Notice of Meeting

Notice is hereby given that a meeting of the LGA Executive Committee will be held on

Thursday 23 February 2017 at 12.00noon

Boardrooms at Local Government House
148 Frome Street, Adelaide

Matt Pinnegar
Chief Executive Officer

16 February 2017

For further information about the LGA Executive Committee, click here.
# LGA Executive Committee Members

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<tr>
<th>Position</th>
<th>Zone</th>
<th>Member</th>
</tr>
</thead>
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<tr>
<td><strong>President</strong></td>
<td>Adelaide Metropolitan Zone</td>
<td>Mayor Lorraine Rosenberg</td>
</tr>
<tr>
<td><strong>Immediate Past President</strong></td>
<td>Murraylands and Riverland Zone</td>
<td>Mayor Dave Burgess</td>
</tr>
<tr>
<td><strong>Vice Presidents</strong></td>
<td>Adelaide Metropolitan Zone</td>
<td>Cr Susan Clearihan</td>
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<td></td>
<td></td>
<td>Mayor David Parkin</td>
</tr>
<tr>
<td></td>
<td>Limestone Coast Zone</td>
<td>Mayor Erika Vickery</td>
</tr>
<tr>
<td></td>
<td>Murraylands and Riverland Zone</td>
<td>Mayor Peter Hunt</td>
</tr>
<tr>
<td><strong>Advisor</strong></td>
<td>Chief Executive Officer</td>
<td>Matt Pinnegar</td>
</tr>
</tbody>
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# Agenda

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<td>Present</td>
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9. Next Meeting

The next meeting of the LGA Executive Committee will be held on Thursday 27 April 2017 at Local Government House, 148 Frome Street, Adelaide, commencing at 12.00noon.

10. Close
2.1 Minutes of Meeting held on 7 December 2016

Minutes of Previous Meeting

From: Jacqui Kelleher, Manager Executive Services
Meeting LGA Executive Committee 23 February 2017
ECM: 647138 Attachment: 645924

Recommendation

That the LGA Executive Committee confirms the minutes of its meeting held on 7 December 2016 as a true and accurate record of the proceedings held.

Discussion

The draft minutes of the LGA Executive Committee meeting held on 7 December 2016 are attached for confirmation as to their accuracy. The draft confidential minutes are listed under Confidential Reports for this meeting and will be separately adopted.
Draft Minutes of the LGA Executive Committee meeting
held on Wednesday 7 December 2016 at 12:30pm at House of Chow, 82 Hutt Street, Adelaide

1. Welcome, Present & Apologies

The President opened the meeting at 12.33pm and welcomed members and staff.

1.1 Present

Mayor Dave Burgess LGA President
Mayor David O’Loughlin Immediate Past President
Mayor Ann Ferguson OAM Vice President - country
Mayor Lorraine Rosenberg Vice President - metropolitan
Cr Jill Whittaker (from 12.37pm) Vice President - metropolitan

LGA Secretariat:

Matt Pinnegar Chief Executive Officer
Lisa Teburea Executive Director, Public Affairs
Kathy Jarrett Executive Director, Corporate & Member Services
Jacqui Kelleher Manager Executive Services (minutes)

1.2 Apologies

Mayor Peter Hunt Vice President - country

2 Minutes of Previous Meeting

2.1 Minutes of the meeting held 19 October 2016

Moved Mayor Ferguson Seconded Mayor O’Loughlin that the LGA Executive Committee confirms the minutes of the meeting held on 19 October 2016 as a true and accurate record of the proceedings held.

CARRIED

2.2 Business Arising

Nil.
2.3 Resolutions and Actions from previous meetings

Moved Mayor Rosenberg Seconded Mayor Ferguson that the LGA Executive Committee notes progress with resolutions resulting from the meeting of 19 October 2016 and outstanding resolutions from earlier meetings.

CARRIED

12.37pm Cr Whittaker arrived at the meeting.

3 Invited Guest Speakers

Nil.

4 Reports for Discussion

4.1 Local Nuisance and Litter Control Regulations 2016

Members provided feedback on the draft submission.

Moved Mayor O’Loughlin Seconded Mayor Ferguson that the LGA Executive Committee endorses the LGA submission on the Local Nuisance and Litter Control Regulations.

CARRIED

4.2 Submission on the Dog and Cat Management Regulations

Members provided feedback on the draft submission.

Moved Cr Whittaker Seconded Mayor Rosenberg that the LGA Executive Committee endorses the submission to the Minister for Environment Sustainability and Conservation on the draft Dog and Cat Management Regulations.

