Recommendations

4.19.1 Where the Independent Investigator determines that the conduct investigated constitutes a breach of the Code, the Independent Investigator may make one or more of the following recommendations:

- 4.19.1.1 take no action;
- 4.19.1.2 pass a censure motion in respect of the Council Member;
- 4.19.1.3 request a public apology, whether written or verbal;
- 4.19.1.4 request the Subject Member to attend training on the specific topic found to have been breached;
- 4.19.1.5 resolve to remove or suspend the Subject Member from a position within the Council (does not extend to the Subject Member's elected position on Council);
- 4.19.1.6 request the member to repay monies (e.g. legal fees, investigation or mediation costs etc) to the Council;
- 4.19.1.7 refer the matter to the relevant Appropriate Authorities for further investigation and/or action;
- 4.19.1.8 any other relevant action in the Independent Investigators opinion would be an appropriate response to the breach.

4.19.2 Where the Independent Investigator determines that the conduct investigated does not constitute a breach of the Code, the Independent Investigator may make one or more of the following recommendations:

- 4.19.2.1 that the Council takes no action;
- 4.19.2.2 that the Council revise any of its policies or procedures; or
- 4.19.2.3 that a person or persons undertake any training or other education.



- 4.19.3 In making a recommendation under paragraph 4.19.1, the Independent Investigator may have regard to the following:
- 4.19.3.1 the seriousness of the breach;
 - 4.19.3.2 whether the breach can be easily remedied or rectified;
 - 4.19.3.3 whether the Subject Member has remedied or rectified their conduct;
 - 4.19.3.4 whether the Subject Member has expressed contrition;
 - 4.19.3.5 whether there were any mitigating circumstances;
 - 4.19.3.6 the age, physical or mental health or special infirmity of the Subject Member or the Complainant;
 - 4.19.3.7 whether the breach is technical or trivial only;
 - 4.19.3.8 any previous breaches committed by the Subject Member;
 - 4.19.3.9 whether the breach forms part of a pattern of conduct;
 - 4.19.3.10 the degree of reckless intention or negligence of the Subject Member;
 - 4.19.3.11 the extent to which the breach has affected other parties, or the Council as a whole;
 - 4.19.3.12 the harm or potential harm to the reputation of the Council or local government arising from the conduct;
 - 4.19.3.13 whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny;
 - 4.19.3.14 whether an educative approach would be more appropriate than a punitive one;
 - 4.19.3.15 the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action; and
 - 4.19.3.16 what action or remedy would be in the public interest even if there are no adverse findings against the Subject Member, but where it has been identified that training or other education may improve the quality of communications for the Subject Member in the future.
- 4.19.4 The Council must provide a copy of the Final Investigation Report to the Subject Member and the Complainant following the determination of the Final Investigation Report and the passing of the relevant resolution by the Council.



4.20 Council's Consideration of the Final Report (Stage 4)

- 4.20.1 A breach of Part 2 of the Code must be the subject of a Final Investigation Report to a public meeting of the Council. For the avoidance of doubt, when the Final Investigation Report is considered by the Council, the Subject Member (and, if applicable, the Complainant if the Complainant is a Council Member) has a material conflict of interest in the matter pursuant to section 73 of the *Local Government Act, 1999*. The Subject Member and the Complainant must disclose the interest, leave the Chamber and not participate in the Council's discussion, and consideration of the matter.
- 4.20.2 The role of the Council in relation to a Final Investigation Report is to consider imposing the recommended sanction (if any) where the Independent Investigator has determined that there has been a breach of the Code (or where it has been determined that training or education could benefit the Subject Member) and has made a recommendation in the Final Investigation Report.
- 4.20.3 The Council is not obliged to adopt the Independent Investigator's recommendation(s) as set out in the Final Investigation Report. Where the Council does not adopt the Independent Investigator's recommendation(s), the Council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 4.20.4 If, following investigation by the Independent Investigator, a breach of Part 2 of the Code is found, the Council may resolve within a specified time, pursuant to clause 2.25 of the Code, take any of the following actions:
- take no action;
 - pass a censure motion in respect of the Subject Member;
 - request a public apology, whether written or verbal;
 - request the Subject Member to attend training on the specific topic found to have been breached;
 - resolve to remove or suspend the Subject Member from a position within the Council (which does not extend to the Subject Member's elected position on Council);
 - request the member to repay costs to the Council; and
 - for the avoidance of doubt, it is also open to the Council to resolve to refer the matter to the relevant Appropriate Authority for further investigation and/or action.
- 4.20.5 If the Subject Member fails to comply with the sanctions imposed by the Council within a specified time, this will result in the Council elevating the Complaint to the Ombudsman under Part 3 of the Code.
- 4.20.6 The Council must not invite oral submissions from other persons for the purpose of seeking to re-hear evidence previously considered by the Independent Investigator.
- 4.20.7 Prior to imposing a sanction (if any), the Council has the capacity to ask the



Independent Investigator additional questions. The Council may, by resolution, request that the Independent Investigator make additional enquiries and/or provide additional information to it in the form of a Supplementary Report (Supplementary Report).

- 4.20.8 The Council may, by resolution, defer further consideration of the matter pending the receipt of a Supplementary Report from the Independent Investigator.
- 4.20.9 The Independent Investigator may make additional enquiries for the purpose of preparing a Supplementary Report.
- 4.20.10 Where the Independent Investigator prepares a Supplementary Report, they must provide copies of this Supplementary Report to the Council.
- 4.20.11 The Independent Investigator is not obliged to notify or consult with any person prior to submitting the Supplementary Report to the Council.
- 4.20.12 Where the Council passes a resolution of its final determination in connection with the Final Investigation Report, and the sanctions (if any), that will be imposed, the Council must notify the Subject Member and the Complainant of its decision in writing in accordance with paragraph 4.19.4.

5. Rights of Review

In the event that the Subject Member or the Complainant disagrees with the final determination (resolution) of the Council, it is open to either party to refer the matter to the Ombudsman for review.

