

# **Agreement on Stormwater Management**

**Between the State of South Australia and the  
Local Government Association of South Australia**

**August 2013**

MEMORANDUM OF AGREEMENT MADE THE

30<sup>th</sup>

DAY OF

August 2013

BETWEEN THE STATE OF SOUTH AUSTRALIA ACTING THROUGH ITS AGENT THE MINISTER FOR  
WATER AND THE RIVER MURRAY

AND THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA

## PREAMBLE

South Australia is subject to a very high degree of climate variability, ranging between extremes of drought and inundating storms. The unpredictable nature of our climate and its extremes presents a significant challenge for how water resources are managed to provide secure and affordable water supplies, while also seeking to manage large flows to safeguard the community and property from flood.

Addressing this challenge requires a high degree of collaboration between State and Local Government and the support of the South Australian community.

State and Local Government have a history of collaborating for the management of stormwater in South Australia and, since 1967, State Government grant funding has been available to assist councils to manage stormwater within their local council areas. However, as a first in South Australia's history, a commitment to long term State Government funding support was entered into as part of the 2006 *State-Local Government Stormwater Agreement*<sup>1</sup> - a commitment that will continue under this new Agreement.

The State and Local Governments are also collaborating to develop nation-leading stormwater harvesting and reuse projects where feasible and appropriate, many of which are also recipients of Australian Government support. Local councils are the proponents of many of these projects and the owners and managers of the developed schemes.

The Government's *Water for Good* strategy, and the *Stormwater Strategy – The Future of Stormwater Management* prepared by a high-level Stormwater Taskforce that included State and Local Government representatives, give additional emphasis to the benefits of effective collaboration between State and Local Government.

The collaborative approach being taken is reflective of the fact that all South Australian's benefit from well planned and maintained stormwater management systems.

This Agreement articulates new commitments by State and Local Government to improve the management of the State's stormwater systems, and reconfirms many commitments entered into in the 2006 *State-Local Government Stormwater Agreement*. Commitments in the 2006 *State-Local Government Stormwater Agreement* that have been achieved or deemed no longer relevant have been removed from this updated Agreement.

This Agreement is intended to supersede the 2006 *State-Local Government Stormwater Agreement* which was subsequently approved in Schedule 1A of the *Local Government Act 1999*. Formal replacement of the 2006 agreement by this Agreement will require legislative amendment to Schedule 1A of the *Local Government Act 1999*, and the State Government commits as part of this

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<sup>1</sup> *Agreement between the State of South Australia and the Local Government Association on Stormwater Management, February 2006*

Agreement to introducing a Bill as required (herein referred to as 'enabling legislation') into Parliament.

### **The Future of Stormwater Management provided for under this Agreement**

A key aspect of the *Stormwater Strategy* is the commitment to develop a new operational model for the Stormwater Management Authority to enable it to play a more strategic coordination and leadership role, which is a purpose of this Agreement.

The Agreement however goes much further, than providing a new operational model for the Stormwater Management Authority. Importantly, it incorporates other aspects of the *Stormwater Strategy* that seek to ensure that South Australia builds a more robust and integrated water management regime incorporating robust stormwater systems that provide for flood protection, improve the ecological status of our urban watercourses and coastal environment, and provide opportunities for economic reuse of stormwater.

A key action of the *Stormwater Strategy*, and commitment within this Agreement, is to develop a blueprint for urban water for Greater Adelaide, including stormwater and wastewater, as a framework for planning and prioritising future water projects. The blueprint will complement other work being undertaken, including in relation to land use planning and strategic infrastructure investments made by State and Local Government.

The development of the blueprint will require all tiers of Government and, where relevant, the private sector, to work together. A collaboration approach will improve the opportunity to achieve multiple outcomes and act as insurance against isolated decision making.

This Agreement provides for a partnering between State and Local Government to develop the blueprint, and that, when developed, that it will be incorporated into a ten year strategic plan and three year business plans to be prepared by the Stormwater Management Authority.

Although the *Stormwater Strategy* and blueprint has a primary focus on the Greater Adelaide region, it is envisaged that it should also provide the basis for stormwater management in regional areas of the State, allowing for necessary adaptation for local circumstances and local input. This Agreement recognises the importance of managing stormwater within regional areas, as well as in Adelaide. This Agreement provides opportunity for regional and metropolitan councils to contribute to the ten year strategic plan and three year business plans to be prepared by the Stormwater Management Authority, and the opportunity for regional perspectives to be brought to the Stormwater Management Authority and the Stormwater Advisory Committee to be established under this Agreement to provide advice to the Stormwater Management Authority.

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## 1. DEFINED TERMS

**2006 State-Local Government Stormwater Management Agreement** means the *Agreement between the State of South Australia and the Local Government Association on Stormwater Management, February 2006*.

**Agreement** means this Agreement, except where another agreement is expressly indicated.

**Approved stormwater management plan** means a stormwater management plan that has been approved by the Stormwater Management Authority, with or without amendment.

**Blueprint for urban water** means the integrated 'blueprint for urban water' for stormwater and wastewater for Greater Adelaide referred to in the *Stormwater Strategy – The Future of Stormwater Management* (Government of South Australia, 2011).

**Catchment area** is the contributing plan area of a catchment.

**Council and local council** means a council constituted under the *Local Government Act 1999*.

**Enabling legislation** means legislation which the State Government agrees to introduce to the South Australian Parliament to approve this Agreement, and to provide for the relevant legislative changes indicated in this Agreement.

**Flood** means, for the purposes of this Agreement, the covering of normally dry land by water that has escaped or been released from the normal confines of:

- a) any lake, or any river, creek or other natural watercourse, whether or not altered or modified;
- b) any reservoir, canal, or dam.

**Flood Hazard** means the potential loss of life, injury, economic and environmental loss caused by future flood events. The degree of hazard varies with the severity of flooding and is affected by flood behaviour (extent, depth, velocity, duration and rate of rise of floodwaters), topography, population at risk and emergency management.

**Floodplain** means the area of land adjacent to a creek, river, estuary, lake, dam or artificial channel, which is subject to inundation by the Probable Maximum Flood (i.e. 'flood-prone' land).

**Hydrological catchment** means a catchment area in which the stormwater drainage system serves a defined area which stands alone from and is unaffected by stormwater drainage from any such adjoining catchment.

**LGA** means the Local Government Association of South Australia.

**Minister or The Minister** means the Minister identified in Clause 1(2)(a) of Schedule 1A of the *Local Government Act 1999*.

**Parties** means the Parties to this Agreement, being the State of South Australia and the Local Government Association of South Australia.