CARRIED

4.3 Aged Care Legislated Review

Members provided feedback on the draft submission.

Moved Mayor Rosenberg Seconded Cr Whittaker that the LGA Executive Committee notes the report and approves the submission attached in the agenda to be forwarded the Commonwealth Government’s Aged Care Legislated Review.

CARRIED
5 Nominations to Outside Bodies

5.1 Premier’s Climate Change Council
Additional information previously emailed to members was tabled.

Moved Mayor Rosenberg Seconded Mayor O’Loughlin that the LGA Executive Committee forwards the following panel (at least one man and one woman) of three nominees to the Minister for Climate Change for the appointment of a representative to the Premier’s Climate Change Council, for a term of up to three years commencing on the date of the appointment:

Dr Grant Gartrell   (Alexandrina)
Ms Lauren Oxlade   (Wattle Range)
Cr Carol Muzyk   (Playford)

CARRIED

Item 6 was dealt with later in the meeting.

7 Late Reports

7.1 Adelaide Cemeteries Authority Board

Moved Mayor Ferguson Seconded Mayor O’Loughlin that the LGA Executive Committee forwards the following panel (at least one man and one woman) of three nominees to the Minister for Planning for the appointment of a representative to the Adelaide Cemeteries Authority Board, for a three year term commencing on 1 January 2017:

Cr Susan Clearihan   (Adelaide City)
Cr George Demetriou  (West Torrens)
Cr Carol Muzyk   (Playford)

CARRIED

7.2 State Government request for greater level of consultation

The late report previously emailed to members was tabled. The CEO provided a verbal update and members provided feedback on the draft strategies and recommendations outlined in the late report.

Moved Mayor Rosenberg Seconded Cr Whittaker that the LGA Executive Committee:

1. notes the report
2. approves the strategies and recommendations outlined in the report.

CARRIED
Moved Cr Whittaker Seconded Mayor O’Loughlin that the meeting be adjourned for a period of 15 minutes to hand over the chains of office to the President-elect, Mayor Lorraine Rosenberg and to formally thank the President Mayor Dave Burgess for his commitment during his term of office.

1.30 pm the meeting adjourned.

Moved Mayor Rosenberg Seconded Mayor Ferguson that the meeting be reconvened.

1.45pm the meeting reconvened

6 Confidential Reports

6.1 CEO Employment Agreement Review – Grounds for Entering Confidence

Grounds to move into confidence

Moved Cr Whittaker Seconded Mayor Ferguson that the LGA Executive Committee:

1. resolves to consider Agenda Item 6.1 - CEO Employment Agreement Review in confidence being satisfied that the information received, discussed or considered in relation to Agenda Item 6.1 is information that could unreasonably disclose the personal affairs of a person, living or dead; and

2. orders all staff and observers at the meeting, with the exception of Executive Director Corporate & Member Services, be excluded from attendance at the meeting for Agenda Item 6.1 - CEO Employment Agreement Review.

CARRIED

Grounds to move out of confidence

Moved Cr Whittaker Seconded Mayor Ferguson that the LGA Executive Committee moves out of confidence and having considered Agenda Item 6.1 - CEO Employment Agreement Review in confidence resolves to retain the report, its attachments and resolution in confidence indefinitely in relation to this matter because it is information that could unreasonably disclose the personal affairs of a person, being the Chief Executive Officer.

CARRIED
8. **Any Other Business**

Nil.

9. **Next Meeting**

The next meeting of the LGA Executive Committee will be held on Thursday 23 February 2017 at 12.00noon at Local Government House, 148 Frome Street, Adelaide.

10. **Close**

The meeting was declared closed at 2.12pm.

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**Minutes confirmed**

.............................................

Chairperson signature

Date ..........................................
2.3 Resolutions and Actions from Previous Meetings

**Minutes of Previous Meeting**

From: Jacqui Kelleher, Manager Executive Services  
Meeting: LGA Executive Committee  
ECM: 647139  
Attachment: 646939

**Recommendation**

That the LGA Executive Committee notes progress with resolutions resulting from its meeting of 7 December 2016 and outstanding resolutions from previous meetings.