6. Pre-approved Preliminary Assessors and Independent Investigator

- 6.1 Legal practitioners will be appointed on a rotational basis and be selected from the legal practices included in Council's legal services agreement with Council Solutions to assist the Council in the investigation of the Complaint.
- 6.2 The Local Government Governance Panel may also be selected to conduct preliminary investigations and/or investigations as an alternative.
- 6.3 Legal practitioners appointed to the pre-approved list will hold senior positions within their respective firms and will have specialised knowledge of the legislation applicable to Local Government.
- 6.4 The Preliminary Assessor, or the practice which employs the Preliminary Assessor, who undertook the Preliminary Assessment of the Complaint must not be involved in Stage 3 – Mediation or Further Investigation.



7. Relevant legislation and references

Local Government Act 1999

8. Further information

This Code is available for inspection, during business hours at:
 City of Onkaparinga, Ramsay Place, NOARLUNGA CENTRE SA 5168.

It is also available for inspection, downloading or printing from our website
www.onkaparingacity.com.au.

Any legislative changes will be made automatically. Council will be informed of any automatic changes via Weekly News.

9. Document control

Author (to whom changes are to be recommended):		
Position	Name	
Team Leader Civic Governance	Karyn Ryan	
Stakeholders (audience):		
Elected members		
Reviewed by:		
Position	Name	Date reviewed
Director Corporate and City Services	Alison Hancock	September 2019
Approved by (document owner):		
Position / Group	Approval date	Approval ECM number
Council		
Current version:		
Current version number	Release date	Review cycle
V1.0		A review will be conducted during each Council term.
History:		



Investigating Complaints under the
 Code of Conduct for Council Members

Date	DSID	Nature of change
24 September 2013	2493625	Code of Conduct for Council Members Gazetted August 2013
9 December 2014	2937140	General review and adoption within 12 months of an election
18 October 2016	3725635	City of Onkaparinga's Procedure for investigating complaints under the code of Conduct for Council Members 2016 adopted by Council on 18 October 2016
19 September 2017	4129189	Inclusion of reporting details to Council on legal and independent expert expenditure 19 September 2017.
2019		General review and adoption within 12 months of an election
Document location:		
Published location		Original in ECM
Onkanet and public website		



Attachment – 1 Code of Conduct Complaint Form

Please note that ALL fields must be filled in.

COMPLAINANT DETAILS	
Title:	
Given Name:	
Family name:	
Street Address:	
Postal Address: (if different to street address)	
Contact Number:	
Mobile Number:	
Email Address:	



COMPLAINT DETAILS	
Please note that the complaint must be made in relation to the Conduct of a Council Member.	
Council Members name:	
Please provide the section(s) of the Code of Conduct for Council Members which the complaint relates:	
Details of the Complaint: (attach additional pages if required)	Date of the alleged incident:
	Location of the alleged incident:
	Other parties involved:



	Potential witnesses who may be contacted to corroborate the Complaint:
	Details of the incident:



<p>List and provide a brief description of the supporting documentation attached to this Complaint:</p> <p>(Please attach any relevant supporting documentation to this application. Adequate material to support the allegation and investigate the Complaint is required.)</p>	
<p>Acknowledgement</p> <p>I _____ acknowledge that the information contained herein is true and correct.</p> <p>.....</p> <p>Signature</p> <p>.....</p> <p>Date</p> <p><i>Privacy Statement: Please note that the Corporation of the City of Onkaparinga is committed to protecting your privacy and takes reasonable steps to comply with all relevant legislation. The information is collected by the Council for the purpose of processing your application. Your personal information will be stored in accordance with relevant legislation and will only be accessed by authorised Council Staff. If you do not provide information, Council may not be able to process your application.</i></p>	



Investigating Complaints under the
Code of Conduct for Council Members

|

CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999: Section 63 (1)

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of \$100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

Code of Conduct for Council Members

*Published by the Minister for Planning for the purposes of Section 63 (1) of the
Local Government Act 1999.*

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES

1. Higher principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2—BEHAVIOURAL CODE

2. Behavioural Code

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
 - 2.25.2 Pass a censure motion in respect of the Council member;
 - 2.25.3 Request a public apology, whether written or verbal;
 - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
 - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
 - 2.25.6 Request the member to repay monies to the Council.

PART 3—MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

3.7 Council members must not:

- 3.7.1 Seek gifts or benefits of any kind;
 - 3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;
 - 3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.
- 3.8 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.

- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
- 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.2 Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.3 Council functions or events;
 - 3.9.1.4 Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Register of Interests

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

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

Misuse of Council resources

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.

9.8 Draft Elected Member Legal Advice Policy

This is a regular or standard report.

Director: Alison Hancock, Director Corporate and City Services

Report Author: Therese Brunotte, Senior Governance Officer

Contact Number: 8301 7228

Attachments: 1. Draft Elected Member Legal Advice Policy
(6 pages)

1. Purpose

This report provides the draft Elected Member Legal Advice Policy for consideration and adoption by Council.

2. Recommendations

- 1. That Council adopt the Elected Member Legal Advice Policy as per attachment 1 of the agenda report.**
- 2. That the Elected Member Allowances , Benefits and Support procedure be updated to include the addition of reimbursement of costs for legal advice of up to \$2,500 annually per member in accordance with the Elected Member Legal Advice Policy.**

3. Background

Council resolved the following at its meeting of 19 February 2019.

Council prepare a draft 'Council Member Legal Advice Policy' for a workshop where Councillors can consider and comment on the draft Policy prior the Council Meeting on the 21 May 2019 where the final copy of the 'Council Legal Advice Policy' is to be presented to Council for its consideration.

The Elected Member Legal Advice Policy has been drafted in response to the resolution of Council. The draft policy provides guidance on the extent and limitations where Council will fund the costs of providing legal advice for individual elected members.

The draft policy was provided to members on three occasions for information and comment prior to an elected member session held on Tuesday 13 August 2019. Feedback provided by elected members on the draft Legal Advice Policy at the workshop highlighted some concerns in relation to restrictions on obtaining legal advice.

Taking into consideration members concerns the policy was redrafted incorporating the following feedback.

- Removal of the second dot point under heading 4 Policy.
 - 4.1 Policy Procedure - Elected members are able to seek their own legal advice.
 - Elected members may seek reimbursement from council for the cost of seeking legal advice from a provider of their choice up to a maximum \$2,500 per member per annum.
-

- Removal of 4.3 Breaches of Acts, Codes and Policy.

The redrafted policy was provided to members via email for further comment on Monday, 16 September 2019. No feedback was received.