**Probable Maximum Flood (PMF)** means the largest flood that could conceivably occur at a particular location, resulting from the Probable Maximum Precipitation (PMP).

**Public authority or public authorities** means the public authority responsible for managing a stormwater system, such as: a council or councils; a subsidiary established by a council or a regional subsidiary established by two or more councils; in relation to assets identified in Schedule 1 of this Agreement the public sector agency designated by the State Government as responsible for management and maintenance of the asset.

**Public sector agency** has the same meaning as that provided in the *Public Sector Act 2009*.

**Specified councils and specified constituent councils** means a council whose area, or part of whose area comprises or is included in the region of a regional Natural Resources Management Board.

**Stormwater Management Authority** means the Stormwater Management Authority established under Schedule 1A of the *Local Government Act 1999*.

**Stormwater Management Fund (or 'Fund')** has the same meaning as that of Division 5 of the *Local Government (Stormwater Management) Amendment Act 2007* and, in accordance with Clause 17(3) of that Act, consists of:

- a) any money appropriated by Parliament for the purposes of the Fund;
- b) any money contributed to the Fund by regional Natural Resources Management boards;
- c) any money received from the Local Government Disaster Fund;
- d) any money paid into the Fund at the direction or with the approval of the Minister or the Treasurer;
- e) any money received by way of grant, gift or bequest or any other contribution for the purposes of the Fund;
- f) any income from investment of money belonging to the Fund; and
- g) any money paid into the Fund under any other Act.

**Stormwater system** means any part of a natural watercourse, open channel or underground conduit conveying or intended to convey stormwater or floodwaters whether by gravity or by

pumping and includes associated infrastructure such as levees, high level overflow paths, wetlands, detention basins, dams and pumping stations and any other associated infrastructure which is intended to improve the quality of any stormwater or floodwaters conveyed or to utilise as a water resource such stormwater or floodwaters.

**Ten year strategic plan** means the strategic plan to be developed and maintained by the Stormwater Management Authority as provided for under this Agreement.

**Three year business plan** means the three year business plan to be developed and maintained by the Stormwater Management Authority as provided for under this Agreement.

**Torrens Taskforce Initiative** means activities taken to improve the water quality of the urban River Torrens and Torrens Lake as recommended in the Torrens Taskforce Summary Report (May 2007).

**Water sensitive urban design** has the meaning in the *Stormwater Strategy - The Future of Stormwater Management* as: “an approach to urban planning and design that integrates the management of the total water cycle into the land use and development process”.

## 2. LEGAL STATUS OF THIS AGREEMENT

2.1 This Agreement is not legally binding on the Parties to this Agreement.

2.2 Nothing in this Agreement imposes any legal liability or obligation on the Parties, the Stormwater Management Authority or any public authorities (including, without limitation, any liability or obligation incidental to common law, equity, contract, statute, misrepresentation, estoppel, or legitimate expectation).

2.3 This Agreement is also subject to:

- a) Amendments to Schedule 1A of the *Local Government Act 1999* to approve this Agreement; and
- b) The functions, powers and duties assigned to the Parties, the Authority and other public authorities under the *Local Government Act 1999* or any other Act.

## 3. PRINCIPLES OF AGREEMENT

The Parties agree:

- 3.1 the way water is managed influences the quality of life of South Australians and South Australia’s environment;
- 3.2 stormwater management is an important issue for the Greater Adelaide region and regional cities and towns of South Australia;



- 3.3 stormwater should be managed in a total water cycle management context, recognising and taking account of the connectivity of land use with water resources management and opportunities for multi-objective considerations of hazard management<sup>2</sup>, water quality, amenity, and potential harvesting and use at site, precinct, catchment and regional scales;
- 3.4 a multi-objective, joint State and Local Government approach should seek to maximise the overall economic, environmental and social benefit of stormwater;
- 3.5 collaboration between State and Local Government is essential for the effective management of stormwater<sup>3</sup>, with the conduct of parties to be guided by any existing State-Local Government Relations Agreement that may be in place<sup>4</sup>;
- 3.6 *Water for Good*, and the *Stormwater Strategy* support a multi-objective approach to stormwater management and require a high level of collaboration between State and Local Government so that the stormwater management objectives of both tiers of Government can be progressed;
- 3.7 a governance framework that identifies the individual and shared the responsibilities of State and Local Government and those of other relevant stakeholders is needed to support the management of the State's stormwater system;
- 3.8 the Stormwater Management Authority is an important mechanism for promoting stormwater management outcomes, and that opportunities exist to reform its role and governance arrangements, as provided for through this Agreement, to further improve State and Local Government coordination of stormwater and the value derived from the Stormwater Management Fund and other available funding sources that may be available to State and Local Government to assist stormwater management;
- 3.9 opportunities to align with Australian Government water management and emergency management policies should be given consideration and where appropriate jointly pursued by State and Local Government;
- 3.10 where practical stormwater conveyance systems, including relevant urban watercourses, should be in public ownership;
- 3.11 stormwater management planning should be addressed in a deliberative and comprehensive manner both in respect of management and mitigation of stormwater

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<sup>2</sup> Provision of flood protection at a tolerable level of risk and the management of stormwater flows which would otherwise represent or could create an intolerable hazard.

<sup>3</sup> This has been demonstrated by instances where collaboration has led to the securing of significant stormwater flood management and stormwater harvesting and use projects in South Australia.

<sup>4</sup> At the time of this Agreement, the relevant agreement is the *State-Local Government Relations, An Agreement between the State Government and Local Government in South Australia May 2012*.

as a hazard, and in respect of opportunities for managing stormwater in an integrated water management context;

- 3.12 this Agreement formally replaces the 2006 State-Local Government Stormwater Management Agreement and the 2005 Urban Stormwater Management Policy. The Parties agree to support legislation aimed at replacing the 2006 State-Local Government Stormwater Agreement with this Agreement;
- 3.13 until formal ratification of this Agreement by legislative amendment, the Parties will use their best endeavours to support this Agreement insofar as this does not contravene existing legislation;
- 3.14 this Agreement will continue until such time as another Agreement may be entered into between the State Government and LGA that replaces this Agreement;
- 3.15 except where necessary as a result of this Agreement, or as may otherwise be agreed to between the Minister and the LGA, or as the Minister may deem necessary to give additional legal clarification to any aspect of Schedule 1A of the *Local Government Act 1999*, it is intended that matters addressed as a consequence of the *Local Government (Stormwater Management) Amendment Act 2007* will continue to apply under the enabling legislation to give effect to this Agreement, including but not limited to the Stormwater Management Authority's delegation powers, authority to require the preparation of a stormwater management plan, and authority to issue an order, and in relation to vesting powers available to the Minister; and
- 3.16 this Agreement is not intended to reduce or disadvantage councils' access to funding from the Stormwater Management Fund, relative to arrangements put into place under the *2006 State-Local Government Stormwater Agreement*. Moreover, it is an express intention of this Agreement that the arrangements it establishes and the means by which State Government, Local Government, and the Stormwater Management Authority operate and seek to co-operate, aim to leverage opportunities to seek additional funding, including from relevant State and Australian Government sources, in line with stormwater priorities identified in the ten year strategic plan and three year business plan to be prepared and maintained by the Stormwater Management Authority in accordance with this Agreement.