**Discussion**

The attachment to the report shows progress of resolutions from previous meetings of the LGA Executive Committee.
**Resolutions from the meeting of the LGA Executive Committee – 7 December 2016**

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1 Local Nuisance and Litter Control Regulations 2016</strong></td>
<td>Completed. Submission forwarded to Minister</td>
</tr>
<tr>
<td>Members provided feedback on the draft submission.</td>
<td></td>
</tr>
<tr>
<td>Moved Mayor O’Loughlin Seconded Mayor Ferguson that the LGA Executive Committee endorses the LGA submission on the Local Nuisance and Litter Control Regulations.</td>
<td>CARRIED</td>
</tr>
<tr>
<td><strong>4.2 Submission on the Dog and Cat Management Regulations</strong></td>
<td>Completed. Submission forwarded to Minister</td>
</tr>
<tr>
<td>Members provided feedback on the draft submission.</td>
<td></td>
</tr>
<tr>
<td>Moved Cr Whittaker Seconded Mayor Rosenberg that the LGA Executive Committee endorses the submission to the Minister for Environment Sustainability and Conservation on the draft Dog and Cat Management Regulations.</td>
<td>CARRIED</td>
</tr>
<tr>
<td><strong>4.3 Aged Care Legislated Review</strong></td>
<td>Completed – Submission provided to the review.</td>
</tr>
<tr>
<td>Members provided feedback on the draft submission.</td>
<td></td>
</tr>
<tr>
<td>Moved Mayor Rosenberg Seconded Cr Whittaker that the LGA Executive Committee notes the report and approves the submission attached in the agenda to be forwarded the Commonwealth Government’s Aged Care Legislated Review.</td>
<td>CARRIED</td>
</tr>
<tr>
<td><strong>5.1 Premier’s Climate Change Council</strong></td>
<td>The names of the three nominees were provided to DEWNR via email and letter on 12.12.16. The LGA is yet to be advised as to which nominee is to be appointed to the council.</td>
</tr>
<tr>
<td>Additional information previously emailed to members was tabled.</td>
<td></td>
</tr>
<tr>
<td>Moved Mayor Rosenberg Seconded Mayor O’Loughlin that the LGA Executive Committee forwards the following panel (at least one man and one woman) of three nominees to the Minister for Climate Change for the appointment of a representative to the Premier’s Climate Change Council, for a term of up to three years commencing on the date of the appointment:</td>
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<tr>
<td>Dr Grant Gartrell (Alexandrina)</td>
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<td>Cr Carol Muzyk (Playford)</td>
<td></td>
</tr>
</tbody>
</table>
## 6.1 CEO Employment Agreement Review – Grounds for Entering Confidence

**Grounds to move into confidence**

Moved Cr Whittaker Seconded Mayor Ferguson that the LGA Executive Committee:

1. resolves to consider Agenda Item 6.1 - CEO Employment Agreement Review in confidence being satisfied that the information received, discussed or considered in relation to Agenda Item 6.1 is information that could unreasonably disclose the personal affairs of a person, living or dead; and

2. orders all staff and observers at the meeting, with the exception of Executive Director Corporate & Member Services, be excluded from attendance at the meeting for Agenda Item 6.1 - CEO Employment Agreement Review.

**CARRIED**

**Grounds to move out of confidence**

Moved Cr Whittaker Seconded Mayor Ferguson that the LGA Executive Committee moves out of confidence and having considered Agenda Item 6.1 - CEO Employment Agreement Review in confidence resolves to retain the report, its attachments and resolution in confidence indefinitely in relation to this matter because it is information that could unreasonably disclose the personal affairs of a person, being the Chief Executive Officer.

CEO Employment finalised and executed as resolved by the Executive Committee. Completed

## 7.1 Adelaide Cemeteries Authority Board

Moved Mayor Ferguson Seconded Mayor O’Loughlin that the LGA Executive Committee forwards the following panel (at least one man and one woman) of three nominees to the Minister for Planning for the appointment of a representative to the Adelaide Cemeteries Authority Board, for a three year term commencing on 1 January 2017:

- Cr Susan Clearihan  (Adelaide City)
- Cr George Demetriou  (West Torrens)
- Cr Carol Muzyk  (Playford)

Completed. The successful nominee will be notified by the Minister for Planning.
7.2 State Government request for greater level of consultation

The late report previously emailed to members was tabled. The CEO provided a verbal update and members provided feedback on the draft strategies and recommendations outlined in the late report.

Moved Mayor Rosenberg Seconded Cr Whittaker that the LGA Executive Committee:

1. notes the report
2. approves the strategies and recommendations outlined in the report.

CARRIED

Secretariat has communicated details of Ministers request for Councils to increase the level of consultation with their customers through Elected Member, CEO & Communicators eNews and the provision of templates for flyers, email signatures, posters and website buttons. Further statewide promotion of Council’s annual budget program consultation processes will occur in 2017/2018.