4. Financial Implications

Funds for reimbursement of elected member legal advice are currently unbudgeted. This will need to be addressed in a future budget review.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Transparency and accountability	The policy provides clear guidance to elected members in relation to provision of appropriate legal advice within the framework of legislation.
Any policy addressing the provision of legal advice and/or obtaining legal advice for individual council members must have regard to the requirements of the <i>Local Government Act 1999</i> .	<p>In drafting the policy regard was given to the following Sections of the <i>Local Government Act 1999</i> (the Act):</p> <ul style="list-style-type: none"> • Section 78A allows for the payment of an elected member's legal fees when undertaken within a scheme or policy. • Section 39 describes the level of legal protection afforded to Council members. • Section 137 authorises a council to expend funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts. • Sections 6 to 8 inclusive of the Act set out the role, functions and objectives of a council. • Sections 58 and 59 of the Act set out the specific roles of a principal member and the roles of all members of councils.
Opportunity	
Identify	Maximising the opportunity
Transparency	The Elected Member Legal Advice Policy clearly outlines Council's position and assures the community of the relevant circumstances in which legal advice may be sought by elected members.
Accountability	Any expenses reimbursed or incurred by an elected member in seeking legal advice will be recorded in the public register of Allowances and Benefits.



Elected Member Legal Advice Policy

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Elected Member Legal Advice Council Policy

1 Preamble

The contents of and the commitments that council makes in this policy are not intended to be and should not be interpreted to be any more than a statement of the City of Onkaparinga's general position in relation to those matters, and to facilitate its aspirations wherever it is reasonable to do so.

2 Policy purpose

The role of an Elected Member is defined by various legislation and regulations. The environment is largely regulated and from time to time, it can be complex. Elected Members should not incur legal expenses as a result of performing and discharging their official functions and duties.

Generally, seeking legal advice would be facilitated by the Chief Executive Officer or their delegate/s in the course of their administrative role in supporting elected members. However, there may be occasion when individual Elected Members require legal advice independent of the collective council body.

Section 78A of the Local Government Act 1999 (the Act), provides that Councils may 'establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.'

This Policy applies to Elected Members of the City of Onkaparinga and provides the parameters in which an Elected Member can seek legal advice in accordance with section 78A of the Act.

The purpose of this policy is to provide guidance on the extent and limitations where Council will fund the costs of providing legal advice for individual elected members.

[insert Council resolution]

This Policy extends in accordance with its terms to the provision of legal advice only. It does not extend to any form of legal representation. Legal representation at the cost of the Council may only occur via resolution of the Council.

It is acknowledged that any legislative requirement which affects Council will take precedence over Council's policies and procedures.

3 Scope

This policy applies to all Elected Members of the City of Onkaparinga.

4 Policy

The following general principles will apply to any request for assistance within the terms of this Policy:

- any matter or issue in respect of which legal advice is required must be relevant to and connected with the performance or discharge of official functions and duties of public office.
- ~~in performing his or her functions and duties, to which the legal advice relates, the Elected Member must act/have acted in good faith and must not act/have acted~~

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Elected Member Legal Advice Council Policy

~~unlawfully, dishonestly, in a way that constitutes improper conduct, against the interests of the Council, or otherwise in bad faith.~~

~~This Policy provides for Elected Members to be assisted by the provision of legal advice with respect to the following types of matters:~~

- ~~• conflict of interest~~
- ~~• code of conduct~~
- ~~• statutory or other inquiries/investigations where advice to or representation for an Elected member is necessary and justified in the circumstances~~
- ~~• proceedings brought by an Elected Member to enable them to carry out their local government functions or duties (e.g. where an Elected Member seeks a restraining order against a person using threatening behaviour)~~
- ~~• proceedings brought against an Elected Member where their conduct in carrying out their functions or duties is alleged to have damaged a person (e.g. defamation) subject to the application of section 39 or section 121 of the *Local Government Act 1999* (whichever is relevant).~~

~~This policy provides for Elected Members to be reimbursed for the provision of legal advice with respect to the following types of matters:~~

- ~~• Advice is sought in relation to a Code of Conduct matter and is in line with Council's Procedure for Investigating Complaints under the Code of Conduct for Council Members~~
- ~~• Advice is sought in relation to potential Conflicts of Interest pursuant to the *Local Government Act or other relevant Act*~~
- ~~• Advice is sought for issues relating to civil liability and therefore invokes consideration of the immunity in Section 39 of the *Local Government Act 1999*~~
- ~~• Advice is sought in relation to investigations requested by the Ombudsman or ICAC, relating to matters arising from the performance or discharge of the Elected Member's official function and duties.~~

4.1 Policy procedure

~~Elected Members are able to seek their own legal advice from a provider of their own choice in relation to matters relevant and connected with the performance or discharge of official functions and duties of public office.~~

~~Or~~

~~Access to legal advice will be may also be facilitated by the Chief Executive Officer or the Director Corporate and City Services at the elected member's request.~~

~~Where a request to access legal advice is made through the CEO, the Elected Member shall provide written instructions to the CEO to ensure that the advice received is in accordance with the Elected Members request.~~

~~In accordance with Section 79 of the *Local Government Act 1999* any expenses reimbursed or incurred by an elected member will be recorded in the public register of Allowances and Benefits.~~

Comment [t1]: Legislative requirement.

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Elected Member Legal Advice Council Policy

Where a Council Member believes legal advice is required for **Council** (as a collective body) to properly determine its position in a matter, they should direct this request to the Chief Executive Officer. The Chief Executive Officer will assess the request and, where appropriate, arrange for the required legal advice to be obtained and made available to all Members of Council.

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 defamation proceedings by an Elected Member. Not only is there a lack of statutory authority for the Council to incur such expenditure but such action generally relates to the reputation of an individual and not to the Council itself, regardless of the fact that the alleged damage to the reputation of the individual has occurred as a result of holding public office as an Elected Member.

Elected Members may seek advice from the Chief Executive Officer at any time in relation to whether the intended approach for legal advice is within the constraints of their role as an Elected Member. Should an Elected Member not seek this advice prior to the incurring of costs, the Elected Member is advised that the discretion to reimburse monies paid for legal advice may be declined if the CEO deems that it is not within the ordinary course of the role of an Elected Member or not in accordance with this Section 4.