#### 4. AMBIT OF AGREEMENT

- 4.1 The Agreement is not intended to affect ownership or maintenance obligations (nor the rights or liabilities arising in respect of such ownership or maintenance obligations) of any stormwater systems which at the time of the commencement of this Agreement are either owned or maintained by a council or other public authority.

- 4.2 Nothing in this Agreement or proposed enabling legislation required to effect relevant aspects of this Agreement is intended to change or affect existing rights and liabilities (whether under statute law or common law) relating to the ownership of works, or to affect the general legal principles relating to negligence which may apply with respect to the incidents or responsibilities or the legal nature of ownership, or to the obligations arising from the construction or maintenance of works subject to this Agreement, unless the Agreement or legislation expressly provides.
- 4.3 Any part of any stormwater system will, subject to legal limitations on the relevant public authority responsible for managing that system existing because of private ownership of natural watercourses and the statutory responsibilities of regional Natural Resources Management Boards under the *Natural Resources Management Act 2004*, be the responsibility of that public authority, and be eligible to apply for financial assistance from the Stormwater Management Fund.
- 4.4 The Agreement provides for a stormwater management plan to be prepared and implemented by a council (or by councils where relevant) for catchments of metropolitan areas of Adelaide, or by a council or councils of a regional city or town for the proper management of stormwater in that city or town. The Authority may apply funds from the Stormwater Management Fund to the preparation of stormwater management plans.
- 4.5 Schedules
- a) **Schedule 1** contains a list of existing known State assets and works that are the responsibility of the State Government for management, maintenance and for their integration with other stormwater systems. The public sector agency designated by the State Government as responsible for management and maintenance of any particular State asset must provide:
- i. to any council whose area is, or may be affected by such assets or works;  
and
- ii. to the Stormwater Management Authority;
- information of any new works or assets or of any proposed upgrade or replacement of such works or assets, or other changes or additions to be included in Schedule 1, with such information to be provided in a timely manner in advance of installation, upgrade or replacement.
- b) **Schedule 2** summarises proposed legislative changes the State Government intends to pursue in accordance with this Agreement.

- c) **Schedule 3** comprises a letter dated 17 February 2006 from then Premier Mr Mike Rann to then President of the Local Government Association containing details of State funding contribution.
- d) **Schedule 4** outlines the Stormwater Management Authority general terms and conditions of office.
- e) **Schedule 5** Stormwater Advisory Committee Terms of Reference: Transition Arrangements.

## 5. IMPLEMENTATION OF AGREEMENT

- 5.1 The State Government will use its best endeavours to ensure that this Agreement is supported by appropriate legislation.
- 5.2 The State Government will identify the relevant State Government entities responsible for implementing State Government responsibilities under this Agreement and will utilise its best endeavours to comply with these responsibilities.
- 5.3 The LGA will make councils aware of this Agreement and encourage them to use best endeavours to comply with responsibilities.

## 6. TRANSITION ARRANGEMENTS

- 6.1 In accordance with Clause 3.13 of this Agreement, until necessary legislative amendment is provided through the South Australian Parliament, the Parties will use their best endeavours to support this Agreement insofar as this does not contravene existing legislation.
- 6.2 The Stormwater Management Authority will continue to act in accordance with existing legislation.
- 6.3 A Stormwater Advisory Committee, chaired by an officer of the administrative unit assisting the Minister<sup>5</sup>, will be established with responsibility for preparing advice to the Stormwater Management Authority in relation to any stormwater technical, planning, policy and legal matters agreed by the Stormwater Management Authority. Resourcing of the work undertaken by the Stormwater Advisory Committee will be determined in discussion with relevant State Government agencies and the LGA, and where appropriate will be provided for from the Stormwater Management Fund if agreed to by the Stormwater Management Authority during the transition period in place prior to the proposed enabling legislation taking effect.

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<sup>5</sup> This being the administrative unit for which the Minister has responsibility designated pursuant to the *Public Sector Act 2009*.

- 6.4 Terms of Reference for the Stormwater Advisory Committee are provided at Schedule 5 of this Agreement.
- 6.5 The LGA will nominate, at its discretion, up to three persons to the Stormwater Advisory Committee, who the LGA considers have appropriate experience and/or skills to contribute to the advice developed by the Stormwater Advisory Committee. Members of the Stormwater Advisory Committee can not be serving members of the Stormwater Management Authority.
- 6.6 The State Government in partnership will engage with Local Government in relation to the actions provided for in the *Stormwater Strategy*, including in relation to the preparation of a blueprint for urban water for Greater Adelaide which this Agreement provides will, when completed, be incorporated into the ten year strategic plan of the Stormwater Management Authority.
- 6.7 The Minister and LGA will consult each other prior to nominating new members, or the re-appointment of present members, to the Board of the Stormwater Management Authority, in relation to the experience and skills that are appropriate for the nominee(s) to have.
- 6.8 In respect of new appointments to the membership of the Stormwater Management Authority (including any proposed re-appointments of existing members) the Minister and LGA will consult each other in relation to whether specific recommendations be made to the Governor concerning conditions that the Governor might impose in the instrument of appointment of the nominee to the Board of the Stormwater Management Authority in accordance with Clause 7(1) of Schedule 1A of the *Local Government Act 1999*.
- 6.9 The transition arrangements will cease on the commencement of operation of the enabling legislation.
- 6.10 In the event that the legislation giving effect to this Agreement is not passed or has not commenced operation by 30 June 2013, the Minister and the LGA will jointly review options for ensuring ongoing collaboration on stormwater management.

