

# Hills and Fleurieu Landscape Board

## Minutes

### Acknowledgement of Country

We acknowledge the lands of the Hills and Fleurieu region are the traditional lands for the Kurna, Peramangk and Ngarrindjeri Nations. We respect the Kurna, Peramangk and Ngarrindjeri people as the custodians of these lands, and that their cultural and heritage beliefs, and spiritual relationships with Country, are still important to their people today.

Meeting Title:		Hills and Fleurieu Landscape Board Meeting #15	
Date:		Wednesday 25 August 2021	
Start Time:		9:00am	Finish Time: 10:45m
Location:		Mount Barker Office	Room: Conference Room
Attendees:		<i>Board Members:</i> D Greenhough (Chair), A Lowe, C Schofield, C West, A Williams, J Klein  <i>Staff:</i> M Garrod (General Manager), W Telfer (Manager Planning, Engagement & Partnerships), B Della Torre (Manager, Landscape Operations), C Lewis (Manager, Business and Governance), O Prohoroff (Executive Officer)  S Hearn (Senior Compliance Officer) for item 2.7	
Apologies:		Nil.	
Item	Meeting Items		
1. Preliminary and Procedural Matters Item			
1.1	<b>Welcome and Apologies</b>  The Chair opened the meeting acknowledging it was being held on traditional lands of the Peramangk Nation.  All attendees were welcomed to the meeting acknowledging the current COVID-19 restrictions reiterating for those present to adhere to social-distancing guidelines.		
1.2	<b>Conflict of Interest Disclosures</b> There were no additional conflict of interest disclosures arising from the agenda declared at the meeting.		
1.3	<b>Consent Schedule</b>  The Chair raised that one item is to be removed as discussed at the previous board meeting on 28 July 2021, Item 3.4 ‘Register of Interests’.  <i>The board <b>approved</b> and <b>agreed</b> all the 2 remaining items on the Consent Schedule be adopted.</i>  <b>Moved: C Schofield; Seconded: A Lowe</b>		
CARRIED			

1.4	<p><b>Any Other Business</b></p> <p>Item(s) added for discussion in 4.0 Other Business:</p> <ul style="list-style-type: none"> <li>Acting appointments for the General Manager and Chair</li> </ul>
1.5	<p><b>Minutes from the previous meeting</b></p> <p>C West noted that the spelling used for the word 'Ngaringa' under Item 2.2 against the Grassroots Grants Assessment Outcome 2021/22 is incorrect and should rather be 'Ngeringa', the minutes will be updated to reflect this.</p> <p><i>The board <b>confirmed</b> the minutes of meeting number 14 held on 28 July 2021 as a true and accurate record.</i></p> <p><b>Moved: C Schofield; Seconded: A Lowe</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
1.6	<p><b>Actions arising from previous meetings</b></p> <p>The General Manager (GM) commented against the first action listed under Other Business 'Bungarla River Working Group' noting that Peter Hamilton was happy to learn of the Hills and Fleurieu Landscape Board and pleased with the possibilities of support that can be offered by the Board.</p> <p>The GM and one of our Landscape Officers, Jacqui Best will attend the inaugural meeting of the group. Jacqui will also be providing technical support as the planning commences for the Bungarla Catchment Remediation.</p> <p><i>The board <b>noted</b> the current status of the actions arising from the previous meetings.</i></p> <p><b>Moved: C West; Seconded: A Lowe</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
1.7	<p><b>Resolutions Register</b></p> <p><i>The board <b>noted</b> the resolutions register.</i></p> <p style="text-align: right;"><b>CARRIED</b></p>
<b>2. Items</b>	
2.1	<p><b>Consultation on the draft Adelaide Plains Water Allocation Plan</b></p> <p>The draft Adelaide Plains Water Allocation Plan has been provided by DEW to the Minister for approval to consult on the draft Plan. A Communication and Engagement Strategy and consultation materials have been prepared to support the consultation process. Stakeholders and community will be given the opportunity to review the draft WAP and provide feedback, which will be considered in finalising the WAP. The Minister will advise the HFLB in writing once the relevant approvals have been granted and invite the Board's feedback on the draft WAP. A map was provided for the board showing where the Central Adelaide Prescribed Wells Area overlays the HFLB region.</p> <p>A Lowe asked for clarification around how the prescribed resources overlap in Hills and Fleurieu. It was explained that the Eastern Mount Lofty Ranges WAP covers ground and surface water and includes the Angas Bremer prescribed wells area, whereas the Western Mount Lofty Ranges WAP covers both ground and surface water but excludes the McLaren Vale prescribed wells area. The McLaren Vale WAP Advisory Committee minutes (Item 2.2 describes discussions at that meeting around whether the McLaren Vale</p>