The CEO may use discretion to refer a matter to Council where there is a question over the applicability of this policy to an elected member's request for legal advice or an individual member request for reimbursement for legal advice they have personally obtained.

4.2 Law firms and limits

Elected members may seek reimbursement from council for the cost of seeking legal advice from a provider of their choice up to a maximum \$2,500 per member per annum.

Or

Elected members may request legal advice through the CEO up to a maximum of \$2,500 per member per annum. The legal advice sought by the CEO shall be provided by a law firm selected from council's legal services providers.

Any costs exceeding the above amounts will be referred to Council for consideration for determination by Council regarding the exceedance cost.;

4.3 Breaches of Acts, Codes and Policy

If the outcome of an investigation by the Council, or a relevant statutory body, or a finding of a court determines that an Elected Member has breached the Local Government Act or any other Act, or that their actions have breached any Council Policy or Code of Conduct, the cost expended by the Council for the provision of legal advice will be a debt to the Council to be paid by the Elected Member to the Council. Such debt may be recovered by way of deduction from the Elected Member's annual allowance payment(s).

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Elected Member Legal Advice
 Council Policy

5 Relevant legislation and references

Local Government Act 1999:

Section 78A 'allows for the payment of an Elected Member's legal fees when undertaken within a scheme or policy'

Section 39 'describes the level of legal protection afforded to Elected Members'

6 Further information

This policy is available for inspection, during business hours at:
 City of Onkaparinga, Ramsay Place, NOARLUNGA CENTRE SA 5168.

It is also available for inspection, downloading or printing from our website
www.onkaparingacity.com.au

7 Document control

Author (to whom changes are to be recommended):		
Position	Name	
insert text here	insert text here	
Stakeholders (audience – engagement groups):		
Elected Members Director Group		
Reviewed by:		
Position	Name	Date reviewed
Team Leader Civic Governance Director, Corporate and City Services Chief Executive Officer	Karyn Ryan Alison Hancock Mark Dowd	
Approved by		
Position / Group	Approval date	Approval ECM number
Council		ECM
Current version:		
Current version number	Release date	Review cycle

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Elected Member Legal Advice
Council Policy

History:			
Date	Author	Version	Nature of change
DD/MM/YYYY			insert text here
Document location:			
Published location			Original in ECM
Onkanet and public website			ECM

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9.9 Elected Member Electronic and Media Communications Protocols Policy

This is an update on a previously reported subject, concept or issue.

Director: Alison Hancock, Director Corporate and City Services

Report Author: Therese Brunotte, Senior Governance Officer

Contact Number: 8301 7228

Attachments: 1. Draft Elected Member Electronic and Media Communications Protocols Policy (9 pages)

1. Purpose

This report provides the draft Elected Member Electronic and Media Communications Protocols Policy for consideration and adoption by Council.

2. Recommendation

That Council adopt the Elected Member Electronic and Media Communications Protocols Policy as per attachment 1 to the agenda report.

3. Background

The Elected Member Electronic and Media Communications Protocols Policy (policy) has been drafted to provide elected members with clear guidance of the legislative protocols and legal considerations for use of electronic communication systems in the conduct of Council business.

The policy applies to **elected members when they use council's corporate email** system, equipment and services, use of social media and when communicating as an elected member with the media.

The draft policy was provided to members for information prior to an elected member information session held on Tuesday 23 July. The elected member session provided members with advice and guidance on the pitfalls and impacts of social media and assisted members with any questions they may have on the draft Policy.

The draft policy was placed on the Council agenda for the Council meeting held on Tuesday, 20 August 2019. Following further comments and taking into consideration members issues/questions the policy was redrafted to address **members' concerns**.

The revised policy incorporating the feedback below was emailed to members for further comment on Monday, 16 September 2019.

- **No definition of 'media'** – in response to this comment we have included a definition of media in the policy.
- Page 6 paragraph 6 under Media communication protocols - change the word **'required'** to **'requested'**.
- Page 7 paragraph 7 Breach of the conditions of the policy – this has been removed.

4. Financial Implications

There are no financial implications in adopting this policy.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Transparency and accountability	The policy serves to educate and protect individual elected members, by providing clear guidance and certainty around the use of social media in the conduct of council business.
Council meeting its legal obligations.	The policy outlines management of the associated risks of using electronic communications to provide a dependable and consistent communications environment and ensure Council discharges its legislative obligations under the <i>State Records Act 1997</i> , <i>Freedom of Information Act 1991</i> and the <i>Independent Commissioner Against Corruption Act 2012</i> .

Opportunity	
Identify	Maximising the opportunity
Use of new technologies to communicate with the community.	Allows elected members to embrace new and emerging technologies to improve and expand the way Council communicates with the community in a safe and informed approach.
Transparency	The policy also provides clear guidance to and certainty for members in relation to the expectations and requirements of them, in interacting with members of the community through electronic communication and social media.



Elected Member Electronic and
Media Communications Protocol
Policy

Elected Member electronic and media communications protocols policy

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Elected Member Electronic and Media Communications Protocol Policy

1 Preamble

The contents of and the commitments that Council makes in this Policy are not intended to be and should not be interpreted to be any more than a statement of the City of Onkaparinga's general position in relation to those matters, and to facilitate its aspirations wherever it is reasonable to do so.

2 Policy purpose

The purpose of this Policy is to provide Elected Members with [guidance a framework](#) for [appropriate proper](#) use of our [internal](#) electronic communication systems in the conduct of Council business.

[This Policy and sets-outlines out](#) the [agreed desired- behaviours and- protocols and legal considerations](#) when engaging with the community [through social media](#) and [traditional forms of the](#) media.

3 Scope

This Policy applies to Elected Members when they use council's corporate email system, equipment and services, use of social media and when communicating as an Elected Member with the media.

4 Definitions

Electronic communication includes but is not limited to:

- Email
- Mobile phones
- Internet sites and pages
- Electronic journals and texts
- Social media

Social media means all current and future social media channels, digital platforms, online forums or messaging apps where people can comment, view, contribute, create, forward, post, upload and share content. Social Networks (e.g Facebook), Microblogs (e.g Twitter), Podcasts and video (e.g YouTube) are all types of Social Media.