Resolutions from the meeting of the LGA Executive Committee – 16 June 2016

5.4 Annual Business Plan & Budget 2016/17

Moved Mayor O’Loughlin Seconded Mayor Hunt that the Executive Committee:

1. notes the report ‘LGA Annual Business Plan and Budget 2016/2017’;
2. recommends to the Board the adoption of:
   a. the draft 2016/17 LGA Annual Business Plan;
   b. the draft 2016/17 LGA Budget incorporating an increase to member’s subscriptions of 2.5%.

subject to the:
- removal of all capital expenditure relating to the building
- removal of funding of $15,000 for the annual President’s Dinner

3. requests the Secretariat to:
- confirm the agreements or otherwise made with tenants by the LGA (or Knight Frank acting on behalf of the LGA) in terms of modifications to balustrades;
- review and confirm detailed costings associated with balustrade modifications, and seek a reduction in costs by investigating alternative options for modifications;
- provide a report to the Executive Committee summarising the investigations before any works commence on balustrade modifications.

Annual Business Plan & Budget was adopted by the Board on 27 June 2016 via circular resolution.

Re Items 3 & 4, reports associated with a first draft Long Term Financial Plan and the ½ year budget review were considered by the Board at the January 2017 meeting. The Long Term Financial Plan was referred to the Audit Committee for further analysis, which occurred on 7 February 2017.

Each of the items raised by the Executive Committee as part of this resolution were addressed in the above reports.

Re Item 5 – due to the various other priorities of the Board, this item has been referred to the 2017/2018 Annual Business Plan process. Note that it was discussed at the Board induction held on 25 January 2017.

Re item 6 - Annual Business Plan & Budget was adopted by the Board on 27 June 2016 via circular resolution.

These items are considered completed for the purposes of the Executive Committee, as they are now factored in to the
4. requests the Secretariat to develop relevant business cases associated with identified building maintenance to be developed and considered as part of the first budget review cycle;

5. requests the Secretariat to allocate time at the July 2016 Board meeting to allow members to discuss the matter of Board and Organisational Development including giving consideration to adopting the LGA Secretariat’s Values and Behaviour statement;

6. requests the Secretariat to circulate the above recommendations and supporting documentation to the full LGA Board for consideration and adoption by resolution in accordance with Clause 101 – Circulating resolutions of the Board of the LGA Constitution. This process is to be timed to ensure that the draft LGA Annual Business Plan and Budget 2016/17 is adopted by the Board prior to 1 July 2016.

CARRIED

next year’s planning and budgeting cycle.
4.1 EPA CEO Presentation to Executive Committee

Reports for Discussion
From: Stephen Smith, Director Policy
Key Initiative: K.I 1 Leadership and advocacy
Strategy: 1E Build and maintain effective partnerships and stakeholder relations
Meeting LGA Executive Committee 23 Feb 2017
ECM: 647093 Attachment: 635199

Recommendation
That the LGA Executive Committee notes the report.

Discussion

Background
In February 2016, the Environment Protection Authority (EPA) CEO, Mr. Tony Circelli, wrote to the LGA asking the EPA and LGA to finalise and sign a Heads of Agreement. This had been developed by both the EPA and LGA Secretariat. The purpose of the Agreement was to provide clarity and certainty to parties and the community about the complementary roles and responsibilities of local government and the EPA in relation to environmental protection. This matter was deferred for consideration until after the 2016/17 State Budget, given the ongoing discussion with Minister Hunter regarding the waste levy and other matters.

On 14 October 2016 the LGA advised the EPA that the draft Heads of Agreement would be considered by the LGA Board at the November 2016 meeting. At that meeting, the LGA Board unanimously opposed entering into the Agreement.

Intent of the Heads of Agreement
The local government sector operates across many functional areas that are regulated or involve the EPA. This includes waste management, water management, nuisance management, planning referrals and contaminated sites. For some time there has also been lack of clarity of boundaries around the roles of councils and the EPA.

The Agreement is not legally binding and does not override or impact on the roles and functions prescribed in legislation. The Agreement does not bind the LGA to undertake or fund any activities that have not already been contemplated in the current work program.

The objectives of the Agreement included:

- recognising the collective commitment of the parties to work together in promoting better environmental outcomes through continuous improvement in environmental policies and regulatory practices based on values of mutual respect;
- enabling communication and meaningful engagement. In particular, the Agreement seeks to provide for clarity and certainty to the parties and the community about
respective roles and responsibilities of the EPA and local councils for environmental protection; and

- providing a framework for the EPA and the LGA to work together on dealing with common issues and challenges and to coordinate decision-making on matters of shared interest.

By entering into this agreement it was considered that the accountability of both parties could improve, which in turn would provide benefit to the local government sector. All items covered in the agreement have been raised by councils as issues that require improvement.