	<p>WAP could be amalgamated with the Western Mount Lofty WAP, or whether the surface water in the McLaren Vale areas should be removed from the Western Mount Lofty Ranges WAP and be included in the McLaren Vale <u>WAP</u>.</p> <p><i>The board:</i></p> <p>2.1.1 <b>noted</b> that consultation on the draft Adelaide Plains WAP will soon commence and that the Minister will advise the Hills and Fleurieu Landscape Board in writing once the relevant approvals have been granted and invite the Board's feedback on the draft WAP.</p> <p><b>Moved: C Schofield; Seconded: C West</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
	<p>A Williams joined the meeting at 9:20am</p>
2.2	<p><b>McLaren Vale Water Allocation Plan review update</b></p> <p><i>J Klein arrived after item 2.3 'Finance Overview', and item 2.2 was then discussed.</i></p> <p>The first committee meeting for the McLaren Vale WAPAC was held on 13 August 2021 at McLaren Vale. This meeting focused on providing context about water allocation planning and reviewing the history of the McLaren Vale WAP. There was a general discussion about the effectiveness of the WAP and the WAP review process, including the committee endorsing the implementation of a community survey about the effectiveness of the WAP. The minutes from the meeting are provided as an attachment. Both C West and J Klein were impressed by Tom Mowbray's (Senior Water Planner) efforts in ensuring it was a successful, cohesive meeting.</p> <p><i>The board:</i></p> <p>2.2.1 <b>noted</b> the update on the McLaren Vale WAP review.</p> <p><b>Moved: A Lowe; Seconded: A Williams</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
2.3	<p><b>Finance Overview</b></p> <p>A briefing paper was presented as the Finance Overview which has enclosed two items for discussion, the interim audit and draft 2020-21 financial statements.</p> <p><u>Interim Audit</u></p> <p>Completion of the interim audit resulted in the board being issued a letter outlining three findings. The Presiding Member has drafted a response as outlined in the paper to the matters requiring action as presented as the first attachment. There were three findings all with a 'medium' rating, of which two of those findings were applicable for all landscape boards and the third was specific to the HFLB. All findings required a corrective action within three to six months.</p> <p>A Lowe asked whether HFLB are happy with the Service Level Agreement (SLA) coming into place now. The GM responded to say that the Board will continue to work with DEW on some areas such as the Water Planning and Management Fee as there is a possibility of reiterating it with treasury for the coming years. The remainder of the SLA is appropriate and each iteration will be an improvement on the last.</p> <p><u>Draft 2020-21 Financial Statements</u></p>