## **7. POLICY CONTEXT**

- 7.1 The Agreement is construed as to operate in harmony and consistency with relevant plans, strategies and agreements including those listed below as existent at the time this Agreement is entered into or, if subsequently updated or superseded, by the relevant plans, strategies, agreements or other documents updating or superseding them:
- a) South Australia's Strategic Plan;

- b) State-Local Government Relations Agreement;
- c) Stormwater Strategy – The Future of Stormwater Management;
- d) Water for Good;
- e) State planning strategy and any relevant Ministerial Plan Amendment Reports;
- f) State Natural Resources Management Plan;
- g) Regional Natural Resources Management Plans;
- h) State Emergency Management Plan;
- i) Flood Hazard Plan (prepared in accordance with the State Emergency Management Plan);
- j) Strategic Infrastructure Plan for South Australia;
- k) South Australia’s Greenhouse Strategy;
- l) Environment Protection (Water Quality) Policy;
- m) National Water Initiative Intergovernmental Agreement; and
- n) the strategic management plans of councils.

## **8. STATE GOVERNMENT AND LOCAL GOVERNMENT RESPONSIBILITIES**

### **8.1 State Government Responsibilities**

Subject to and in accordance with this Agreement and in the context of any relevant legislation and commitments, the State Government will:

- a) i. actively contribute to the proper management maintenance, upgrade and replacement as required of State stormwater infrastructure assets<sup>6</sup> while taking into account the content of any relevant and approved stormwater management plan; and
- ii. contribute to the management, maintenance, upgrade and replacement of stormwater systems in collaboration with local councils in accordance with and through means provided for by this Agreement.

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<sup>6</sup> Schedule 1 lists major stormwater infrastructure assets managed by the State at the time this Agreement is entered into.

- b) Through the development planning system, give priority to assisting councils in the preparation and expeditious implementation of Plan Amendment Reports within existing stormwater flood prone areas, and those areas identified to be suitable for urban consolidation, where increased runoff is likely to exacerbate existing stormwater flooding and associated water quality problems or create new problems relating to flows and discharge of stormwater.
- c) Assist in the production, dissemination and communication of floodplain mapping produced to recognised national standards of flood prone land, where sections of natural or modified watercourses pass through urban areas, to allow the State Government and councils to identify, analyse and evaluate flood risk, to determine the nature and extent of works required to treat such risk, to aid future planning for both land use emergency response in managing stormwater flows and water quality, and to assist in the development of the system for communicating flood risk information.
- d) Where feasible, ensure that Principles of Development Control in the Development Plan Building Rules, the Building Code, and codes of practice:
  - i. reflect the provision of flood mitigation infrastructure on private and public lands and control development in flood prone areas so as to mitigate potential flood damage to development sites and other property; and,
  - ii. reflect Water Sensitive Urban Design ("WSUD") principles and techniques.
- e) Establish partnerships with Local Government and other relevant stakeholders to deliver WSUD capacity building programs to support those involved in the planning and implementation of WSUD.
- f) Assess and review water quality criteria associated with aquifer storage of stormwater, with the aim of facilitating more storage of reasonable quality water in those aquifers identified as suitable for recovery of stored water at a future time for fit-for-purpose uses, whilst ensuring the environmental values of the aquifer are protected.
- g) Develop stormwater quality targets, for major receiving water bodies; drawing on studies such as the Adelaide Coastal Waters Study, the Port Waterways Water Quality Improvement Plan and existing Natural Resources Management Plans, to inform the stormwater management planning process required by this Agreement. Where relevant this will be built into the blueprint for urban water for Greater Adelaide to be developed in accordance with the *Stormwater Strategy*.
- h) Develop codes of practice based upon the Environment Protection (Water Quality) Policy 2003 as a way of supporting improved catchment based management of

stormwater pollution from point and diffuse sources and report progress publicly through State of the Environment reporting.

- i) Gauge the significance, and possible reduction strategies, of stormwater pollutant input from roadways managed by the State Government.
- j) Engage closely and in a collaborative way with Local Government to progress the following actions in the *Stormwater Strategy*:
  - i. develop an integrated blueprint for urban water for stormwater and wastewater for Greater Adelaide, incorporating a water sensitive city theme and addressing priority issues;
  - ii. introduce interim targets for water sensitive urban design, ahead of developing and implementing the best regulatory approach to mandate water sensitive urban design;
  - iii. identify what changes are required to stormwater infrastructure to improve water quality outcomes in line with the Adelaide Coastal Waters Quality Improvement Plan and the Torrens Taskforce Initiative;
  - iv. develop access rights for re-use scheme owners to provide certainty for stormwater resources, thereby creating incentives for investment in stormwater capture, treatment, storage and use;
  - v. through State Government engagement with the Goyder Institute for Water Research, complete further studies to improve the knowledge and management of public health risks relating to the recycling of stormwater, including assessing the risk of augmenting drinking water supplies;
  - vi. evaluate options for management of urban watercourses on public and private land to minimise flooding risk;
  - vii. further improve the management of flood risk by prioritising flood mitigation scheme proposals and by evaluating the possibility of:
    - ensuring information about flood risk is available at time of property purchase;
    - adequate insurance cover;
    - investigating flood preparedness; and
    - ensuring the State's planning system includes minimum standards for all types of developments.



- viii. commission a scientific research program to:
- underpin urban and regional water policy, in particular, the integrated management of water resources; and
  - support the development of policies to encourage the widespread adoption of water sensitive urban design.
- k) Prepare information to assist proponents of stormwater Managed Aquifer Recharge schemes in relation to the processes for applying for relevant approvals.
- l) As part of the development of the blueprint for urban water indicated at 8.1 j) i of this Agreement, undertake a review of existing South Australian drainage legislation, and if it is deemed to be appropriate seek to repeal or otherwise amend existing drainage legislation, with any such consideration for repeal or amendment to be first discussed with the relevant local councils of those areas for which the drainage legislation applies.

## **8.2 Local Government Responsibilities**

Subject to and in accordance with this Agreement and in the context of any relevant legislation and commitments:

- a) Councils preparing stormwater management plans should do so on a specified hydrological basis and incorporate the multiple objectives of stormwater management in accordance with stormwater management planning guidelines issued by the Stormwater Management Authority.
- b) Specified councils and specified constituent councils will use their best endeavours to give effect to stormwater management plans approved by the Stormwater Management Authority, and where relevant will develop policies to ensure that developers and development within the relevant hydrologic catchments comply with relevant aspects of the stormwater management plan.
- c) Councils will continue to require developers of "greenfield" sites to provide their own internal stormwater infrastructure and to ensure that such infrastructure proposals are designed, constructed, maintained and integrated with existing stormwater systems in accordance with the relevant approved stormwater management plan.
- d) Councils will encourage water sensitive urban design being incorporated into new "greenfield" and "brownfield" developments, as a means of helping to manage the quantity and quality of stormwater where it is feasible and appropriate, and will also consider opportunities to incorporate water sensitive urban design into

relevant asset upgrade or renewal programs involving council-owned infrastructure such as roads, footpaths and buildings.