Media means, for the purpose of this policy, the more traditional forms of media such as TV, radio and newspapers.

Council Business means the provision of services, delivery of programs, development of policies, making of decisions, performance of Council functions and other similar types of transactions.

Official record means a record made or received by the Council in the conduct of its business. This includes records made or received by an elected member in the conduct of the business of their office, but does not include records that are merely

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Elected Member Electronic and Media Communications Protocol Policy

transitory or temporary in nature or that are personal or private in nature.

Transitory record means a record is transitory in nature if it is of little or no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days.

Defamation means to publish a statement which is or is likely to cause the ordinary, reasonable member of the community to think less of the targeted person or to injure that person in his or her trade, credit or reputation.

Material means data, information, text, graphics, animations, speech, videos and music or other sound, accessible electronically, including any combination or selection of any of these.

5 Use of electronic communication

5.1 Email

In 2014, the Ombudsman considered the matter of elected member emails and the use of private email addresses to carry out council business. [The Ombudsman commented and found](#) that the practice of [using private email addresses for Council business](#) was contrary to good record-keeping practice.

The Independent Commissioner Against Corruption, stated publicly on 22 March 2017 that 'the use of private email accounts for official business *might amount to corruption*', as that term is defined under the *Independent Commissioner Against Corruption Act 2012* ('the ICAC Act').

Council email addresses are provided to all elected members for the purpose of carrying out Council related business and the Council email addresses must be used by members for [all Council related business that purpose](#).

~~All corporate emails should be constructed in a professional and business-like manner.~~

5.2 Social media

Council [Member](#) engagement ~~throughwith~~ social media is [utilised as a resource intended](#) to enhance communication between the City of Onkaparinga's [elected representatives](#) and its residents and other stakeholders.

If an elected member wishes to manage their own personal or Councillor social media presence, they should include a disclaimer at the top of the site/page that states the views portrayed are their own, and do not necessarily represent the position of the Council. It is recommended that elected members create a separate 'Councillor' page to use for council business in an official capacity.

All engagements in social media should ensure that the content of any interaction:

- is accurate e.g. factual information about a particular council matter or service.
- is factually correct and complies with council policies.
- does not breach any confidentiality requirements.

Comment [TR1]: This is included as a Policy position, but is a re-statement of a member's requirements, a breach of which would currently amount to being 'wrong' within the meaning of section 25(1)(g) of the Ombudsman Act.

The use of emails to conduct Council business is regulated under the *State Records Act 1997*, which requires the Council to retain copies of all communications pertaining to Council matters.

The effect of including this clause will operate to make using a private email address for Council business a breach of clause 2.6 of the Code of Conduct for Council Members ('the Code').

Comment [TR2]: The use of social media by elected members can, in certain circumstances, amount to a breach of the Code as well as the LG Act

As a transparent and accountable public authority, it is recommended that the Council have an adopted policy position on the appropriate use of social media, as there has been an increase in complaints made against elected members, based on matters posted to social media. Members are also required to be mindful of their potential exposure to an action in defamation for comments made by third party users.

If the provision is adopted, a breach of the same would amount to a breach of clause 2.6 of the Code.

Comment [TR3]: This is consistent with clause 2.5 of the Code.

Comment [TR4]: Oversight bodies are taking an increasing interest in elected members' use of social media, and any failure to distinguish between public and private capacities.

This reflects the existing obligations for members under clauses 2.2, 2.5 and 2.8 of the Code.

Comment [TR5]: Requirement under clause 2.8 and Part 3 of the Code

Comment [TR6]: Requirement under Part 3 of the Code

Comment [TR7]: Legislative requirement under section 62 of the *Local Government Act 1999* ('the LG Act') and Part 3 of the Code.

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Elected Member Electronic and Media Communications Protocol Policy

- does not make an official announcement unless you are authorised to do so.
- Does not defame any person.
- ~~is objective and impartial;~~ ensuring that personal comment on Council decisions and other matters, clearly indicate that it is a private view
- ~~avoids making comments that could be perceived as criticising policies or decisions of Council or its administration.~~
- Provides information which generates community trust and confidence in the Council
- Deals with information received in their capacity as Council members in a responsible manner
- ~~ensures you do not endorse any political affinity or allegiance using a council email address or other social media connected with council.~~

Comment [TR8]: Legislative requirement under the LG Act – section 58 provides that the Mayor is the principal spokesperson of the Council

Comment [TR9]: Requirement under clause 2.5 of the Code

5.3 Security and access

Elected members are required to ensure that all passwords, accounts, software and data are adequately protected.

Elected members must not:

- share their council related passwords with another person.
- allow another person to access any council network.
- breach or attempt to breach computer or network security measures
- allow another person to log-in to their social media account.

Forced password changes are built into the Council system and individuals are responsible for the security and ensuring regular changing of their password(s).

Comment [TR10]: These provisions reflect the obligations on elected members to ensure the confidentiality of Council information in accordance with their General Duties under section 62 of the LG Act

A breach of these provisions could also constitute misconduct in public administration for the purposes of the ICAC Act

The Council, as a corporate entity, is also required to ensure adequate security of its IT systems, including password protection, to protect Council information

5.4 Unlawful Activities

Elected members are not to access, like, share or send material that is prohibited or potentially prohibited, provocative, offensive, abusive, sexist, racist or pornographic. This includes not forwarding to others any material/content of this nature that is received.

It is considered unacceptable to create, share, endorse send or forward content material or comments that:

- contains threats of violence or other unwelcome or harassing behaviour.
- contains personal opinions that may be considered defamatory or derogatory about other elected members and/or staff of the City of Onkaparinga and/or members of the community,
- may breach the Code of Conduct for Council Members.

Comment [TR11]: This reflects the legal obligations on Elected Members' under legislation including, but not necessarily limited to, the:

1. *Criminal Law Consolidation Act 1935;*
2. *Defamation Act 2005;* and
3. *Local Government Act 1999.*

While these behaviours are prohibited by legislation, it is appropriate for the Council to identify such activities in a Policy as a 'positive' statement of the manner in which the Council intends to use social media

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Elected Member Electronic and Media Communications Protocol Policy

- breaches any legislation or any Council policy.
- promote illegal activities.

Elected members are personally responsible and legally responsible for the content (posts, message and comments) that they publish or allow to be published on any social media platforms that they control or manage.

