

**MINUTES OF THE MEETING OF
THE UPPER TORRENS LAND MANAGEMENT PROJECT S41 COMMITTEE
held in the Mt Pleasant Natural Resource Centre 132 Melrose Street, Mount Pleasant
on Thursday 11 August 2016 commencing at 2:00pm**

1 WELCOME

The Chairperson K Craig welcomed everyone and opened the meeting at 2:02pm.

2 PRESENT

Members

G Donaldson, K Craig (Chairman GGRP Technical Steering Committee), S Anderson (Community/URLG), G Mavrinac (TBC), M Philcox, P Brissenden and J Thiessen (Adelaide and Central Hills NRM Operations)

Staff

K Thompson (Project Officer),
A Fairney (Project Officer)
C Kruger (Minute Secretary)

3 APOLOGIES

J Troup (Chairperson), Councillor M Seager (TBC), Councillor M Herrmann (AHC), S Brooks (AHC), R Gladigau, Tiffany Harding and Steve Corbally

4 GUESTS

Nil.

5 DECLARATION OF INTEREST BY MEMBERS

Nil

6 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

MOVED G Donaldson

That the Minutes of the meeting held on Thursday 2 June 2016, and the Minutes of the Special Meeting held 23 June 2016 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded S Anderson

CARRIED

7 MATTERS ARISING FROM PREVIOUS MINUTES

7.1 Action List

Item Number	Meeting Date	Officer	Action	Status
3-4.1.3	11/6/15	GM	A date needs to be set for the Risk Management Working Group (MH, BM and GD) to meet	Postponed until clarification of working arrangements received.
9.6	26/11/15	GM	Review of Terms of Reference	Refer Agenda Item 9.6
9.2	2/6/16	JT	Special Meeting to discuss the variation to the TOR and acceptance of TOR and Model for UTLMP	Meeting held 23 June 2016 – Minutes circulated
9.7	2/6/16	GM	To circulate a draft Council Report for comment prior to The Barossa Council meeting	Completed
9.3	2/6/16	KT	Organise media coverage of Project of Eden	Completed
9.4	2/6/16	AF	Presentation to the AMLRNRM on the GGRP	Pending
9.7b	2/6/16	GM	To forward a request for an extension to the current Service Agreement, for the suggested period of three months	Completed – NRM agreed to underwrite project costs up to the point of establishing an agreement

MOVED G Donaldson

That the progress of the actions listed in Item 7.1 be noted and received

Seconded M Philcox

CARRIED

8 CORRESPONDENCE

- 8.1 Incoming
- Landcare Australia Special Projects Grants 2016

- 8.2 Outgoing
- Nil

MOVED G Donaldson

That the correspondence be received.

Seconded M Philcox

CARRIED

9 REPORTS

9.2 FINANCE

MOVED G Donaldson

That the Committee close accounts for NRM and Adelaide Hills Council, and demonstrates to NRM that all monies have been spent for 2015/16.

Seconded S Anderson

CARRIED

Action Arising:

G Mavrillac to confirm the status of the Reserve Funds with The Barossa Council Finance Department

MOVED G Donaldson

That the information contained in Item 9.1 Finance Report be received

Seconded S Anderson

CARRIED

9.2 PROJECT MANAGEMENT WORKING GROUP

MOVED S Anderson

That:-

- (1) The Report from the Project Working Group be received and that any recommendations contained in the Minutes of the meeting held 28 July 2016, therein be adopted.
- (2) That the 2XE Project Proposal be accepted and the Project Working Group authorise 2XE not to exceed \$20,000 with payments to be processed by instalments upon receipt of milestone reports

Seconded G Donaldson

CARRIED

9.3 NRM AND OTHER PROEJCTS

MOVED G Donaldson

That the information contained in the Report on NRM and other Projects be received.

Seconded M Philcox

CARRIED

9.4 GRASSY GROUNDCOVER RESTORATION PROJECT

A Fairney advised the Committee that an invitation had been received to attend a "Native Grass Researches Workshop" hosted by Dr Ian Chivers of Native Seeds Pty Ltd, in Cheltenham, Victoria in November 2016.

MOVED G Donaldson

That the GGRP Report be received.

Seconded S Anderson

CARRIED

9.5 ADELAIDE HILLS COUNCIL

Nil.

9.6 THE BAROSSA COUNCIL

G Donaldson tabled the UTLM Steering Committee Response to Updated Terms of Reference (as *attached*).

MOVED K Craig

That the Terms of Reference as endorsed by Council on 19 July 2016 be noted, and that G Mavrincac meet with TBC Governance Officer to review the UTLM response, after which time appropriate options be presented to the Committee.