	<p>The Draft 2020-21 HFLB Financial Statements submitted to the Auditor-General can be viewed as presented for attachment two. The final version of the financial statements is unlikely to change in terms of net result for the financial year and position as at 30 June 2021, although it is possible that there will be movement between the internal general ledger accounts and commentary until the audit is complete in October.</p> <p>C Lewis spoke to the Statement of Changes in Equity as shown on page 68. The capacity to spend retained earnings has previously been discussed, noting that it can only be accessed in exceptional circumstances. The GM supported the HFLB considering exceptional investing projects in the future to access the funds. The process requires Ministerial support and Cabinet approval. A Lowe gave an example of monitoring infrastructure, strategic investment to establish a monitoring system. The one-off relocation costs might also be an opportunity for HFLB</p> <p>The GM has attended a presentation from the CFO at the GM's meeting around the processes. He noted that another Landscape Board has recently made a pitch to access some retained earnings, this will give other landscape boards an insight to the process. The Chair added comments about ensuring that the HFLB maximises the value from the levy funding received. A Williams questions how the funds have been accumulated and W Telfer responded to say that the HFLB inherited these funds from the AMLR and SAMDB NRMB.</p> <p>The GM commented that it would be useful for the board to understand what the criteria is in order to receive retained earnings and the relevant processes.</p> <p><b>Action:</b> An information paper will be presented to the board at the next board meeting outlining how retained earnings operate.</p> <p><i>The board:</i></p> <p>2.3.1 <b>noted</b> the Auditor-General's findings from the interim audit and the response from the Board;</p> <p>2.3.2 <b>noted</b> the draft 2020-21 financial statements;</p> <p>2.3.3 <b>noted</b> the status of the interim financial reports for the 2021-22 financial year.</p> <p><b>Moved: C West; Seconded; C Schofield</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
	J Klein joined the meeting at 9:28am
	S Hearn joined the meeting at 9:31am
2.4	<p><b>Quarterly Board Report (Q4)</b></p> <p>The Quarterly Board Report for Quarter 4 – April to June 2021 was presented to the board. The GM noted that this report is for the final quarter of last financial year 2020-21 under the interim business plan. In previous discussions, the board had noted the importance of outcome reporting and that this will be designed for reporting on progress of the new plans. W Telfer commented that at the next board meeting in September, a workshop is planned on the MERI framework and program logic, this will help inform the indicators for use in future quarterly reporting against focus areas.</p> <p>J Klein raised a concern around this Q4 report noting that staff's names have been mentioned along with salaries, and that it would be better to remove these. A Lowe provided comments around the necessity to provide tracking against higher level objectives and targets to ensure it is apparent how the projects are contributing to the board's overall mission. Both C West and A Williams agreed with Andy noting the</p>

	<p>importance of including project outcomes along with highlighting project impacts, the report is quite informative but it could evolve into more of an educational piece.</p> <p>A Lowe spoke to the traffic lights presented for project budgets are confusing given that it is a red traffic light for both over- and under-spend where there might be different levels of risk around these. C Lewis suggested that though underspends are not lost due to the carry-over process, there is a reputational risk of underspending the levy collected from ratepayers. A Lowe suggested including a pro-active comment on budget underspends about how the budget will be spent and/or rectified, and consider a different colour traffic light for underspend.</p> <p><i>The board:</i></p> <p>2.3.1 <b>noted</b> the quarterly (Q4) board report and requested that future reports include more comprehensive budget exception commentary and ensure that all salary references within this quarterly board report are removed.</p> <p><b>Moved: C Schofield; Seconded: A Lowe</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
2.5	<p><b>Hills and Fleurieu Landscape Board Achievements Report 2020-21</b></p> <p>The draft achievements report was presented to the board with the request for feedback noting that the requirement for this report is included in the Landscape Board Planning Guidelines rather than in the <i>Landscape SA Act 2019</i>. This achievement report is used to demonstrate the board's performance, success and provide transparency in how levies are being spent. More detail will be provided in the map presented which is currently incomplete.</p> <p>C West pointed out that the climate representation included in the pie-chart is thin, and it was acknowledged there is large amount of interlinkage for climate existing in other priorities, the activities presented under other priorities ultimately impact the climate and this could include further clarity. Board members agreed though the climate priority is displayed with limited spend compared to the other priorities, this is a reflection of the 2020-21 budget in the Business Plan and it is important to be transparent and reflect this. The GM thanked the board for their feedback, a footnote will be included providing additional information on the work in other priorities also contributing to climate adaptation, and include a hyperlink referring the reader to the business plan 2021-22 where the lack of climate funding has been addressed.</p> <p><b>Action:</b> The GM and W Telfer to include a footnote on climate in the draft achievement report.</p> <p><i>The board:</i></p> <p>2.5.1 <b>noted</b> the draft Achievements Report for 2020-21 and provided feedback on additions and desired changes to the report.</p> <p><b>Moved: J Klein; Seconded: C West</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
2.6	<p><b>Draft State Landscape Strategy</b></p> <p>The board was presented with the draft State Landscape Strategy, which has been developed by the Landscape Service team within the DEW. This draft has been prepared through a consultative process, engaging with stakeholders including other landscape boards, government agencies, peak bodies and First Nations of SA. The Strategy is a requirement of the <i>Landscape South Australia Act 2019</i> and will replace</p>