5.5 Confidential Messages

Care should be taken when sending messages or information electronically as messages may be intercepted, forwarded or otherwise transmitted to someone other than the intended recipient.

Accordingly, elected members are advised to be very cautious about committing totally private, sensitive or confidential messages to electronic communication.

5.6 Access and disclosure

Elected members should be aware that email messages, even if expressed to be confidential, may have to be disclosed in court proceedings, Freedom of Information requests, or investigations by the Ombudsman or Independent Commission Against Corruption. It may be necessary for relevant staff to access and/or disclose electronic information and communications in order to comply with a legislative obligation or upon appropriate formal request (e.g. Code of Conduct investigation).

The elected member and the Chief Executive Officer will be notified if records are to be accessed by staff unless there is a duty of confidence (e.g. Independent Commission Against Corruption Investigation).

Official records whether paper or electronic belong to the Council not the elected member.

5.7 Defamation

For the purpose of defamation law, 'publication' is very broad and includes any means whatsoever that we use to communicate with each other, including social media and email. A statement made electronically is, by its very distribution, published. A statement is also published if it is simply received electronically and forwarded electronically. The Council is at risk of being liable for any defamatory material stored, reproduced or transmitted via any of its facilities. Likewise, Elected Members may also be liable in their personal capacity as a consequence of any defamatory material published via email or on their social media channels. Elected Members should be aware that they may be held to have published defamatory material in circumstances where they permit a defamatory publication to be made and remain on their social media pages.

5.8 Copyright

Comment [TR12]: This reflects a member's obligations under section 62 of the LG Act.

Comment [TR13]: This reflects legislative requirements, noting the provisions of the:

1. *Independent Commissioner Against Corruption Act 2012*;
2. *Ombudsman Act 1972*;
3. *Freedom of Information Act 1991*;
- and
4. *State Records Act 1997*

This is an appropriate inclusion in the policy, as it ensures that all elected members are apprised of the Council's obligations to disclose certain communications. It also serves as a reminder to members of the community that information may be required, at law, to be disclosed

Comment [TR14]: This is a Policy position, but confirms the Council's intentions to be open and transparent in accessing certain records

Comment [TR15]: This is a statement of the legal position and is a position supported by the Minister for Transport, Infrastructure and Local Government and the Office of Local Government

Comment [TR16]: This is a reflection of the law under the *Defamation Act*

Comment [TR17]: This is correct at law – see the recent case of *Voller*. Edition to paragraph.

Comment [TR18]: This is a statement of law – *Copyright Act 1968 (Cth)*

It is a beneficial reminder that copyright may exist in widely distributed materials on the internet

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Elected Member Electronic and Media Communications Protocol Policy

Not all information on the Internet is in the public domain or freely available for use without proper regard to rules of copyright. Much of the information is subject to copyright protection under Australian law. Elected members are required to make themselves aware and abide by relevant provisions of the *Copyright Act* as they apply to sharing of content on social media and ensure that no copyrighted or trademarked material is published on their Council related social media pages without the permission of the creator or copyright owner.

Any material reproduced outside permitted uses or without the permission of the owner on social media pages related to the Council may be unlawful and may result in legal action against the elected member and the Council.

5.9 Records management

All emails that concern council related matters are regarded as official records and belong to the Council.

Elected members shall ensure that official records in any format [outside of transactions occurring in the Council's corporate email system](#) are forwarded to the Information Governance team to be captured into council's records management system in accordance with the *State Records Act 1997*.

6 Media communication protocols

Media is an important source of information for the community and can assist the Council in its leadership and advocacy role. It is the policy of the Council to communicate openly and honestly with the media in order to maintain its commitment as an open and accountable organisation.

The Mayor and the Chief Executive Officer (CEO) are exclusively authorised to speak publicly on behalf of the Council.

Enquiries relating to corporate or operational matters are usually responded to by the CEO or appointed delegate, depending on the issue.

Enquiries relating to a Council decision or policy matter before Council on which a decision is pending, are usually responded to by the Mayor, depending on the issue.

Certain issues may require a response from both the organisation and the Mayor. The CEO, [in consultation with the Mayor](#), will determine if this is necessary.

Elected members may make public comment on their own point of view. If an elected member intends to speak or write to the media or speak publicly it is requested that they:

- advise the Mayor and the CEO of their intention to make comments to the media, or as soon as practical after the media contact (if it was not possible before making comments), to ensure the organisation is informed of the information provided to the media

Comment [TR19]: This is a statement of the Council's legislative obligations under the *State Records Act 1997*

Comment [TR20]: This is a Policy position

Comment [TR21]: The Mayor is principal spokesperson for the Council under section 58(1)(c) of the LG Act (unless the Council appoints another member to be its principal spokesperson)

The CEO speaks for an on behalf of the Council for operational matters pursuant to section 99 of the LG Act

Comment [TR22]: This reflects the CEOs role and responsibilities under section 99 of the LG Act

Comment [TR23]: The Mayor is the principal spokesperson for the Council under section 58(1)(c) of the LG Act

Comment [TR24]: This reflects the role of the CEO under section 99 of the LG Act

Comment [TR25]: Consistent with clause 2.5 of the Code

The requirements imposed on Elected Members in connection with making a public comment are related to clauses 2.2, 2.3, 2.4, 2.7 and 2.8 of the Code

Comment [t26]: This is a policy position not a legislative requirement and as such may be removed.

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Elected Member Electronic and Media Communications Protocol Policy

- ensure they make it very clear that they are expressing their own point of view and not speaking on behalf of the Council
- ensure that their comments are not vexatious or defamatory
- ensure that the comments are reasonable, just, respectful and non-discriminatory to others ~~to Council's decisions and other elected members~~
- ~~ensures that consider if~~ the information they intend to provide promotes trust and confidence in the Council and its decision making processes ~~is contradictory to a Council decision and, therefore, their reasons for the comments~~
- ensure that the information they are providing is informed and factual and
- do not provide confidential information to the media, ~~or~~ community or any other unauthorised person.