**Current situation**

The LGA CEO met with Mr Circelli on 28 November to discuss this outcome and a course of action. It was also discussed that Mr Circelli should attend the next LGA Executive meeting to provide a presentation addressing:

1. the importance of the relationship between the EPA and LGA;
2. the purpose of the Heads of Agreement and what it can help achieve; and
3. the key actions/activities the EPA will be seeking to undertake with local government in 2017 as a result of the EPA/LG forum held on 30 November 2016.

The outcome of the presentation and discussion would help guide as to whether the Heads of Agreement is the preferred way forward or whether other approaches could be considered. At the EPA/LG Forum a number of ideas were identified which could assist in improving the relationship between councils and the EPA, including:

1. having senior Directors within the EPA being ‘assigned’ council areas, enabling a council CEO to contact a senior EPA official to discuss matters of concern; and
2. creating an EPA funded position within the LGA Secretariat.

**Financial and Resource Implications**

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
Heads of Agreement

An Agreement between the
LOCAL GOVERNMENT ASSOCIATION
and
ENVIRONMENT PROTECTION AUTHORITY

2016 - 2020
Contents

Preamble
Scope
Objectives
Principles
Training and Development
Engagement and Communication
Development Planning and Assessment
Site Contamination
Policy and Legislation
Schedules

Schedule 1: State – Local Government Relations: An agreement between the State Government and Local Government in South Australia 2015
PREAMBLE

This Agreement is made between the Local Government Association of South Australia (LGA) and the South Australia Environment Protection Authority (EPA) to define the roles and responsibilities of the two organisations in supporting each other and local councils in the delivery of services relating to environmental protection.

The Agreement consists of a scope, objectives and principles to guide the relationship between the LGA and the EPA. It also provides practical guidance on how the relationship will operate in respect of key areas.

The Agreement is considerate of, and consistent with, the principles and commitments of the State-Local Government Relations Agreement, January 2015.

The Agreement will be reviewed after five years, unless one of the parties request an earlier review.

SCOPE

This Agreement relates to matters in which the EPA and LGA can work together to contribute to decision-making and the efficient delivery of services and information associated with environmental protection to local communities by the EPA and local councils.

It is acknowledged that local councils and the EPA have powers and duties that complement each other in contributing towards the protection of the environment and enhancing the quality of life of local communities. The Agreement provides greater clarity in this regard.

The LGA and the EPA acknowledge the benefits that come from working together to ensure the EPA and local councils provide services and information to each other and to the community in a manner that enables good decision-making and provide certainty and clarity to communities.

This Agreement does not create a legally binding relationship between the parties, nor does it override or impact on commitments entered into as part of existing or future Agreements and legislation. Legislative obligations that are required to be met by the LGA, EPA and/or local councils take precedence over any possible conflict of instructions that this Agreement may present.

The EPA does regulate local councils for some activities as per the Environment Protection Act 1993. This Agreement does not impact on that relationship.

Unless otherwise stated, the allocation of resources to meet the obligations within this Agreement will be provided in-kind.
OBJECTIVES

This Agreement recognises the collective commitment of the parties to work together in promoting better environmental outcomes through continuous improvement in environmental policies and regulatory practices based on values of mutual respect, open communication and meaningful engagement.

In particular, the Agreement seeks to provide for clarity and certainty to the parties and the community about respective roles and responsibilities of the EPA and local councils for environmental protection.

The Agreement also provides a framework for the EPA and the LGA to work together on dealing with common issues and challenges and to coordinate decision-making on matters of shared interest.

PRINCIPLES

The EPA commits to:

- Provide regulatory certainty, clarity and consistency.
- Actively engage with the LGA and local councils in the design, implementation and evaluation of policies, tools and approaches.
- Provide timely, easy-to-understand, targeted information to LGA and local councils about requirements and priorities.
- Provide reasonable timeframes to respond on matters being consulted.
- Assist local councils with training, advice and equipment (where possible) to undertake their responsibilities.
- Develop and maintain operational protocols and other guidance material on key issues of common interest.

The LGA commits to:

- Promote awareness and understanding of the EPA's role, requirements and priorities amongst local councils.
- Encourage participation by its member councils in the design, implementation and evaluation of environmental protection policies, tools and approaches.
- Proactively identify potential areas of concern between the EPA and local councils and facilitate early and cooperative action to resolve them.
- Facilitate best practice in local councils in relation to environmental protection, including through participation in joint EPA/Local Government Working Groups\(^1\).