	<p>the former State Natural Resource Management Plan. The HFLB has not had much time to digest this Strategy.</p> <p>The Chair has seen the draft State Landscape Strategy in a number of stages and he is glad to see it now reaching a broader range of stakeholders for input. Board members suggested that the strategy is repetitive and could be more succinct in areas and more ambitious if it is to guide collaborative actions by partners and make a difference rather than being a set of motherhood statements.</p> <p>A Williams provided some positive feedback, stating that she liked the areas included for the regional priorities and the referencing to current landscape conditions. But it would be ideal to see how these come together with the necessity to include how the priorities in each region match up against current conditions and trends.</p> <p>J Klein added that she was glad to see the strategy is committed to the environment but doesn't think it goes far enough. She will provide more detailed comments by email for consideration.</p> <p>Feedback on the draft Strategy is required by COB Tuesday 31 August 2021, a copy of the submission will be circulated to board members once finalised.</p> <p><i>The board:</i></p> <p>2.7.1 <b>considered</b> and provided feedback on the draft State Landscape Strategy.</p> <p><b>Moved: C West; Seconded: J Klein</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
2.7	<p><b>Compliance and enforcement activity report</b></p> <p>S Hearn, Senior Compliance Officer was welcomed to the meeting.</p> <p>There are some significant compliance cases occurring and some updates have been provided to the board for noting:</p> <p><u>The construction of a dam without permit – J Gunia at Cudlee Creek</u></p> <p>A creek crossing was installed before receiving a permit application, installed of a dam at the convergence of two watercourses on the property commenced – a verbal cease work direction was given, however he completed the dam construction during an assessment period. A Reparation Order was issued and the Water Affecting Activity application was refused. J Gunia appealed the order and the refusal in the ERD court. Advice was provided to the HFLB with Crown Solicitors advice to issue a Section 107 Notice, rectifying the unauthorised activity issued along with the Order revoked.</p> <p>Three ERD conferences have occurred in order to find a resolution. The ERD court does not allow the board to claim expense, assuming the judge finds in the boards favour. The board will need to cover all associated costs with an approximate figure of \$33,000 provided to continue with the matter. C Schofield questioned whether a budget has been allocated for these costs. The GM responded with that a budget has not been set for compliance enforcement matters (or similar) considering the rarity, although there are provisions in the budget to allow for these unforeseen circumstances.</p> <p>The GM noted that J Gunia is prepared to contest this issue but the HFLB is prepared to see this through. If the HFLB was unsuccessful in defending this position, it calls into question the validity of the WAP, being the instrument setting out the conditions. The Chair added that this should be addressed at the GM's forum.</p>

#### Diverting surface water – J Morley at Hope Forrest

J Morley has installed a levy diverting surface water spilling from an on-stream dam adjacent to a common boundary, back onto the neighbours land to the rear of the dam. The previous SAMDB NRM board intended to issue a notice to rectify the unauthorised WAA ensuring the removal of the small levy. With the transition from the NRM Act, the matter is now the responsibility of the board, due to the Landscape boundary changes.

It was found that the levy was having an adverse impact on the neighbour's dam and it was recommended to remove the levy allowing the water to flow across the land over a wider area to prevent soil erosion. This matter was referred to the CSO with a subsequent Section 107 Notice issued to rectify unauthorised WAA activity. Morley has appealed the notice, further updated will be provided to the board should the matter not be resolved and eventuate into a hearing.

#### Depositing clean fill into a watercourse – G Evans at Willunga South

A Reparation Order was issued to G Evans for depositing significant tons of clean fill into a watercourse. This order was not complied with as all of the required soil was not removed. After several inspections, the board approved a short term extension to remove the remaining soil left in the watercourse, G Evans did not complete the required work. The board is currently seeking advice from the CSO with the intention of issuing a Section 107.