- e) Councils will work with developers to agree on, and provide suitable stormwater management strategies and associated infrastructure works required if necessary in consultation with the State Government and the Stormwater Management Authority, so as not to overload any existing downstream drainage or stormwater collection systems.
- f) When undertaking stormwater management planning, councils will take into account any relevant plans, policies, strategies or guidelines issued by the Stormwater Management Authority, Natural Resources Management Council and of the relevant regional Natural Resources Management Board(s) for the area to be addressed by the plan.
- g) Councils will use their best endeavours to assist the Stormwater Management Authority by providing information relevant to assisting the Stormwater Management Authority to be fully briefed on the state and condition of stormwater management in local council areas.
- h) Councils will keep the Stormwater Management Authority informed of the progress of Stormwater Management Plans that they are preparing, and in relation to the implementation of Stormwater Management Plans approved by the Stormwater Management Authority.

### **8.3 Joint State Government and Local Government Responsibilities**

- a) The State Government, in conjunction with all councils, and pursuant to the *Emergency Management Act 2004*, will support the development and application of emergency management plans linked to and forming part of the State Emergency Management Plan that incorporate prevention, preparedness (including warning systems), response and recovery needs to mitigate the impact of flood events on communities at risk and that also relate to the content of stormwater management plans to be prepared by specified councils or specified constituent councils.
- b) The State Government and any council or councils where relevant will collaborate in responding as soon as possible to any unforeseen flood event in any catchment, where such an event gives rise to the declaration of an emergency under Division 3 of the *Emergency Management Act 2004* and to the extent necessary, the State Government and any council or councils affected will also collaborate in relation to any actions required to be taken under any relevant and approved stormwater management plan.
- c) The State Government will support community education and awareness

measures by councils to assist in achieving better economic, social and environmental stormwater management outcomes, especially the reduction of potential flood damage.

- d) The State Government and councils will use targeted Plan Amendment Reports under the *Development Act 1993* where needed to improve flood management and to reduce the flood related risk implications identified by floodplain mapping information and stormwater management plans.
- e) Councils will undertake floodplain mapping to recognised and consistent national standards with the State Government and any available Australian Government support in locations identified as suitable for development where adequate floodplain mapping does not exist, as part of the development of a stormwater management plan.
- f) Councils, in accordance with the recommendations of the National Disaster Insurance Review, will communicate floodplain mapping and associated risk information to the community, and allow the State and Australian Governments full and free access to also disseminate that floodplain mapping to improve community resilience to flood hazard.
- g) Planning regulations and guidelines are to be strengthened by the State and Local Government to enable agreed performance based outcomes for WSUD and minimising flood hazards.
- h) The State and Local Government planning system is to encourage open space creation via linear parks along naturally occurring urban watercourses, and the opening out or possible removal of existing concrete lining of drainage channels, provided that there is no deterioration in flood protection standards, that public land or private land is available for such purpose, and that there is clear community benefit.
- i) Councils and the State Government will require developers to comply with relevant Development Plan Principles of Development Control so as to ensure that stormwater is adequately managed and risks are addressed on-site and downstream.
- j) State and Local Government may review and if agreed update this Agreement on terms agreed between the Minister and the LGA after consultation by the LGA with local councils.
- k) State and Local Government will establish a Stormwater Advisory Committee to prepare advice for the Stormwater Management Authority in relation to stormwater technical, planning, policy and legal matters. The Stormwater Advisory Committee is to be chaired by a representative of the State Government agency assisting the

Minister and will include representatives from relevant State Government agencies and, at the discretion of the LGA, up to three nominees from Local Government. The Stormwater Advisory Committee will have similar Terms of Reference to the transitional Stormwater Advisory Committee arrangements established under Section 6 of this Agreement and included as Schedule 5, but with:

- i. necessary allowance for changes due to any future machinery of Government changes including any changes to Ministerial responsibilities or State agencies, notwithstanding which the LGA will continue to nominate, at its discretion, up to an equal number of members to the Stormwater Advisory Committee as those nominated from State Government, but in any case the LGA will nominate at least one member; and
  - ii. provision to amend the Terms of Reference of the Stormwater Advisory Committee (which may include but is not necessarily limited to the number of members or their role), at any time if jointly agreed to by the Chief Executive of the State agency assisting the Minister and the LGA, on terms mutually agreed in advance between the Chief Executive and the LGA.
- l) The Chief Executive of the State agency assisting the Minister and the LGA will undertake, and finalise, a review the Terms of Reference of the Stormwater Advisory Committee no later than three years following the date of this Agreement being signed by both the State and Local Government, and subsequently at no longer than three yearly intervals thereafter. The terms of these reviews will be mutually agreed in advance between the Chief Executive and the LGA.
- m) The Minister and the LGA will use their best endeavours to agree on matters requiring their joint consideration under this Agreement, including but not limited to nominations of members to the Stormwater Management Authority and for approving, with or without amendments, the three year business plan to be prepared and annually updated by the Stormwater Management Authority.

## 9. STORMWATER MANAGEMENT AUTHORITY

9.1 The State Government, at its earliest convenience, will introduce into State Parliament proposed legislation that in relation to the Stormwater Management Authority will provide that:

- a) In addition to functions of the Stormwater Management Authority provided for by way of the *Local Government (Stormwater Management) Amendment Act 2007*, the Stormwater Management Authority will:

- i. contribute to the development and implementation of the blueprint for urban water for Greater Adelaide, and will be the lead body for implementing relevant stormwater elements of the blueprint where this is provided for in the three year business plan referred to in the following paragraph of this agreement;
- ii. prepare and update at no more than five year intervals a ten year strategic plan for its activities for consideration and approval by the Minister and the LGA. The ten year strategic plan will include details of how the Stormwater Management Authority intends to progress relevant stormwater aspects of the blueprint for urban water for Greater Adelaide, once it has been developed, as well as its strategic approach for stormwater management in regional South Australia;
- iii. prepare and annually update a business plan for the subsequent three years ('three year business plan') for its activities for consideration and approval by the Minister and the LGA. The three year business plan will include details of how the Stormwater Management Authority intends to implement relevant stormwater aspects of the blueprint for urban water for Greater Adelaide (once it has been developed) over the three year period, as well as details of how it expects to undertake its other legislated responsibilities including in relation to the management of stormwater in regional areas of South Australia. The three year business plan will be consistent with and support the implementation of the ten year strategic plan, and will include a schedule of priority catchments for which Stormwater Management Plans should be prepared and stormwater infrastructure projects are expected to be completed over the period of the business plan;
- iv. in its annual report provided to the Minister and the LGA, include details concerning the extent to which its three year business plan has progressed and propose any changes to its three year business plan that the Stormwater Management Authority considers necessary, including for the purpose of maintaining the currency of its three year business plan, for consideration and approval by the Minister and the LGA;
- v. ensure the Stormwater Advisory Committee is briefed of the decisions taken by the Authority in relation to advice or recommendations made to the Authority by that Committee;
- vi. include, with its annual report to the Minister and the LGA, a list of any decisions made by the Authority that differ from recommendations made to the Authority by the Stormwater Advisory Committee;