Comment [TR27]: Reflects the obligations of a member under clause 2.5 of the Code

Comment [TR28]: Reflects the obligations of a member under clauses 2.2, 2.3 and 2.4 of the Code

Comment [TR29]: Reflects the obligations of a member under clauses 2.3, 2.9 and 2.10 of the Code

Comment [TR30]: Reflects the obligations of a member under clause 2.2 of the Code

Comment [TR31]: Reflects the obligations of members under clauses 2.1, 2.7 and 3.1 of the Code

Comment [TR32]: Reflects the obligations under section 62 of the LG Act and clause 3.3 of the Code

These provisions do not and are not intended to curtail or restrict in any way the rights of elected members to express their personal views in public, provided that care is taken not to convey the impression that such views are made on behalf of the Council.

Other spokespeople may be authorised to speak at the discretion of the CEO or the Mayor may authorise other persons to speak on behalf of the organisation and Council.

7 — Breach of the conditions of the policy

~~In circumstances where an elected member breaches conditions of this policy, Council reserves the right to restrict the use of access to the technology, equipment or services and to maintain that restriction at its discretion, and may invoke other disciplinary action or sanctions under the Code of Conduct for Council Members.~~

87 — Relevant legislation and references

State Records Act 1997
Local Government Act 1999
Elected member allowance and benefits procedure 2018
Code of Conduct for Council Members
Code of Practice – proceedings of meetings

98 — Further information

This Policy is available for inspection, during business hours at:
City of Onkaparinga, Ramsay Place, NOARLUNGA CENTRE SA 5168.

It is also available for inspection, downloading or printing from our website
www.onkaparingacity.com.au

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Elected Member Electronic and
 Media Communications Protocol
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409 Document control

Author (to whom changes are to be recommended):			
Position	Name		
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Stakeholders (audience):			
Public Relations Elected members			
Reviewed by:			
Position	Name	Date reviewed	
Team Leader Civic Governance	Karyn Ryan	20/09/2018	
Manager Corporate Information	Desma Morris	14/11/2018	
Director Corporate and City Services	Alison Hancock	19/11/2018	
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V0.1		Review every 2 years from the Approval date.	
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Date	Author	Version	Nature of change
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Elected Member Electronic and
Media Communications Protocol
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Onkanet and public website	
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9.10 Council and Committee Reporting Schedule

This is a regular or standard report.

Manager: Alison Hancock, Director Corporate and City Services

Report Author: Sue Hammond, Senior Governance Officer

Contact Number: 8384 0747

Attachments: 1. Reporting Schedule (2 pages)

1. Purpose

This report provides an update on the reporting for upcoming Council and Committee meetings.

2. Recommendation

That Council note the agenda report and Reporting Schedule (attachment 1 to the agenda report).

3. Background

This report is provided as per the following resolution of Council at its meeting of 21 March 2017:

That the item "Updated Work Program" from the agenda of the Strategic Directions Committee be duplicated as a monthly agenda item for Council meetings.

As the Reporting Schedule is a guide only and subject to change, members are encouraged to utilise the Elected Member website for an up to date version of the Reporting Schedule.

Attachment 1

City of Onkaparinga - Report Schedule
 as at 9 October 2019

ARVEC Meeting 21/10/19		
REPORT SCHEDULED	RESPONSIBLE OFFICER	DEPT
2019 Committee Reporting Schedule (Work plan)	Brown, Kathryn	GO
ARVEC Annual Performance Review results	Mirovitskaya, Elena	GO
Quarterly Performance Improvement Report	Hassam, Gregory	GO
Council Solutions (CoSol) - Annual Report	Carter, Kevin	FA
External Audit Completion Letter	Carter, Kevin	FA
Southern Regional Waste Resource Authority (SRWRA) Annual Report	Carter, Kevin	FA
CEOPMC meeting 22/10/19		
REPORT SCHEDULED	RESPONSIBLE OFFICER	DEPT
Initial CEO Performance review survey results	Hancock, Alison	GO
SDC Meeting 05/11/19		
REPORT SCHEDULED	RESPONSIBLE OFFICER	DEPT
Mount Bold Dam upgrade	Guy, James	CS
Thalassa Parks & Gardens Trust	Bouwer, Rinus	CS
Wilfred Taylor Master Plan Community Engagement Outcomes	Manchip, Susan	CS
Community engagement update and proposed refresh	Sutton, Dale	OS
Council and Committee Reporting Schedule	Luke, Jonathan	GO
Old Reynella former Winery site DPA Public Meeting	Lacis, Heidi	GO
Community Investment Fund Report	Berry, Alexander	FA
Willunga Golf Course Update Report	Berry, Alexander	FA
Council meeting 19/11/2019		
REPORT SCHEDULED	RESPONSIBLE OFFICER	DEPT
Lighting options at City of Onkaparinga dog parks	Norris, Geoffrey	CS
Port Noarlunga Sports Ground - club room replacement	Norris, Geoffrey	CS
Sports and Active Recreation Strategy (SARS)	Norris, Geoffrey	CS
UCI International Standard BMX facility	Norris, Geoffrey	CS
Appointment of Deputy Mayor	Brunotte, Therese	GO
Appointment of CAP Members	Mitchell, Renee	GO
Audit, Risk, Value and Efficiency Committee meeting minutes of 21/10/19	Hammond, Susan	GO
Audit, Risk, Value and Efficiency Committee membership	Brunotte, Therese	GO
Australia Day Committee membership	Brunotte, Therese	GO
Chamber upgrade	Ryan, Karyn	GO
Chief Executive Officer Performance Management Committee membership	Brunotte, Therese	GO
Code of Practice - access to meetings and documents	Brunotte, Therese	GO
Council and Committee Reporting Schedule	Hammond, Susan	GO
Mount Lofty Ranges World Heritage Bid- Annual Report 2018 -19	Bali Dogra, Divya	GO
Procedure for investigating complaints under the Code of Conduct for Council Members 2018	Ryan, Karyn	GO
Strategic Directions Committee meeting minutes of 5/11/19	Hammond, Susan	GO
Strategic Directions Committee membership	Brunotte, Therese	GO
1. Rate rebates mandatory 2019-20	Murrell, Joan	FA
2. Rate rebates discretionary 2019-20	Murrell, Joan	FA
Council Solutions Regional Authority 2018-19 Annual Report draft 2018-19 City of Onkaparinga Annual Report	Carter, Kevin	FA
draft general purpose financial statements for year ended 30 June 2019	Sghendo, Sonia-Marie	FA
Effectiveness of the Onkaparinga Council since amalgamation	Carter, Kevin	FA
Quarterly Financial Statement including Budget review 1	Spartalis, George	FA
Southern Region Waste Resource Authority 2018-19 Annual Report	Eckermann, Diane	FA
	Carter, Kevin	FA