S Hearn noted that in the 16 years of the NRM Act, there has never been an appeal for a WAA permit or Reparation Order. Therefore, this is new territory and it's useful to have the compliance framework in place. This framework treats landholders equitably and transparently in the enforcement of compliance matters.

A Lowe questioned whether the Minister was aware of these compliance cases. The GM responded noting that a couple of Ministerials have come through to HFLB, the Minister is aware but may not know the progression. The GM agreed that the Minister should be aware of the details along with progressions.

**Action:** The GM will provide a briefing to the Minister outlining the details of the case along with any updates.

*The board:*

2.6.1 **noted** the Hills and Fleurieu Compliance and Enforcement Activity report.

**Moved: C Schofield; Seconded: A Lowe**

**CARRIED**

### **3. Standing Items**

#### **General Manager's Report**

The soft launch of Landscape Plans for all boards is pending media activity by the Minister, a 2 minute video is being prepared highlighting the visions and priorities of the plan.


3.1

The Staff Perspective Survey provided an opportunity to gain a view of employee perceptions across the South Australian Public Sector, including strengths and opportunities for improvement – these results were received in late July. Attachment 1 presented to the board is an extract of the I Work for SA highlights report for the HFLB, this report compares the results for the board against other landscape boards collectively and the SA Public Sector.

	<p>The board <b>noted</b> the General Manager's report</p> <p><b>Moved: A Lowe; Seconded: J Klein</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
3.2	<p><b>Board Member Activity Register and Engagement Forward Planner 2021-22</b></p> <p>J Klein noted that one of her activities is not listed on the board member activity register, the Executive Officer will update the register.</p> <p>The board <b>noted</b> the engagement forward planner 2021-22 and register of meetings and events attended by the Chair and board members in their capacity as representatives of the Hills and Fleurieu Landscape Board.</p> <p><b>Moved: C West; Seconded: A Williams</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
3.3	<p><b>Work Health And Safety Report</b></p> <p>The GM provided a verbal update stating that no Work Health and Safety Reports have been made within the last month. It was noted that several other agencies have now moved away from using the MySafety platform for reporting. A discussion will be had across all landscape board's regarding adopting an alternative platform for reporting Work Health and Safety matters.</p> <p>The board <b>noted</b> the General Manager's verbal Work Health and Safety Report.</p> <p style="text-align: right;"><b>CARRIED</b></p>
3.4	<p><b>Register of Interests</b></p> <p>The Chair reiterated that the Register of Interests has been pulled from the Consent Schedule.</p> <p>The Chair provided an update against an Interest Declared 'Chair of Glenthorne Partnership' which has been dissolved although he is still a member of the Glenthorne National Park Steering Committee.</p> <p>A Williams provided an update noting that one of the Interests Declared 'Member of SA Training and Skills Commission' will need to be removed as she has resigned.</p> <p>The board <b>noted</b> the current Register of Interests.</p> <p><b>Moved: C Schofield; Seconded: A Lowe</b></p> <p style="text-align: right;"><b>CARRIED</b></p>
3.5	<p><a href="#"><u>Correspondence</u></a></p> <p>The board was provided with the following correspondence via its Microsoft Teams portal:</p> <p>3.5.1 2 August 2021: <b>Incoming</b> – Letter from the Minister – Hills and Fleurieu Regional Landscape Plan 2021-2026;</p> <p>3.5.2 4 August 2021: <b>Incoming</b> – Letter from the Minister, Successful Projects, Morialta Biolink and Perennial Native Grasslands;</p> <p>3.5.3 6 August 2021: <b>Outgoing</b> – Letter from the General Manager to Wastewater and Environmental Expertise SA Water Corporation, Endorsement of BPOP WAA;</p> <p>3.5.4 13 August 2021: <b>Outgoing</b> – Letter from the Chair to AGD, Interim Audit Findings 2020-21;</p> <p>3.5.5 6 August 2021: <b>Invitation</b> – McLaren Vale Cellar Door Tree Trail Launch on 24 August 2021;</p> <p>3.5.6 19 August 2021: <b>Invitation</b> – Friends of Nurragi 30-Year Anniversary Celebration;</p> <p>3.5.7 20 August 2021: <b>Invitation</b> – Orchid Conservation Open Day at Botanic Gardens;</p>