- vii. be required to prepare and adopt a Code of Ethics to guide the members of the Stormwater Management Authority, and to prepare guidance information for applicants<sup>7</sup> in relation to the requirements for applying to the Authority for potential funding assistance, and subsequently annually review its Code of Ethics and guidance information to councils to ensure their currency; and
  - viii. be accorded relevant powers as provided for in Section 10 of this Agreement.
- b) By written agreement between the Minister and the President of the LGA, the Minister may designate additional stormwater functions or responsibilities to the Stormwater Management Authority.
  - c) The Stormwater Management Authority will comprise a minimum of seven members, or a larger number if agreed to between the Minister and the President of the LGA, who will be appointed by the Governor, for which:
    - i. The Minister and LGA will consult each other on the nomination for the position of Presiding Member, with the nominee to be agreed by the Minister for appointment by the Governor; and
    - ii. The Minister and LGA will each nominate an equal number of additional members for appointment by the Governor.
  - d) The LGA will nominate to the Stormwater Management Authority the required number of LGA nominated members to comply with the requirements of Clause 9.1 c) ii. of this Agreement, after consulting with all councils<sup>8</sup>.

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<sup>7</sup> The guidance information to be prepared by the Authority is to include a requirement that, attached with any proposed Stormwater Management Plan presented to the Stormwater Management Authority for its approval, there is written advice, from each council within the catchment for which the proposed Stormwater Management Plan would apply, that council elected members have resolved to support the proposed plan.

<sup>8</sup> Under the *Local Government (Stormwater Management) Amendment Act 2007*, the Local Government Association must nominate one member to the Stormwater Management Authority from a council of the metropolitan area north of the River Torrens, one member from a council of the metropolitan area south of the River Torrens, and one from a non-metropolitan council. This Agreement and the proposed enabling legislation to give effect to this Agreement seeks to remove the restriction to appoint one member from the north of the Torrens and one from the South of the Torrens. However, Local Government may, if it deems appropriate, nominate members to the Stormwater Management Authority in the same or another manner provided there is no inconsistency with any other aspect of membership of the Stormwater Management Authority provided for by this Agreement, including in regard to the number of Local Government nominees, which may be three or otherwise provided for under this Agreement, and for the purposes of ensuring that the Stormwater Management Authority collectively has relevant skills and experience in accordance this Agreement.

- e) The Minister may, but is not required, to nominate members from State Government, and the LGA may, but is not required, to nominate members to the Stormwater Management Authority from elected representatives.
- f) Prior to finalising nominations for appointment by the Governor, the State Government and LGA will liaise to ensure that, collectively, proposed members of the Stormwater Management Authority have appropriate qualifications or experience in public administration, water resources, stormwater management, mitigation of flood hazard, environmental management and infrastructure development.
- g) The relevant experience and skills of each member of the Stormwater Management Authority will be made publicly available.
- h) A decision by the Stormwater Management Authority will be valid if it is supported by at least three members and represents the majority in favour of the decision.
- i) If a member or members of the Stormwater Management Authority are required to leave a meeting due to a declared conflict of interest, the remaining members will constitute a quorum for the purpose of making a decision during the period of absence of that member or members.
- j) The members of the Stormwater Management Authority will meet (in person or by other appropriate communications) at least quarterly or more frequently if it so agrees.
- k) For the purpose of making decisions, each member of the Stormwater Management Authority present at meetings in accordance with 8.1 j) of this Agreement, and who is not absent due to potential conflict of interest in the outcome of that decision, will have a single vote of equal status as that of each other present member. (For the purpose of this paragraph, a meeting is taken to have the same meaning as in Clause 10(5) of Schedule 1A of the *Local Government Act 1999*).

#### **Administrative Support and Advice**

- l) The Stormwater Management Authority will arrange for administrative services to be provided to it, through or with approval of the Government agency assisting the Minister, and funded from the Stormwater Management Fund, to assist the Authority in the performance of its legislated functions and compliance with relevant statutory requirements<sup>9</sup>.

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<sup>9</sup> These include, for example, in relation to record keeping and financial reporting.

- m) A Stormwater Advisory Committee chaired by a representative of the State Government agency assisting the Minister will be established to provide advice and recommendations to the Stormwater Management Authority in relation to technical, planning, policy and legal matters, with membership and Terms of Reference of the Committee to be as provided for in Clause 8.3 k) of this Agreement.
- n) Stormwater Advisory Committee members will be selected having regard to the skills and experience appropriate to the provision of the advice.
- o) Members of the Stormwater Advisory Committee cannot also be serving members of the Stormwater Management Authority.
- p) Terms of Reference for the Stormwater Advisory Committee and operating arrangements would be established between the administrative unit assisting the Minister and the LGA.

## **10. STORMWATER MANAGEMENT PLANS**


10.1 The State Government, at its earliest convenience, will introduce into State Parliament proposed legislation that in relation to Stormwater Management Plans will provide that the Stormwater Management Authority will:

- a) In consultation with the LGA develop and make available guidelines for stormwater management planning for use by public authorities which will require approval by the Natural Resources Management Council and the Minister.
- b) Seek advice from the Stormwater Advisory Committee referred to in Section 9 of this Agreement in relation to the nature and content of stormwater management planning guidelines appropriate to issue for use by public authorities, and in relation to the content of a proposed Stormwater Management Plan submitted to it for consideration for approval.
- c) If it sees fit, refer a proposed Stormwater Management Plan submitted to it for its consideration for approval back to the relevant council(s) for further consideration by the council(s) on terms specified by the Stormwater Management Authority.
- d) In circumstances where the Stormwater Management Authority itself prepares a Stormwater Management Plan for an area, submit that Stormwater Management Plan to the Minister, who will consult with the LGA prior to approving (with or without amendment) the content of the Stormwater Management Plan.