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TRAINING & DEVELOPMENT

Guidance materials
The EPA will prepare and provide guidance material to support local councils in their environment protection roles and make the information available online and directly to local councils and the LGA.

The LGA will make the information available through its website and actively promote the availability and relevance of the material to local councils.

Training
The EPA will provide training to council officers to assist them in the undertaking of their roles, including through equipment use, interpretation and use of information collected from equipment, and the interpretation and implementation of relevant legislation.

The LGA will actively promote the training and assist in coordinating or arranging facilities and times for the training to be held.

In particular, the EPA will:

- prepare factsheets, guidelines, and standard operating procedures to assist local councils in managing local environmental nuisance issues
- lend equipment such as noise meters and surveillance cameras and provide training in its use
- manage a referral desk to facilitate effective transfer of complaints that are determined to be more serious than nuisance
- design and coordinate a training program tailored to local councils that provide basic as well as targeted compliance training to council officers
- make available an EPA officer to work with local councils on implementation of local nuisance and litter control legislation for a to be determined period of time.

In particular, the LGA will:

- promote the availability of EPA guidance materials, training and equipment to its members.
- support training through the coordination of training sessions and venues (where necessary).
- making available a register of equipment and promote the use of the equipment, including through provision of relevant contact details.
- assess local council training needs in relation to environmental protection and work with the EPA to provide targeted training
ENGAGEMENT AND COMMUNICATION

The EPA acknowledges the significant role local councils play in communicating to and engaging with their community and the importance for the EPA to provide timely advice and relevant information to local councils.

The LGA acknowledges its role in assisting with identifying the information needs of local councils and communicating it to the EPA.

The EPA and LGA will work collaboratively to ensure local councils are kept well informed to assist local councils in undertaking their responsibilities and to develop the most efficient and effective communication and engagement program that utilises the relationship local councils have with their community.

The LGA acknowledges that issues dealt with by the EPA may require communication and engagement to be undertaken in a sensitive manner, particularly as it relates to potential impacts on individual properties and their residents, including, but not limited to, site contamination investigations.

It is important that such information is provided in a timely manner so that local councils are provided the best opportunity to contribute to the development of support and engagement programs sensitive to the impacts on individual households. To ensure the needs of directly impacted residents are prioritised, it may be necessary that information is embargoed from public release until key players, including local councils, are informed.

DEVELOPMENT PLANNING AND ASSESSMENT

The EPA’s overarching goal for its interaction with the planning system is to promote the principles of ecologically sustainable development as defined in the Environment Protection Act 1993 by ensuring that these principles are appropriately considered and reflected at each stage of the planning system.

The EPA and LGA recognise that local councils play an important role in making development and planning decisions with potentially significant impacts on environmental quality and amenity.

The EPA commits to focus its resources and efforts more strongly on early engagement at the strategic planning and policy development stages, including through the development of policy statements that articulate its position on key environmental issues. This should provide greater certainty and consistency of environmental protection expectations and requirements in planning policy. A significant component of this approach is a new risk-based framework for consideration of site contamination within the planning system.

To this end, the EPA and LGA will work together to build more influential relationships with local councils. Specifically, the EPA will develop education materials for use by member local councils and the LGA will commit to promote and provide these material to local councils.
SITE CONTAMINATION

The LGA and EPA recognise that dealing with the legacy of site contamination and managing its impacts can be complex and challenging. Local councils are likely to become involved in site contamination issues through their role as planning authorities, as land owners and when a risk to public health is identified from sites under investigation by either third parties or the EPA.

The EPA is responsible for the administration of the site contamination components of the Environment Protection Act 1993 and will undertake the lead role in ensuring the management of site contamination investigations are undertaken appropriately either directly or by a third party.

Local councils have an important role in reducing the risk of exposure to the public and the environment from site contamination in their role as planning authorities. Historical information about land uses and activities is an important tool in understanding risks that may be associated with the land when making decisions about changes in use.

The EPA and LGA recognise that local councils also have a role in the management of site contamination through their role of local public health authorities under the Public Health Act 2011. This includes taking action to protect public health and identify risks to public health such as through provision of information.

The EPA, and the Department of Planning, Transport and Infrastructure (DPTI), in consultation with industry and local councils, has developed a new site contamination framework. The key principle of the new framework is to closely align the degree of investigation work with the level of risk. This will achieve better connection with the planning system and ensures the EPA identifies higher risk assessment sites that it will manage when necessary, reducing the risk to Councils.

The EPA will develop information to assist local councils in their role with site contamination investigations and to complement the EPA Stakeholder Engagement Delivery Framework that will guide all responsible parties in relation to site contamination. The LGA undertakes to promote these material to local councils.