	<i>The board <b>noted</b> the correspondence provided via Microsoft Teams.</i>	<b>CARRIED</b>
<b>4. Other Business</b>		
	<b>Other Business</b>	
	<u>Acting appointments for the General Manager and Chair</u>	
	The Chair spoke of a recent situation in which the Limestone Coast Landscape Board experienced as their GM became unwell and could not continue to perform in the role. There were some concerns raised around the implications of this and the processes in place to continue supporting the landscape board.	
4.0	It was noted that there is no requirement to appoint a deputy Chair, nor does the Act provide a mechanism for backfilling both roles. The board has the right to acknowledge this as an issue and appoint someone if needed noting that there is no additional remuneration. C Schofield agreed with this importance of securing a back-fill for these positions, significant decisions needs to be made, numerous documents signed along with the use of the common seal, for these reasons good clarification is needed.	
	<b>Action:</b> A paper will be presented to the next board meeting outlining some possibilities/processes for backfilling or acting for the GM and Chair.	
		<b>CARRIED</b>
<b>5. Meeting Closure</b>		
6.1	<b>Next meeting details:</b> 29 September 2021 Mount Barker Office (Cnr Mann & Walker St, Mount Barker SA 5251)	
6.2	<b>Meeting close:</b> 10:55am	

<b>ENDORSED</b>		<b>DAVID GREENHOUGH</b>
		<b>PRESIDING MEMBER HILLS AND FLEURIEU LANDSCAPE BOARD</b>
		<b>Date: 29 September 2021</b>

## ACRONYM INDEX

Acronym	Meaning		
AEP	Annual Exceedance Probability	MERIT	Monitoring Evaluation Reporting & Improvement Tool
AMLR	Adelaide and Mount Lofty Ranges	MOAA	Memorandum of Administrative Agreement
BAP	Biodiversity Action Plan	MoU	Memorandum of Understanding
CCSA	Conservation Council of South Australia	NGO	Non-Government Organisation
CE	Chief Executive	NLP2	National Landcare Program Two
CEO	Chief Executive Officer	NP	National Park
CHRIS	Complete Human Resource Information System	NPWS	National Parks & Wildlife Service
CP	Conservation Park	NR	Natural Resources
CRC	Cooperative Research Centres	NRC	Natural Resource Centre
DA	Development Application	NRM	Natural Resources Management
DEW	Department for Environment and Water	NVC	Native Vegetation Council
DPA	Development Plan Amendment	RALF	Regional Agriculture Landcare Facilitator
DTF	Department of Treasury and Finance	RDA	Regional Development Australia
e-NGO	Environmental Non-Government Organisations	RLP	Regional Land Partnerships
EAP	Employee Assistance Program	RP	Recreation Park
EMLR	Eastern Mount Lofty Ranges	RTW	Return to Work
EPA	Environmental Protection Authority	SAMDB	South Australian Murray Darling Basin
EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	SAPOL	South Australian Police
FY	Financial Year	SARDI	South Australian Research and Development Institute
ED	Executive Director	SCAP	State Commission Assessment Panel
GPT	Gross Pollutant Trap	SLA	Service-Level Agreement
Ha	Hectare	SOI	Statement of Intent
HFLB	Hills and Fleurieu Landscape Board	WAA	Water Affecting Activity
HR	Human Resources	WAP	Water Allocation Plan
IM	Injury Management	WAPAC	Water Allocation Plan Advisory Committee
LGA	Local Government Association	WHS	Work Health & Safety
LMT	Landscape Management Team	WMLR	Western Mount Lofty Ranges
LO	Landscapes Officer	WSUD	Water Sensitive Urban Design
		WSWU	Workplace Safety and Wellbeing Unit