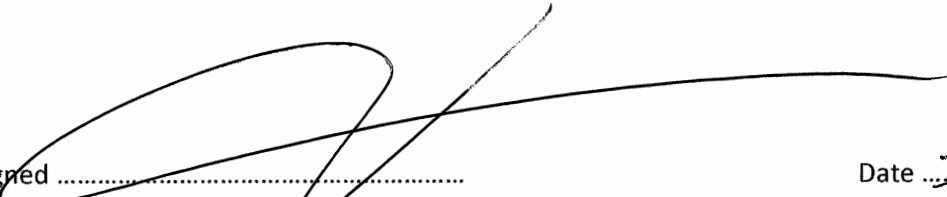
- e) If it sees fit, be able to order a council(s) to review an existing approved Stormwater Management Plan, or elements of that plan, and produce an updated Stormwater Management Plan if it is deemed necessary as a result of significant new information that is expected to impact on the existing Stormwater Management Plan, and provided provision for reviewing and updating the Stormwater Management Plan is provided for in the Stormwater Management Authority's three year business plan as approved in accordance with this Agreement. The Stormwater Management Authority may apply funds from the Stormwater Management Fund to the preparation of stormwater management plans.

**IN WITNESS WHEREOF** the Parties have executed this Agreement on the date indicated:

Signed 

Date 30/8/13

Hon Ian Hunter MLC  
Minister for Water and the River Murray  
for and on behalf of the Government of South Australia

Signed 

Date 30/8/2013

Mayor David O'Loughlin  
President, Local Government Association of South Australia  
for and on behalf of the Local Government Association of South Australia

**In the presence of:**

Signed   
Printed Name STEPHEN HARRIS

Date 20/8/13

## SCHEDULE 1

### LIST OF MAJOR STORMWATER INFRASTRUCTURE ASSETS MANAGED BY THE STATE AT THE TIME THIS AGREEMENT IS ENTERED INTO

RELEVANT STATE GOVERNMENT AGENCY <sup>10</sup>	ASSET
Department of Environment, Water and Natural Resources	<p><b>Patawalonga:</b></p> <ul style="list-style-type: none"> <li>• Glenelg Gates</li> <li>• Collection Pond and Diversion Pond</li> <li>• Northern Gates and Footbridge</li> <li>• Patawalonga Outlet Duct (Barcoo outlet and associated pipework)</li> </ul> <p><b>Adelaide Showgrounds:</b></p> <ul style="list-style-type: none"> <li>• That portion of Keswick Creek which lies underneath the Adelaide Showgrounds in a twin culvert system.</li> </ul>
SA Water	<ul style="list-style-type: none"> <li>• Sturt River Flood Control Dam</li> <li>• Those parts of Adelaide watercourses (including concrete lined sections) for which SA Water undertakes management as a result of legislation including the <i>Metropolitan Drainage Act 1935</i> and the <i>South Western Suburbs Drainage Act 1959</i>.<sup>11</sup></li> </ul>

<sup>10</sup> Relevant agency at the time this Agreement is entered into. Should the management of the assets be subsequently designated to another agency, then the relevant State Government agency.

<sup>11</sup> This includes, in relation to the Brown Hill Creek, that section of the creek from then start of the concrete lined drain near Packard Street, North Plympton, to Tapleys Hill Road.

## **SCHEDULE 2**

### **SUMMARY OF PROPOSED CHANGES TO LEGISLATION**

The State Government agrees to introduce into Parliament proposed legislation so that:

1. This Agreement (or any subsequent update of this Agreement) is appropriately referenced in the relevant legislation;
2. provision is made to review and update this Agreement if so agreed between the Minister and President of the LGA, in accordance with Clause 8.3 j) of this Agreement;
3. matters requiring the joint consideration of the Minister and the LGA under Clause 8.3 m) of this Agreement are provided for in the proposed legislation;
4. changes to governance arrangements of the Stormwater Management Authority relating to Section 9 of this Agreement are provided for in the proposed legislation; and
5. changes in relation to Stormwater Management Plans in accordance with Section 10 of this Agreement are provided for in the proposed legislation.

### SCHEDULE 3

#### LETTER DATED 17 FEBRUARY 2006 FROM THEN PREMIER MR MIKE RANN TO THEN PRESIDENT OF THE LOCAL GOVERNMENT ASSOCIATION CONTAINING DETAILS OF STATE FUNDING CONTRIBUTION



Hon. Mike Rann MP  
Premier of South Australia

Mayor John Rich  
President  
Local Government Association of SA  
GPO Box 2693  
ADELAIDE SA 5001

Dear Mr Rich

I am pleased to be able to write to you in relation to the now finalised State/Local Government Agreement on Stormwater Management and the position of my Government in supporting the new Agreement.

As you know, following the endorsement of the Local Government Association (LGA) of provisions of the Agreement, I am delighted that Cabinet has now approved its content. Cabinet has also agreed that the Minister for Infrastructure can now sign it on behalf of the State of South Australia. As the LGA is the other signatory, we are now looking forward to you signing on behalf of the Association.

We all know that the need for a better focus on urban stormwater management goes back some decades. We are confident that our collaboration on this difficult matter will produce a good outcome for Adelaide and other urban communities in our State.

To ensure the ongoing success of the Urban Stormwater Management Policy for SA and the accompanying Agreement, my Government is committed to the following essential actions.

We will proceed to draft enabling legislation that would underpin the Agreement for consideration by State Parliament later in the year.

Notwithstanding the success or otherwise of the enabling legislation, we will contribute \$4 million per annum adjusted in accordance with the Consumer Price Index for a period of 30 years. This will enable associated borrowing arrangements based on the security of the funding commitment over the 30 year period, noting that any borrowing arrangements can only be made with approval of the Treasurer once the enabling legislation is passed by the Parliament.

In the interim and prior to passage of the enabling legislation, we are intent on establishment by administrative arrangement of a Stormwater Management Committee with majority input from the local government sector. This committee will concentrate on immediate infrastructure investment priorities and associated stormwater management planning on a catchment basis. If the enabling legislation is

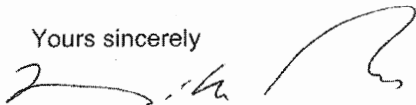
**Office of the Premier**

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not passed by the Parliament, the Stormwater Management Committee will continue to give effect to the Urban Stormwater Management Policy for SA as much as it is able, until and if the enabling legislation is ultimately passed.

I believe our two spheres of government can use the stormwater management experience as a template for other areas of mutual interest and responsibility. I look forward to showing the community how effective such a collaborative approach can be.