The EPA will develop new guidance and education materials for use by local councils on managing legacy site contamination issues and the LGA will promote and provide these material to local councils. The EPA will continue to provide and improve access to information about site contamination to all parties.

The LGA acknowledges its role in assisting with the provision of information and advice to the local government sector in relation to maintaining information on potentially contaminating land uses and activities within their areas.
POLICY AND LEGISLATION

General

The EPA and LGA are committed to the consultation process on legislative proposals that form part of the State-Local Government Relation Agreement 2015 and to the joint development of guidance to assist local councils in the carrying out of their responsibilities in relation to administering legislation related to the protection of the environment and public health.

Local Nuisance and Litter Control Legislation

The LGA will work with the EPA to develop appropriate referral processes and guidelines, including through the setting up of a joint working group, to support implementation of the legislation.

As mentioned earlier in this document, the EPA will also:

- prepare factsheets, guidelines, and standard operating procedures to assist local councils in managing local environmental nuisance issues
- manage a referral desk to facilitate effective transfer of complaints that are determined to be more serious than nuisance
- design and coordinate a training program tailored to local councils that provide basic as well as targeted compliance training to council officers
- make available an EPA officer for an agreed period of time to work with local councils on implementation of the legislation
4.2 Leading Practice in Mining Acts Review of South Australia’s Mining Laws

Reports for Discussion
From: Sean Holden Senior Policy Adviser
Key Initiative: K.I 1 Leadership and advocacy
Strategy: 1C Lead reform
Meeting LGA Executive Committee 23 February 2017
ECM: 647117

Recommendation
That the LGA Executive Committee:

1. endorses the framework and content of the LGA’s submission on the Leading Practice in Mining Acts review of South Australia’s Mining Laws; and
2. authorises the LGA CEO and President to finalise the LGA’s submission on the Leading Practice in Mining Acts review of South Australia’s Mining Laws

Discussion
On 27 September 2016 the Minister for Mineral and Energy Resources announced the Leading Practice Mining Acts Review of the Mines and Works Inspection Act 1920, the Mining Act 1971, and the Opal Mining Act 1995 with the view to introducing a bill to Parliament in mid-2017. This review will allow for the modernisation of these laws to ensure South Australia stays a leader in adopting modern and efficient practices for exploration and mining activities.

The Resource Land Access Strategy Branch of the Department of State Development has carriage of the project.

Responses are due to the Department of State Development due 24 February 2017.

Submissions are sought that cover feedback from the three discussion papers:

- Mines and Works Inspections Act 1920 and Regulations;
- Mining Act 1971 and Regulations; and
- Opal Mining Act 1995 and Regulations.

The LGA Secretariat has sought feedback from councils and Regional LGA Executive Officers.

For the review of the legislation and feedback provided the following key issues have been identified:

- Borrow Pits – whether the definition of mining/extractive industries should include Borrow Pits;
- Excluding Borrow Pits from royalty payments;
- Improved engagement between councils and mining proponents; and
- Identify opportunities for simpler regulation.

The LGA Secretariat is proposing to base the LGA’s submission on the following framework:

- **Introduction**
  - Background of the LGA

- **Feedback on the Review**
  - Support the repealing of the Mines and Works Inspection Act 1920;
  - Modernise and revise the Mining Act 1971 to include applicable provisions of the Mines and Works Inspection Act 1920;
  - Include as an Appendix the Opal Mining Act 1995 in a revised Mining Act;
  - Improve consultation with the Local Government sector to include mandated early and ongoing stakeholder, including councils, and community engagement provisions to be included in a revised Mining Act;
  - Redefine “Borrow Pits” so as to include them as “Extractive” activities and not Mining activities;
  - Consult Local Government on a definition for Borrow Pits that includes provisions to capture inspection, safety and remediation frameworks;
  - Exclude councils from paying Rubble Royalties; and
  - Local Government to have greater access to key documents.

**Financial and Resource Implications**

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
6.1 Confidential Minutes of Meeting held on 7 December 2016

Confidential Reports
From: Jacqui Kelleher, Manager Executive Services
Meeting: LGA Executive Committee Date: 23 February 2017
ECM: 647140

Recommendation

Resolution to move into confidence:

That the LGA Executive Committee:

1. resolves to consider Agenda Item 6.1 – Confidential Minutes of Meeting held on 7 December 2016 in confidence because is information that could unreasonably disclose the personal affairs of a person, living or dead (Item 6.1);

2. orders all observers at the meeting, with the exception of staff on duty, be excluded from attendance at the meeting for Agenda Item 6.1 - Confidential Minutes of Meeting held on 7 December 2016.