ARVEC Meeting 02/12/19

REPORT SCHEDULED	RESPONSIBLE OFFICER	DEPT
2019 Committee Reporting Schedule (Work plan)	Brown, Kathryn	GO
2019 Presiding Member's Report	Mirovitskaya, Elena	GO
Internal audit quarterly update	Mirovitskaya, Elena	GO
LGAMLS risk management review update	Brown, Kathryn	GO
Quarterly update - monitoring hospitality related transactions	Brown, Kathryn	GO
Quarterly update - Risk management	Mirovitskaya, Elena	GO
Work Health and Safety activities update	Stott, Christian	GO
Implementation of External Audit Actions - progress report	Carter, Kevin	FA

SDC Meeting 03/12/19

REPORT SCHEDULED	RESPONSIBLE OFFICER	DEPT
Sport and Active Recreation Strategy - draft strategic direction and role statements	Ranson, Terra Lea	OS
Aldinga Renewal SA Land Ministerial DPA submission	Luke, Jonathan	GO
Council and Committee Reporting Schedule	Luke, Jonathan	GO
Infrastructure Schemes - Information for noting	Jones, Craig	GO
Local Area Plan recommendations	Luke, Jonathan	GO
Lonsdale Residential (Ministerial) DPA submission	Jones, Craig	GO
Old Reynella Former Winery Site Draft DPA and SCPA Report for approval	Lacis, Heidi	GO
Sport and Active Recreation Strategy - Sports Assets Work Plan	Morrissey, Matthew	GO
Submission on draft P&D Code - Metropolitan Adelaide	Luke, Jonathan	GO
Willunga Planning Policy Review Consultation Outcomes and Recommendations for approval	Bali Dogra, Divya	GO

Council meeting 10/12/2019

REPORT SCHEDULED	RESPONSIBLE OFFICER	DEPT
Community Toilet Scheme	Norris, Geoffrey	CS
Deputation - Climate Emergency - Barry Mitchell	McGlennon, Jennifer	OS
Audit, Risk, Value and Efficiency Committee meeting minutes of 2/12/19	Hammond, Susan	GO
Council and Committee Reporting Schedule	Hammond, Susan	GO
Legal Services Summary	Vrankovic, Kim	GO
Strategic Directions Committee meeting minutes of 3/12/19	Hammond, Susan	GO
Review of Long Term Financial Plan	Eckermann, Diane	FA
Water Assets Divestment Project	James, Julian	FA

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10. Nominations to external bodies

Nil.

11. Questions on notice

Nil.

12. Motions

Nil.

13. Petitions

Nil.

14. Urgent business

15. Confidential items

Confidential Clause

If Council so determines items 15.1 to 15.3 may be considered in confidence under Section 90(2) of the *Local Government Act 1999* on grounds contained in the Recommendations below.

A handwritten signature in black ink, appearing to read 'Mark Dowd', with a stylized flourish extending to the right.

Mark Dowd
Chief Executive Officer

15.1 ICT Reform Project Steering Committee meeting confidential minutes of 23 September 2019

1. That:

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and

Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—

 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

2. Confidential

3. a. That the matter of ICT Reform Project Steering Committee meeting confidential minutes of 23 September 2019 having been considered by the Council in confidence under sections 90(2) and 90(3)(a) and (d) of the *Local Government Act 1999* that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the agenda report, discussion and minutes of the Council relating to discussion of the subject matter be kept confidential.
- b. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.
- c. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.

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15.2 EM2019-01 (b & c) Code of Conduct for Council Members Preliminary Assessment Update

Recommendation 1

That:

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

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

Recommendation 2 - confidential

Recommendation 3

- a. That the matter of Code of Conduct for Council members Preliminary Assessment EM2019-01(b & c) Update having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999* that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the Code of Conduct for Council members Preliminary Assessment EM2019-01(b & c) Update and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential excluding communication with the complainants and subject of the complaint in relation to Council's decision and any future report presented to Council which determines a breach of the Code of Conduct for Council Members has been determined in relation to EM2019-01(b & c).
- b. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.
- c. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.

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15.3 EM2019-05 Code of Conduct for Council Members Preliminary Assessment

Recommendation 1

That:

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.**
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:**

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

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

Recommendation 2 - Confidential

Recommendation 3

- a. That the matter of EM2019-05 Code of Conduct for Council Members Preliminary Assessment having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999* that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the Code of Conduct for Council Members Preliminary Assessment EM2019-05 and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential excluding communication with the complainant and subject of the complaint in relation to Council's decision and any future report presented to Council which determines a breach of the Code of Conduct for Council Members has been determined in relation to EM2019-05.**
- b. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.**
- c. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.**

16. Closure

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Councillor:

Date:

Meeting name:

Agenda item no:

1. I have identified a conflict of interest as:

MATERIAL

ACTUAL

PERCEIVED

MATERIAL: Conflict arises when a councillor or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

ACTUAL: Conflict arises when there is a conflict between a councillor's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

PERCEIVED: Conflict arises in relation to a matter to be discussed at a meeting of council, if a councillor could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

2. The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

3. I intend to deal with my conflict of interest in the following transparent and accountable way:

I intend to **leave** the meeting

OR

I intend to **stay** in the meeting *(complete part 4)*

4. The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS

Governance use only: Member voted FOR/AGAINST the motion.

Ordinary Business Matters

A **material, actual** or **perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the *Local Government (General) Regulations 2013*.

- (a) *the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act*
 - (b) *the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)*
 - (c) *the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act*
 - (d) *the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act*
 - (e) *the adoption or revision of an annual business plan*
 - (f) *the adoption or revision of a budget*
 - (g) *the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration*
 - (h) *a discussion or decision of a matter at a meeting of a council if the matter—*
 - (i) *relates to a matter that was discussed before a meeting of a subsidiary or committee of the council*
 - (ii) *the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.*
- (2) *For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.*

Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual** or **perceived** in a matter to be discussed at a meeting of council **by reason only of**:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

For example: If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.