Seconded G Donaldson

CARRIED

9.7 AMLRNRM UPDATE

Action Arising:

G Mavrincac to follow up on securing funding for 1 FTE as opposed to 0.8FTE

MOVED G Donaldson

That the Verbal Report be received.

Seconded M Philcox

CARRIED

10 GENERAL BUSINESS

10.1 COMMUNITY STEERING COMMITTEE MEMBERS

MOVED G Donaldson

That Steve Corbally and Tiffany Harding be elected as community members of the UTLMP Steering Committee in accordance with Clause 6.11 of the Terms of Reference.

Seconded M Philcox

CARRIED

10.1 BUSINESS DEVELOPMENT PROPOSAL – 2XE

Refer to 9.2

10.1 REGIONAL DEVELOPMENT AUSTRALIA BAROSSA

No further action

11 NEXT MEETING

11.1 Steering Committee

Thursday 6 October 2016 at 9:30am at Mt Pleasant Natural Resource Centre
132 Melrose Street, Mount Pleasant

11.2 Project Management Working Group
Thursday 15 September at 3:30pm at Mount Pleasant Natural Resource Centre
132 Melrose Street, Mount Pleasant

11.3 GGRP Technical Steering Committee
TBA

12 CLOSURE

There being no further business, the meeting closed at 4:08pm.

Confirmed

Date:

Chairperson:

UTLM Steering Committee Response to Updated Terms of Reference

The Steering Committee had expected that its version of the Proposed Terms of Reference (TOR) was the version being submitted to Council for consideration. If there were aspects that Council staff did not agree with, then the Committee expected these would be resolved through consultation, prior to submittal. If such consultation had taken place it would have avoided the significant deficiencies with three of the changes implemented by Council staff, and subsequently requiring the TOR to be further amended.

The three deficiencies are as follows:

- The reference to Section 137 of the Local Government Act (stating that the funds can be used as the Council sees fit) contravenes specific contractual clauses in both the NRM Grant and the GGRP Grant, that state that the funds provided via the Grants “must only be used for the purposes of the Grant”.
- The inclusion of a financial cap on approvals by the Committee is inappropriate as it does not match the current processes for either the NRM or GGRP grants;
 - Every NRM On-Ground works proposal (less than or higher than \$5,000) is already subject to final vetting by the Council Delegate when the contract with the Landowner is submitted for signature.
 - For the GGRP works, the main expenditure is based on existing long term arrangements with Land Care to provide the labour during planting and harvest periods. The expenditure can exceed more than \$5,000 per month during harvest periods. Further investigation is necessary to see how the financial cap impacts the current practise.
- Removal of the two subclauses relating to the Committee preparing the contracts for On-Ground works and Contractors and submitting them to the nominated Council Delegate for signature, means that the Committee is now specifically not authorised to undertake these activities. If the Council staff did not agree with the nominated Delegate, then all that was necessary was to replace the “Chairman” with whoever was acceptable, such as “CEO or Mayor”. Deleting the subclauses in their entirety has a different effect altogether.

The Steering Committee’s interpretation of the TOR, is based on the understanding that the TOR provides a clear and precise description of what the Committee is authorised to do and by default what it is not authorised to do. By definition, if a process or policy is not specifically stated, then the Committee is not authorised to undertake that process or policy. Therefore the only interpretation of the TOR that the Steering Committee can make, is as follows:

- The Committee can only consider proposals for approval of NRM On ground works and contractor work that are no more than \$5,000 in each case. It cannot consider any proposal that is more than \$5,000.
- Even if a Proposal is below \$5,000, the Committee is not authorised to prepare any On Ground work contracts for signature, resulting in the situation where no On Ground works can actually get to Contract.

If the Council staff believe there is a different interpretation, then it behoves the Council staff to explicitly state what that interpretation is, in the TOR, and not leave it to any “understandings” or “assumptions”. The current breaches of the Local Government Act have developed from such misguided understandings and unwritten processes and the Committee and indeed Council should not allow this situation to re-occur.

Recommendation

That the TOR be resubmitted back to Council for approval of the following amendments:

- Delete the reference to Section 137 of the LGA;
- That subclause 8.1.i be replaced with the subclause 11.1.a from the Steering Committee’s proposed TOR; and
- Subclauses 11.1.b & c from the Committee’s proposed TOR be re-instated, with the amendment that the “Chairman” is replaced with whoever the Council designates as the nominated Delegate (such as CEO or Mayor).