Resolution

That the LGA Executive Committee:

1. confirms the confidential minutes of the LGA Executive Committee meeting held 7 December 2016 as a true and accurate record of the proceedings held.

Resolution to move out of confidence:

2. moves out of confidence and having considered Agenda Item 6.1 - Confidential Minutes of Meeting held on 7 December 2016 in confidence resolves to retain the attachment in confidence within the parameters of the original resolutions contained within.

Discussion

Refer confidential report.
6.2 Electricity Aggregated Purchase - Grounds for moving into confidence

Confidential Reports

From: Andrew Haste, Acting CEO, LGA Procurement

Key Initiative: K.I 1 Leadership and advocacy

Strategy: 1A Listen to, and represent members

Meeting: LGA Executive Committee 23 February 2017

ECM: 647176

Recommendation

Resolution to move into confidence:

That the LGA Executive Committee:

1. resolves to consider Agenda Item 6.2 - Electricity Aggregated Purchase in confidence being satisfied that the information received, discussed or considered in relation to Agenda Item 6.2 is confidential commercial information which could reasonably be expected to prejudice the commercial position of the person who provided the information or confer a commercial advantage on a third party and which would, on balance, be contrary to the public interest; and

2. orders all observers at the meeting, with the exception of staff on duty and non voting deputies be excluded from attendance at the meeting for Agenda Item 6.2 - Electricity Aggregated Purchase.

Resolution to deal with the information discussed in confidence:

That the LGA Executive Committee moves out of confidence and having considered Agenda Item 6.2 - Electricity Aggregated Purchase in confidence resolves to retain report and resolution indefinitely as it contains confidential commercial information which could reasonably be expected to prejudice the commercial position of the person who provided the information or confer a commercial advantage on a third party and which would, on balance, be contrary to the public interest

Discussion

Refer to confidential report.
6.3 LGA Submission to State Budget – Draft Outline
(Grounds for entering confidence)

Confidential Reports
From: Andrea Malone, Director Legislation
Key Initiative: K.I 1 Leadership and advocacy
Strategy: 1C Lead reform
Meeting: LGA Executive Committee 23 February 2017
ECM: 647171

Recommendation

Resolution to move into confidence:

That the LGA Executive Committee:

1. resolves to consider Agenda Item 6.3 - LGA Submission to State Budget – Draft Outline in confidence being satisfied that the information received, discussed or considered in relation to Agenda Item 6.3 is information that the release of which could prejudice the LGA’s strategic or negotiation position; and

2. orders all observers at the meeting, with the exception of staff on duty and LGA Board Deputy Members, be excluded from attendance at the meeting for Agenda Item 6.3 - LGA Submission to State Budget – Draft Outline.

Resolution to deal with the information discussed in confidence:

That the LGA Executive Committee moves out of confidence and having considered Agenda Item 6.3 - LGA Submission to State Budget – Draft Outlines in confidence resolves to:

1. Retain the report and attachment in confidence until the submission is finalised and forwarded to the state government, because it is information, the release of which could prejudice the LGA’s strategic or negotiation position; and

2. Release the resolution.

Discussion

Refer to confidential report.
6.4 Refugee Week Civic Reception Proposal - Grounds for moving into confidence

Confidential Reports
From: Andrea Malone, Director Legislation
Key Initiative: K.I 1 Leadership and advocacy
Strategy: 1D Increase the profile of local government
Meeting: LGA Executive Committee 23 February 2017
ECM: 647238

Recommendation
Resolution to move into confidence:
That the LGA Executive Committee:

1. resolves to consider Agenda Item 6.4 – Refugee Week Civic Reception Proposal in confidence being satisfied that the information received, discussed or considered in relation to Agenda Item 6.4 is information that could reasonably be expected to confer a commercial advantage on a person with whom the LGA is conducting (or proposing to conduct) business, or to prejudice the position of the LGA (and would, on balance, be contrary to the public interest); and

2. orders all observers at the meeting, with the exception of staff on duty and LGA Board Deputies, be excluded from attendance at the meeting for Agenda Item 6.4 – Refugee Week Civic Reception Proposal.

Resolution to deal with the information discussed in confidence:
That the LGA Executive Committee moves out of confidence and having considered Agenda Item 6.4 – Refugee Week Civic Reception Proposal in confidence resolves to:

1. Retain report in confidence until 1 January 2018 to enable the LGA time to formalise a public position on the confidential matters discussed in the report; and

2. Release the resolution.

Discussion
Refer to confidential report.