Yours sincerely



**MIKE RANN**  
Premier

17/02/2006

## **SCHEDULE 4**

### **STORMWATER MANAGEMENT AUTHORITY GENERAL TERMS AND CONDITIONS OF OFFICE**

1. A member of the Stormwater Management Authority will be appointed on conditions determined by the Governor.
2. The Governor may remove a member of the Stormwater Management Authority from office—
  - a) for breach of, or non-compliance with, a condition of appointment; or
  - b) for misconduct; or
  - c) for failure or incapacity to carry out official duties satisfactorily.
3. The office of a member of the Stormwater Management Authority becomes vacant if the member—
  - a) dies, or is incapacitated so that, in the opinion of the Minister, it is not possible for the member to continue to satisfactorily undertake the duties of office; or
  - b) completes a term of office and is not reappointed; or
  - c) resigns by written notice to the Minister; or
  - d) is removed from office under 2 of this Schedule.
4. A member of the Stormwater Management Authority (other than a member who has been appointed as an officer or employee of a public authority) is entitled to remuneration, allowances and expenses determined by the Minister.

## SCHEDULE 5

### STORMWATER ADVISORY COMMITTEE TERMS OF REFERENCE: TRANSITION ARRANGEMENTS<sup>12</sup>

#### Membership

The Stormwater Advisory Committee (SAC) will comprise:

1. **One member**, as Chair, appointed by the Chief Executive of the Department of Environment, Water and Natural Resources, as an officer of that agency. Prior to appointing the Chair, the Chief Executive will liaise with the Stormwater Management Authority, in relation to its views of the appropriate skills and experience for the position. The Chair will have responsibility for ensuring the preparation of advice, including any recommendations, from the SAC to the SMA for consideration of the Stormwater Management Authority.
2. **One member** appointed by the Chief Executive of the Department of Planning, Transport and Infrastructure, for the purpose of bringing a perspective of that agency to the SAC.
3. **One member** appointed by the Chief Executive of the Environment Protection Authority, for the purpose of bringing a perspective of the Environment Protection Authority to the SAC.
4. At the discretion of the LGA, **up to three members, but at least one member** nominated by the LGA, to bring local government knowledge to the SAC.

#### Role of SAC

1. The SAC will support the Stormwater Management Authority in respect of its legislated functions under *Schedule 1A of the Local Government Act 1999*, by:
  - a) Preparing advice, including any recommendations, for consideration by the Stormwater Management Authority in relation to technical, planning, policy and legal matters.
  - b) Where the SAC determines it appropriate, initiating advice and recommendations to the Stormwater Management Authority on matters the SAC considers would support the Stormwater Management Authority in relation to its legislative functions.
2. The SAC will prepare its agenda to support the Stormwater Management Authority in respect of its legislative functions.

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<sup>12</sup> Following the establishment of the proposed enabling legislation, additional provisions will apply, as specified in this Agreement at Clause 8.3 k).

## **Role of the Chair**

1. The Chair will:
  - a) Liaise with the Presiding Member of the Stormwater Management Authority to ensure that advice and recommendations of the SAC to the Stormwater Management Authority is relevant to that Authority, and that it is provided in a timely manner to the extent it is possible to do so taking account of resources and the availability of SAC members.
  - b) Liaise with the other members of the SAC to ensure that the view of each member is properly represented in advice and recommendations provided to the Stormwater Management Authority.
  - c) Liaise with other relevant officers from his or her agency and other agencies, as appropriate.
  - d) Chair meetings of the SAC, unless the Chair is not available whereupon arrangements will be made for another representative of the agency assisting the Minister to Chair the meeting.
  - e) Provide for the facilitation of meetings of SAC members by the most convenient means, which may be face to face, or via electronic means, or a combination of face to face and electronic means.

## **Provision for additional advice to SAC**

1. The SAC may, where it assesses there to be a need, seek additional advice or views from State agencies, Local Government, or other sources, that it considers necessary to help inform its views in relation to any matter of advice or recommendations made to the SAC. In doing so the SAC may request as a condition in seeking such advice or views from other sources a requirement of confidentiality.

## **Advice and recommendations from the SAC to the Stormwater Management Authority**

1. The advice including any recommendations by the SAC to the Stormwater Management Authority will indicate whether the advice or recommendations are supported by all SAC members and, if otherwise, why the advice or recommendations do not have full SAC support, which may be but are not necessarily limited to:
  - a) Members not providing comment on, or abstaining from providing, a viewpoint on the proposed advice or recommendation. (However, as a general condition of membership, each member of the SAC will be expected to use their best endeavour to respond on matters requiring their consideration).
  - b) Members dissenting from the advice or recommendation.



2. The Chair will ensure that any views of an SAC member or members alternative to a recommendation from the SAC to the Stormwater Management Authority is communicated to the Stormwater Management Authority so that it is informed of SAC members views.

#### **Provisions for members absence for an extended period**

1. The agency assisting the Minister will ensure that, should the nominated Chair be unable to support the SAC, including but not limited to reasons of leave, a Deputy Chair or other temporary arrangement is made in order that the SAC continues to function.
2. Should an SAC member be expected to be unavailable for a period exceeding two calendar months, the Chair will inform the relevant agency, or LGA as appropriate, as soon as he is aware, in order to a decision on whether the relevant agency or the LGA wish to appoint another member in lieu of the unavailable member during the period that member is not available.

#### **Provisions for member replacements (including but not limited to resignations)**

1. The Chief Executives of relevant agencies referred to above in this Schedule (or, after the transition arrangements which will be superseded as a result of the proposed enabling legislation being passed by State Parliament, the Chief Executives of the relevant agencies if different from those mentioned above in this Schedule), and the LGA may, at their own discretion, replace their respective appointment to the SAC by alternative members (including due to resignation of a member from a relevant agency or for another reason), provided that the Chief Executive of that agency, or the LGA, gives notice in writing to the Chief Executive of the agency assisting the Minister at least one calendar month prior to the replacement.
2. Members of the SAC should use their best endeavours to advise their respective Chief Executive or the LGA, as appropriate, of any intention to resign from the SAC, in order that a replacement SAC member may be appointed.

#### **Conflicts of interest and matters requiring sensitivity**

1. SAC member appointments will be on an understanding that there may from time to time be matters before the SAC that give rise to potential for conflict of interest or that may be sensitive. SAC members that are officers of the South Australian Public Service or of local councils will comply with relevant requirements for their conduct which are in place at that time.
2. SAC members will declare any potential conflict of interest they may have to the Chair. Should there be any doubt about the appropriate conduct, SAC members will be expected to raise the matter with the Chair.
3. The Chair may also, if he sees fit and in discussion with other SAC members, provide for further guidance for the conduct of members.

